

1985 BILL 42

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 42

CHARTER OMNIBUS ACT

THE ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 42

BILL 42

1985

CHARTER OMNIBUS ACT

(Assented to , 1985)

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

1 The Alberta Evidence Act is amended by repealing section 6(2) and substituting the following:

(2) A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

2 The Alberta Income Tax Act is amended in section 18(1)(d) by striking out "widow" and substituting "surviving spouse".

3 The Architects Act is amended in section 44(2) by striking out "or in any proceeding under any other Act" and substituting ", in a prosecution under Part 7 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence".

Explanatory Notes

1 Section 6 presently reads:

6(1) A witness shall not be excused from answering any question on the ground that the answer may tend to incriminate him or may tend to establish his liability to prosecution under an Act of the Legislature.

(2) If a witness objects to answer a question on any of the grounds referred to in subsection (1), and but for this section or any Act of the Parliament of Canada he would have been excused from answering the question, then, although the witness is by reason of this section or by an Act of the Parliament of Canada compelled to answer, the answer so given shall not be used or received in evidence against him in a prosecution under an Act of the Legislature.

2 Section 18(1)(d) presently reads:

18(1) Every person paying at any time in a taxation year

(d) an amount on or after the death of an officer or employee, in recognition of his service, to his legal representative or widow or to any other person whatsoever,

3 Section 44(2) presently reads in part:

(2) A witness may be examined on oath on all matters relevant to the investigation and shall not be excused from answering any question on the ground that the answer might

(a) tend to incriminate him,

(b) subject him to punishment under this Part, or

(c) tend to establish his liability

(i) to a civil proceeding at the instance of the Crown or of any other person, or

(ii) to prosecution under any Act or regulations under any Act,

but if the answer so given tends to incriminate him, subjects him to punishment or tends to establish his liability, it shall not be used or received against him in any civil proceeding or in any proceeding under any other Act.

4 *The Certified General Accountants Act is amended in section 43(2) by striking out “or in any proceedings under any other Act” and substituting “, in a prosecution under Part 8 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence”.*

5 *The Chartered Accountants Act is amended*

(a) in section 13(c) by adding “or lawfully admitted into Canada for permanent residence” after “citizen”;

(b) in section 33(2) by striking out “or in any proceedings under any other Act of the Legislature” and substituting “, in a prosecution under this Act or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence”.

6 *The Chiropractic Profession Act, chapter C-9.1, SA 1984, is amended in section 52(2) by striking out “or in any proceedings under any other Act” and substituting “, in a prosecution under Part 9 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence”.*

4 Section 43(2) presently reads:

(2) A witness referred to in subsection (1) may be examined under oath on all matters relevant to the investigation and shall not be excused from answering any question on the ground that the answer might

(a) tend to incriminate him,

(b) subject him to punishment under this Part, or

(c) tend to establish his liability

(i) to a civil proceeding at the instance of the Crown or of any other person, or

(ii) to prosecution under any Act or regulations under any Act,

but if the answer so given tends to incriminate him, subject him to punishment or establish his liability, it shall not be used or received against him in any civil proceedings or in any proceedings under any other Act.

5 Sections 13(c) and 33(2) presently read:

13 A person shall be admitted as a member of the Institute who

(c) is a Canadian citizen,

33(2) A witness may be examined on oath on all matters relevant to the investigation and shall not be excused from answering any question on the ground that the answer

(a) might tend to incriminate him,

(b) might subject him to punishment under this Act, or

(c) might tend to establish his liability

(i) to a civil proceeding at the instance of the Crown, or of any person, or

(ii) to prosecution under any statute,

but the answer so given, if it is such as tends to incriminate him, shall not be used or received against him in any civil proceedings or in any proceedings under any other Act of the Legislature.

6 Section 52(2) presently reads:

52(2) A witness may be examined under oath on all matters relevant to the investigation or hearing before the Discipline Committee and shall not be excused from answering any question on the ground that the answer might tend to

(a) incriminate him,

(b) subject him to punishment under this Act, or

(c) establish his liability

(i) to a civil proceeding at the instance of the Crown or of any other person, or

(ii) to prosecution under any Act,

but if the answer so given tends to incriminate him, subject him to punishment or establish his liability, it shall not be used or received against him in any civil proceedings or in any proceedings under any other Act.

7 *The Corrections Act is amended in section 32(2) by striking out “or in any proceedings under any other Act of Alberta” and substituting “, in a prosecution under this Act or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence”.*

8 *The Drainage Districts Act is amended by repealing section 13(3)(c) and substituting the following:*

(c) a Canadian citizen.

9 *The Energy Resources Conservation Act is amended by repealing section 40(2) and substituting the following:*

(2) A witness who testifies or produces documents at an investigation, inquiry or hearing under subsection (1) has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

10 *The Engineering, Geological and Geophysical Professions Act is amended in section 56(2) by striking out “or in any proceedings under any other Act” and substituting “, in a prosecution under Part 7 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence”.*

11 *The Exemptions Act is amended by repealing section 1(1)(h) and substituting the following:*

(h) the books of a professional person required in that person's profession;

7 Section 32(2) presently reads:

(2) A witness may be examined on oath on all matters relevant to the inquiry and shall not be excused from answering any question on the grounds that the answer

- (a) might tend to incriminate him,*
- (b) might subject him to punishment under this Act, or*
- (c) might tend to establish his liability*
 - (i) to a civil proceeding at the instance of the Crown or of any other person, or*
 - (ii) to prosecution under any statute,*

but the answer so given, if it is such as tends to incriminate him or to establish his liability to a civil proceeding, shall not be used or received against him in any civil proceedings or in any proceedings under any other Act of Alberta.

8 Section 13(3)(c) presently reads:

- (3) The board of each district shall consist of 3 trustees who must each be*
 - (c) a British subject.*

9 Section 40 presently reads:

40(1) No person shall be excused from testifying or from producing any book, document or paper in an investigation or inquiry by or on a hearing before the Board, when ordered to do so by the Board, on the ground that the testimony, book, document or paper might tend to incriminate him or subject him to penalty or forfeiture.

(2) When a person objects to answering a question or producing any documentary evidence on the ground that it might tend to incriminate him or subject him to penalty or forfeiture, the Board shall give him the protection afforded by section 5 of the Canada Evidence Act (Canada) and by section 6 of the Alberta Evidence Act.

10 Section 56(2) presently reads:

(2) A witness may be examined on oath on all matters relevant to the investigation or hearing and shall not be excused from answering any question on the ground that the answer might

- (a) tend to incriminate him,*
- (b) subject him to punishment under this Part, or*
- (c) tend to establish his liability*
 - (i) to a civil proceeding at the instance of the Crown or of any other person, or*
 - (ii) to prosecution under any Act or regulations under any Act,*

but if the answer so given tends to incriminate him, subjects him to punishment or tends to establish his liability, it shall not be used or received against him in any civil proceedings or in any proceedings under any other Act.

11 Section 1(1)(h) presently reads:

1(1) The following real and personal property of an execution debtor is exempt from seizure under a writ of execution:

- (h) the books of a professional man required in his profession;*

12 The Forest and Prairie Protection Act is amended by repealing section 32.

13 The Individual's Rights Protection Act is amended by repealing section 38(a) and substituting the following:

(a) "age" means 18 years of age or older;

14 The Insurance Act is amended in section 138(3) by striking out "or British subjects" and substituting "or persons lawfully admitted into Canada for permanent residence".

15 The Irrigation Act is amended by repealing section 29(1)(b).

16 The Land Surveyors Act is amended in section 47(2) by striking out "or in any proceedings under any other Act" and substituting ", in a prosecution under Part 7 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence".

17 The Land Titles Act is amended by repealing section 191.

18 The Law of Property Act is amended by repealing section 58.

12 Section 32 presently reads:

32 When a fire originates in an area in which any person or someone on his behalf, at the time the fire originates,

(a) is conducting any activity that may cause a fire, or

(b) has recently conducted any activity that may have caused a fire,

the fire shall be deemed to have been caused by that person unless he produces reasonable evidence that the fire originated from a cause not connected with his activity.

13 Section 38(a) presently reads:

38 In this Act,

(a) "age" means any age of 45 years or more and less than 65 years;

14 Section 138(3) presently reads:

(3) The majority of the directors of a company so elected shall at all times be persons resident in Alberta who are Canadian citizens or British subjects.

15 Section 29(1)(b) presently reads:

29(1) A person is not qualified to be elected as or remain as an elected member of the board of a district unless he is

(b) able to read and write in the English language,

16 Section 47(2) presently reads:

(2) A witness may be examined under oath on all matters relevant to the investigation or hearing before the Discipline Committee and shall not be excused from answering any question on the ground that the answer might tend to

(a) incriminate him,

(b) subject him to punishment under this Part, or

(c) establish his liability

(i) to a civil proceeding at the instance of the Crown or of any other person, or

(ii) to prosecution under any Act,

but if the answer so given tends to incriminate him, subject him to punishment or establish his liability, it shall not be used or received against him in any civil proceedings or in any proceedings under any other Act.

17 Section 191 presently reads:

191 Whenever the court or a judge sees fit it or he may appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this Act, and from time to time remove or change her next friend.

18 Section 58 presently reads:

58 All sales and purchases and all contracts and agreements for sale or purchase of real property made on a Sunday are void.

19(1) The Legal Profession Act is amended

(a) by striking out “or a British subject” in the following provisions:

section 39(2)(a);
section 40(a);
section 41(2)(a);
section 42(3)(a);
section 45(1)(a);
section 46(1)(a);

(b) in section 62(2) by striking out “or in any proceedings under any other Act of the Legislature” and substituting “, in a prosecution under Part 6 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence”.

(2) Where, immediately before the coming into force of this section, a British subject has been admitted as a student-at-law, he may be enrolled as a member of The Law Society of Alberta, notwithstanding that he is not a Canadian citizen.

20 The Legal Profession Amendment Act, 1981 is amended by repealing section 14(3).

21 The Liquor Control Act is amended

(a) by repealing section 123;

19 Sections 39(2)(a), 40(a), 41(2)(a), 42(3)(a), 45(1)(a), 46(1)(a) and 62(2) presently read:

39(2) The Secretary shall approve the enrolment of a person admitted as a student-at-law under subsection (1) if he proves to the Secretary's satisfaction and in accordance with the rules that he

(a) is a Canadian citizen or a British subject,

40 The Secretary shall approve the enrolment of a person as a member of the Society if he proves to the Secretary's satisfaction and in accordance with the rules that he

(a) is a Canadian citizen or a British subject,

41(2) The Secretary shall approve the enrolment of a person admitted as a student-at-law under subsection (1) if he proves to the Secretary's satisfaction and in accordance with the rules that he

(a) is a Canadian citizen or a British subject,

42(3) The Secretary shall approve the enrolment of a person admitted as a student-at-law under subsection (1) if he proves to the Secretary's satisfaction and in accordance with the rules that he

(a) is a Canadian citizen or a British subject,

45(1) Subject to the rules, the Benchers may by resolution approve the enrolment of a person who proves to their satisfaction that he

(a) is a Canadian citizen or a British subject,

46(1) Subject to the rules, the Benchers may by resolution approve the enrolment of a person who proves to their satisfaction that he

(a) is a Canadian citizen or a British subject,

62(2) A witness may be examined on oath on all matters relevant to the investigation and shall not be excused from answering any question on the ground that the answer

(a) might tend to incriminate him,

(b) might subject him to punishment under this Part, or

(c) might tend to establish his liability

(i) to a civil proceeding at the instance of the Crown or of any person, or

(ii) to prosecution under any statute,

but the answer so given, if it is such as tends to incriminate him, shall not be used or received against him in any civil proceedings or in any proceedings under any other Act of the Legislature.

20 Section 14(3) presently reads:

(3) In the following provisions "or a British subject" is struck out:

section 39(2)(a);

section 40(a);

section 41(2)(a);

section 42(3)(a);

section 45(1)(a);

section 46(1)(a);

21 Sections 123, 124, 125, 126 and 128 presently read:

123(1) In a prosecution under this Act for the sale, keeping for sale or other disposal of liquor or the purchasing, importing, providing, giving,

- (b) by repealing section 124;*
- (c) by repealing section 125;*
- (d) by repealing section 126;*
- (e) in section 128 by striking out “proof” and substituting “any evidence”.*

- 22 The Lloydminster Hospital Act is amended in section 35(4)*
- (a) in clause (a) by striking out “British subjects” and substituting “Canadian citizens or lawfully admitted into Canada for permanent residence”;*
 - (b) by repealing clause (b).*

receiving, possessing, conveying, keeping, using or consuming of liquor, it is not necessary that a witness should testify to

(a) the precise description or quantity of the liquor sold, disposed of, purchased, imported, provided, given, received, possessed, conveyed, kept, used or consumed,

(b) the precise consideration, if any, received for the liquor, or

(c) the fact of the sale or other disposal of the liquor having taken place with his participation or to his own personal or certain knowledge.

(2) The burden of proving the right to make, manufacture, import, sell, purchase, provide, give, receive, convey, keep or consume liquor is on the person accused of improperly or unlawfully making, manufacturing, selling, importing, purchasing, providing, giving, receiving, conveying, keeping or consuming the liquor.

124 As soon as it appears to the justice trying a case on the prosecution of a person charged with committing an offence under this Act that evidence presented in the case has sufficiently established that the person had in his possession, charge or control any liquor in respect of or concerning which he is being prosecuted, the person charged with the offence shall, in default of his rebuttal of that evidence to the satisfaction of the justice, be convicted of the offence.

125 As soon as it appears to the justice trying a case on a prosecution of a licensee for an offence under section 84 or 85 that evidence presented in the case has sufficiently established that the licensee knew or ought to have known that a person was a minor, the licensee shall, in default of his rebuttal of that evidence to the satisfaction of the justice, be convicted of the offence.

126(1) In proving the unlawful sale, purchase, importation, provision, gift or receipt, gratuitous or otherwise, or consumption of liquor, it is not necessary in a prosecution to show that

(a) any money actually passed, or

(b) any liquor was actually consumed,

if the justice hearing the case is satisfied that a transaction in the nature of an unlawful sale, purchase, importation, provision, gift or receipt actually took place or that any unlawful consumption of liquor was about to take place.

(2) Proof of consumption or intended consumption of liquor on premises on which the consumption is prohibited is evidence as against the occupant of the premises or other person that the liquor was sold, provided or given to or purchased or received by the person consuming or being about to consume or to convey it away.

128 In a prosecution under this Act the justice trying the case may, in the absence of proof to the contrary, infer that a liquid, preparation or mixture is intoxicating from the fact that a witness describes it as being intoxicating or describes it by a name which is commonly applied to an intoxicating liquor.

22 Section 35(4)(a) and (b) presently read:

(4) The persons eligible for election as members of the Hospital Board are persons

(a) who are of the full age of 18 years and British subjects;

(b) who are able to read and write the English language;

23 The Medical Profession Act is amended in section 49(2) by striking out “or in any proceedings under any other Act of Alberta” and substituting “, in a prosecution under this Act or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence”.

24 The Minors’ Property Act is amended in section 12(1)

(a) by striking out “female minor of the age of 17 years” and substituting “minor”;

(b) by striking out “contemplation of her” and substituting “contemplation of”;

(c) by striking out “her property over which she” and substituting “the property over which the minor”.

25 The Mortgage Brokers Regulation Act is amended in section 15(7) by striking out “or” at the end of clause (e), by adding “or” at the end of clause (d) and by repealing clause (f).

26 The Notaries Public Act is amended in section 1(2) by striking out “a British subject or”.

27 The Nursing Profession Act is amended in section 70(2) by striking out “or in any proceedings under any other Act” and substituting “, in a prosecution under Part 8 or in any proceeding under any other

23 Section 49(2) presently reads:

(2) A witness may be examined on oath on all matters relevant to the proceeding and shall not be excused from answering any question on the ground that the answer

(a) might tend to incriminate him,

(b) might subject him to punishment under this Act, or

(c) might tend to establish his liability

(i) to a civil proceeding at the instance of the Crown or of any person, or

(ii) to prosecution under any statute,

but the answer so given, if it is such as tends to incriminate him or to establish his liability to a civil proceeding, shall not be used or received against him in any civil proceedings or in any proceedings under any other Act of Alberta.

24 Section 12(1) presently reads:

12(1) Every female minor of the age of 17 years on or in contemplation of her marriage may, with the sanction of the Court, make a valid and binding settlement or contract for a settlement of all or any part of her property over which she has a power of appointment, whether real or personal and whether in possession, reversion, remainder or expectancy.

25 Section 15(7) presently reads:

(7) In an investigation under this section

(a) the failure without reasonable excuse of a person to furnish information required by the person making the investigation,

(b) the failure without reasonable excuse of a person summoned for examination under subsection (3) to appear or his refusal to give evidence, or to answer any question, or

(c) the failure without reasonable excuse or refusal of a person to produce any thing where the evidence, answer or production would be required in an action,

is also prima facie proof on which

(d) the Attorney General, or his representative, may base an affirmative finding concerning any fraudulent act to which he may consider it relevant,

(e) the Court of Queen's Bench may grant an interim or permanent injunction, or

(f) a justice may base a conviction for an offence against this Act or the regulations.

26 Section 1(2) presently reads:

(2) The Attorney General shall not appoint as notary public a person who is not a British subject or a Canadian citizen actually residing within Alberta.

27 Section 70(2) presently reads:

(2) A witness may be examined under oath on all matters relevant to the investigation or hearing before the Professional Conduct Committee and

Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence”.

28 The Optometry Act is amended in section 26(7) by striking out “or in any proceedings under any other Act of the Legislature” and substituting “, in a prosecution under this Act or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence”.

29 The Optometry Profession Act is amended in section 41(2) by striking out “or in any proceedings under any other Act” and substituting “, in a prosecution under Part 8 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence”.

30 The Pharmaceutical Association Act is amended in section 5(8) by striking out “a Canadian citizen and”.

shall not be excused from answering any question on the ground that the answer might tend to

- (a) incriminate her,*
- (b) subject her to punishment under this Act, or*
- (c) establish her liability*
 - (i) to a civil proceeding at the instance of the Crown or of any other person, or*
 - (ii) to prosecution under any Act,*

but if the answer so given tends to incriminate her, subject her to punishment or establish her liability, it shall not be used or received against her in any civil proceedings or in any proceedings under any other Act.

28 Section 26(7) presently reads:

(7) A witness in any proceedings before the discipline committee may be examined on oath on all matters relevant to the investigation and shall not be excused from answering any question on the ground that the answer

- (a) might tend to incriminate him,*
- (b) might subject him to punishment under the disciplinary provisions of this Act, or*
- (c) might tend to establish his liability*
 - (i) to a civil proceeding at the instance of the Crown or of any other person, or*
 - (ii) to prosecution under any statute,*

but the answer so given, if it is such as tends to incriminate him, shall not be used or received against him in any civil proceedings or in any proceedings under any other Act of the Legislature.

29 Section 41(2) presently reads:

41(2) A witness may be examined under oath on all matters relevant to the investigation or hearing before the Discipline Committee and shall not be excused from answering any question on the ground that the answer might

- (a) tend to incriminate him,*
- (b) subject him to punishment under this Part, or*
- (c) tend to establish his liability*
 - (i) to a civil proceeding at the instance of the Crown or of any other person, or*
 - (ii) to prosecution under any Act or regulations under any Act*

but if the answer so given tends to incriminate him, subjects him to punishment or tends to establish his liability, it shall not be used or received against him in any civil proceedings or in any proceedings under any other Act.

30 Section 5(8) presently reads:

(8) No person is eligible to be elected a councillor unless he is a Canadian citizen and a pharmaceutical chemist actively engaged in practice as a pharmaceutical chemist in the district of Alberta in which he seeks election.

31 The Physical Therapy Profession Act is amended in section 49(2) by striking out “or in any proceedings under any other Act” and substituting “, in a prosecution under Part 9 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence”.

32 The Private Investigators and Security Guards Act is amended by repealing section 7(2).

33 The Public Service Act is amended by repealing section 19.

34 The Public Service Management Pension Act is amended
(a) by repealing section 9(1);
(b) in section 13(2) by striking out “retirement”;
(c) in section 16(1) and (2) by striking out “pursuant to section 9 or” and substituting “at age 65 or pursuant to section”.

31 Section 49(2) presently reads:

(2) A witness may be examined under oath on all matters relevant to the investigation or hearing before the Discipline Committee and shall not be excused from answering any question on the ground that the answer might tend to

- (a) incriminate him,*
- (b) subject him to punishment under this Act, or*
- (c) establish his liability*
 - (i) to a civil proceeding at the instance of the Crown or of any other person, or*
 - (ii) to prosecution under any Act,*

but if the answer so given tends to incriminate him, subject him to punishment or establish his liability, it shall not be used or received against him in any civil proceedings or in any proceedings under any other Act.

32 Section 7(2) presently reads:

(2) A private investigation agency licence or security guard agency licence shall not be issued to a person who has not been residing in or carrying on business in Alberta for 6 months immediately preceding the date of application for a licence unless the applicant

- (a) is a resident of Alberta at the date of application, and*
- (b) is the holder of a subsisting licence in another province of a type similar to the one applied for.*

33 Section 19 presently reads:

19 Notwithstanding section 10(1) of the Public Service Pension Act, the Minister may

- (a) authorize the continuation of the employment of an employee after he has attained the age of 65 years for a period specified by the Minister, or*
- (b) authorize the reappointment of an employee who is 65 years of age or over, for a period specified by the Minister.*

34 Sections 9(1), 13(2) and 16(1) and (2) presently read:

9(1) Except as otherwise provided in the Public Service Act, every employee shall retire on attaining the age of 65 years.

13(2) Notwithstanding subsection (1), when a person has retired on pension under this Act or the Public Service Pension Act before the retirement age of 65 and is re-employed by the Government, then, if he is eligible to make contributions pursuant to section 5, the payment of any pension received by him pursuant to this Act or the Public Service Pension Act, in respect of his prior service, shall be suspended until he again ceases to be employed.

16(1) Subject to sections 13, 17 and 18, an employee who retires pursuant to section 9 or 10 and whose pensionable service has not been less than 5 years is entitled on his retirement to receive in monthly payments a normal pension as specified in section 20 or, at his option, an alternative pension of one of the types specified in section 21.

(2) Notwithstanding subsection (1), an employee who retires pursuant to section 9 or 10 and who is entitled to a pension pursuant to subsection (1) may defer his pension to any date up to his attaining the age of 70 years.

35 The Public Service Pension Act is amended

- (a) by repealing section 10(1);*
- (b) in section 13(2) by striking out “retirement”;*
- (c) in section 16(1) by striking out “pursuant to section 10,” and substituting “at age 65 or pursuant to section”;*
- (d) in section 16(2) by striking out “pursuant to section 10 or” and substituting “at age 65 or pursuant to section”.*

36 The Public Service Pension Plan Act is amended by repealing section 51(12)(a) and (13).

37 The Railway Act is amended by repealing section 246.

35 Sections 10(1), 13(2) and 16(1) and (2) presently read:

10(1) Subject to the other provisions of this Act, every employee shall retire from the service of the Government on attaining the age of 65 years.

13(2) Notwithstanding subsection (1), when a person has retired on pension under this Act or the Public Service Management Pension Act before the retirement age of 65 and is re-employed by the Government or the Legislative Assembly, if he is eligible to make further contributions pursuant to section 5, the payment of any pension received by him, in respect of his prior service, shall be suspended until he again ceases to be employed.

16(1) Subject to sections 13, 17 and 19, an employee who retires pursuant to section 10, 11 or 12 and whose pensionable service has not been less than 5 years is entitled on his retirement to receive in monthly payments a normal pension as specified in section 20 or, at his option, an alternative pension of one of the types specified in section 21.

(2) Notwithstanding (1), an employee who retires pursuant to section 10 or 11 and who is entitled to a pension pursuant to subsection (1) may defer his pension to any date up to his attaining the age of 70 years.

36 Section 51(12)(a) and (13) presently read:

(12) The Public Service Act is amended

(a) by repealing section 19 and substituting the following:

19(1) Subject to subsection (2), every employee who attains the age of 65 years must then retire.

(2) The Minister may authorize

(a) the continuation of the employee's employment, or

(b) his reappointment

for such period after he has attained the age of 65 years as the Minister specifies.

(13) The Universities Act is amended by adding the following after section 21(3):

(4) Subject to any contract providing to the contrary, employees and officers who are participants of the Public Service Pension Plan and who attain the age of 65 years must then retire.

37 Section 246 presently reads:

246(1) No company or municipal corporation operating a street railway or tramway shall operate it or employ any person thereon on Sundays, except for the purpose of keeping the track clear of snow or ice, or for the purpose of doing other work of necessity.

(2) For every train or car run or operated in contravention of this section the company or corporation shall forfeit and pay the sum of \$400, to be recovered by Her Majesty on the information of any person suing for that sum under this section.

(3) The action for the recovery of the sum shall be brought before a court having jurisdiction in civil cases in the place from which the train or car started, or through which it passed or at which it stopped in the course of its operation.

(4) All money recovered under this section shall be paid to the Provincial Treasurer and form part of the General Revenue Fund.

38 The Reciprocal Enforcement of Judgments Act is amended in section 1(1)(b) by striking out “wife or former wife” and substituting “spouse or former spouse”.

39 The Registered Dietitians Act is amended in section 34(2) by striking out “or in any proceedings under any other Act” and substituting “, in a prosecution under Part 7 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence”.

40 The Sale of Goods Act is amended by repealing section 5.

41 The School Act is amended in section 88(1) by striking out “or” at the end of clause (b), by adding “or” at the end of clause (a) and by repealing clause (c).

(5) This section ceases to apply to a street railway or tramway operated within the municipal limits of either of the cities of Calgary or Edmonton whenever the proprietary electors of the city or cities by a majority vote determine that the street railway or tramway should be permitted to be operated on Sundays.

(6) The council of either of those cities may provide by by-law or resolution for the taking of a vote under the provisions of this section, in such manner and form and at such time or times as shall be set out in the by-law or resolution, and may by the by-law or resolution, or by any other by-law or resolution, provide for the payment out of the funds of the city of the expenses necessary for the taking of the vote.

38 Section 1(1)(b) presently reads:

1(1) In this Act,

(b) “judgment” means a judgment or order of a court in a civil proceeding whereby a sum of money is made payable, and includes an award in an arbitration proceeding if the award, under the law in force in the jurisdiction where it was made, has become enforceable in the same manner as a judgment given by a court in that jurisdiction, but does not include an order for the payment of money as alimony or as maintenance for a wife or former wife or a child, or an order made against a putative father of an unborn child for the maintenance or support of the mother thereof;

39 Section 34(2) presently reads:

(2) A witness may be examined on oath on all matters relevant to the investigation or hearing and shall not be excused from answering any question on the ground that the answer might

(a) tend to incriminate him,

(b) subject him to punishment under this Part, or

(c) tend to establish his liability

(i) to a civil proceeding at the instance of the Crown or of any other person, or

(ii) to prosecution under any Act or regulations under any Act,

but if the answer so given tends to incriminate him, subjects him to punishment or tends to establish his liability, it shall not be used or received against him in any civil proceedings or in any proceedings under any other Act.

40 Section 5 presently reads:

5 All sales and purchases and all contracts and agreements for sale or purchase of any personal property made on a Sunday are utterly void.

41 Section 88(1) presently reads:

88(1) A contract of employment between a board and a teacher automatically terminates

(a) at the time the certificate of qualification of the teacher is suspended or cancelled by the Minister,

(b) if the certificate of qualification of the teacher expires, or

(c) on the last day of the school year if the teacher has attained 65 years of age.

42(1) The Seduction Act is repealed.

(2) The common law right of action arising from the seduction of an unmarried female is abolished.

43 The Trust Companies Act is amended in section 29(3)(a) by striking out “or 75 years of age or over”.

44 The Universities Academic Pension Act is amended by repealing section 9.

45 The Veterinary Profession Act is amended in section 41(2) by striking out “or in any proceedings under any other Act” and substituting “, in a prosecution under Part 7 or in any proceeding under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence”.

46 Sections 33, 34, 35, 36, 41 and 44 come into force on Proclamation.

In accordance with section 4(1) of the Interpretation Act, this Bill, except sections 33, 34, 35, 36, 41 and 44, comes into force on the date it receives Royal Assent.

42 This section repeals chapter S-7 of the Revised Statutes of Alberta 1980.

43 Section 29(3)(a) presently reads:

(3) A person is not eligible to be elected or appointed a director if
(a) he is under 18 years of age or 75 years of age or over, or

44 Section 9 presently reads:

9 Subject to this Act, every member shall retire from the service of the University on the normal retirement date for that person.

45 Section 41(2) presently reads:

(2) A witness may be examined on oath on all matters relevant to the investigation or hearing and shall not be excused from answering any question on the ground that the answer might

(a) tend to incriminate him,

(b) subject him to punishment under this Part, or

(c) tend to establish his liability

(i) to a civil proceeding at the instance of the Crown or of any other person, or

(ii) to prosecution under any Act or regulations under any Act,

but if the answer so given tends to incriminate him, subjects him to punishment or tends to establish his liability, it shall not be used or received against him in any civil proceedings or in any proceedings under any other Act.