

1990 BILL 54

Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 54

MISCELLANEOUS STATUTES AMENDMENT ACT, 1990

THE ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 54

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1990

MISCELLANEOUS STATUTES AMENDMENT ACT, 1990

(Assented to , 1990)

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

1 The Alberta Health Care Insurance Act is amended in section 13(3)(b) by striking out "Children's Guardian, Unit or" and substituting "a director under the Child Welfare Act, an officer of the Unit or the".

2 The Builders' Lien Act is amended in section 18(3) by striking out "37(1)" and substituting "37.1".

Explanatory Notes

1 This section amends chapter A-24 of the Revised Statutes of Alberta 1980. Section 13(3) presently reads:

(3) The Minister or a person employed in the administration of this Act authorized by the Minister may disclose or communicate information pertaining to the date on which health services were provided and a description of those services, the name and address of the person who provided the services, the benefits paid for those services and the person to whom they were paid, the name and address of the person to whom the services were provided and any other information pertaining to the nature of the health services provided, to the Alberta Cancer Board, The Workers' Compensation Board, a director under the Child Welfare Act under the Child Welfare Act, the Sexually Transmitted Disease Control Unit of the Department of Health, or the Director of Medical Services appointed under the Occupational Health and Safety Act, if

(a) a member or officers of the Board, a director under the Child Welfare Act, or an officer of the Unit, or the Director of Medical Services, as the case may be, makes a written request for it, and

(b) the information required is necessary and relevant to a matter being dealt with by the Board, Children's Guardian, Unit or Director of Medical Services.

2 This section amends chapter B-12 of the Revised Statutes of Alberta 1980. Section 18(3) presently reads:

(3) On an application under subsection (2), notice shall be given as provided in section 37(1).

3 The Child Welfare Act is amended

(a) in section 2.1

(i) by repealing subsection (3)(f);

(ii) by adding the following after subsection (3):

(3.1) On receiving a report under subsection (3)(e), the Minister shall lay a copy of the report before the Legislative Assembly if it is then sitting, and if not, within 15 days after the commencement of the next ensuing sitting.

(b) in section 26(1) by adding “and” at the end of clause (a) and by striking out “and” at the end of clause (b);

(c) in section 75

(i) in subsection (1) by adding “or” at the end of clause (c), striking out “or” at the end of clause (d) and repealing clause (e);

(ii) in subsection (3) by striking out “, the Public Health Act or the Venereal Diseases Prevention Act” and substituting “or the Public Health Act”.

3 This section amends chapter C-8.1 of the Statutes of Alberta, 1984. Sections 2.1(3), 26(1) and 75(1) and (3) presently read:

2.1(3) The Children's Advocate shall

(a) advise the Minister on matters relating to the welfare and interests of children who receive services under this Act and the provision of those services;

(b) receive, review and investigate complaints or concerns that come to his attention respecting children who receive services under this Act;

(c) represent the rights, interests and viewpoints of children who receive services under this Act;

(d) perform additional duties and functions that are conferred on him by the regulations or are from time to time assigned to him by the Minister;

(e) prepare and submit annual reports to the Minister respecting the exercise of the duties and functions of the Children's Advocate;

(f) on receiving a report under clause (e), the Minister shall lay a copy of the report before the Legislative Assembly if it is then sitting, and if not, within 15 days after the commencement of the next ensuing sitting.

26(1) The Court may make a supervision order for a period of not more than 6 months if it is satisfied that

(a) a child is in need of protective services,

(b) mandatory supervision of the child and a person residing with the child and the compliance by that person with the terms of the order are necessary to adequately protect the survival, security or development of the child, and

(c) repealed 1988 c15 s16.

75(1) Notwithstanding Part XIX of the Criminal Code (Canada), the Court may issue a subpoena requiring

(a) the Commission under the Alcohol and Drug Abuse Act,

(b) a board under the Hospitals Act,

(c) a board under the Mental Health Act,

(d) the Director under the Public Health Act, or

(e) the Director under the Venereal Diseases Prevention Act,

4 The Commissioners for Oaths Act is amended by adding the following after section 2:

2.1 A police officer as defined in the *Police Act* is ex officio a commissioner empowered to administer oaths and take and receive affidavits, declarations and affirmations in Alberta for use in Alberta.

5 The Court of Queen's Bench Act is amended by repealing the title and substituting the following:

COURT OF QUEEN'S BENCH ACT

6 The Department of the Attorney General Act is amended by adding the following after section 4:

4.1(1) The Attorney General may enter into agreements on or in connection with any policies, programs, services or other matters under his administration.

(2) Without limiting subsection (1), agreements may be made under that subsection with the Government of Canada or the government of a province or any agency of the Government of Canada or of the government of a province.

7 The Department of Labour Act is amended by adding the following after section 4:

4.1(1) The Minister may enter into agreements on or in connection with any policies, programs, services or other matters under his administration.

(2) Without limiting subsection (1), agreements may be made under that subsection with the Government of Canada or the government of a province or any agency of the Government of Canada or of the government of a province.

or his designate to produce any documents, records or other information he has in his possession or under his control that may relate to the proceedings before the Court with respect to a child.

(3) If, as the result of the issuing of a subpoena under subsection (1), a person is required to produce any documents, records or other information that is otherwise confidential under the Alcohol and Drug Abuse Act, the Hospitals Act, the Mental Health Act, the Public Health Act or the Venereal Diseases Prevention Act, as the case may be, the documents, records or other information shall be dealt with in accordance with this section.

4 This section amends chapter C-19 of the Revised Statutes of Alberta 1980.

5 This section amends chapter C-29 of the Revised Statutes of Alberta 1980. The title of the Act presently reads:

COURT OF QUEEN'S BENCH

6 This section amends chapter D-13 of the Revised Statutes of Alberta 1980.

7 This section amends chapter D-24 of the Revised Statutes of Alberta 1980.

8 The Department of Recreation and Parks Act is amended by adding the following after section 5:

5.1(1) The Minister may enter into agreements on or in connection with any policies, programs, services or other matters under his administration.

(2) Without limiting subsection (1), agreements may be made under that subsection with the Government of Canada or the government of a province or any agency of the Government of Canada or of the government of a province.

9 The Department of the Solicitor General Act is amended by adding the following after section 5:

6(1) The Solicitor General may enter into agreements on or in connection with any policies, programs, services or other matters under his administration.

(2) Without limiting subsection (1), agreements may be made under that subsection with the Government of Canada or the government of a province or any agency of the Government of Canada or of the government of a province.

10 The Expropriation Act is amended in the Schedule by striking out section 7 and substituting the following:

7. Mines and Minerals Act	Cancellations or refusals to renew under section 8(1)(c)
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11 The Forests Act is amended

(a) *in section 21(5) by striking out “A holder” and substituting “Subject to the regulations, a holder”;*

(b) *in section 22(5)*

(i) *by striking out “A holder” and substituting “Subject to the regulations, a holder”;*

(ii) *in clause (a) by striking out “subject to the regulations,”.*

8 This section amends chapter D-26 of the Revised Statutes of Alberta 1980.

9 This section amends chapter D-28 of the Revised Statutes of Alberta 1980.

10 This section amends chapter E-16 of the Revised Statutes of Alberta 1980. Section 7 of the Schedule presently reads:

*7. Mines and Minerals Act Cancellations or refusals to
renew under section 10(1)(c)*

11 This section amends chapter F-16 of the Revised Statutes of Alberta 1980. Sections 21(5) and 22(5) presently read:

21(5) A holder of a timber licence shall pay timber dues as prescribed by the licence, the Act or the regulations on the timber cut by him and

(a) pay a reforestation levy based on the volume of timber cut, or

(b) progressively reforest any land where he has harvested or an equivalent amount of forest land within the management unit, whichever the Minister directs.

22(5) A holder of a timber permit shall pay timber dues as prescribed by the permit, the Act or the regulations on the timber cut by him and

(a) subject to the regulations, pay a reforestation levy based on the volume of timber cut, or

12 The Highway Traffic Act is amended in section 124 by repealing subsection (2) and substituting the following:

(2) Notwithstanding subsection (1), the Minister or a speed authority as defined in section 14 may authorize a race to be held on a highway subject to conditions that the Minister or speed authority considers appropriate.

13 The Interpretation Act is amended

(a) in section 25(1)(b.1) by striking out “A or B” and substituting “I or II”;

(b) by repealing section 27 and substituting the following:

27 In an enactment a citation of or reference to another enactment of the Province, of another province or of Canada is a citation of or reference to the other enactment as amended, whether amended before or after the commencement of the enactment in which the citation or reference occurs.

14 The Labour Relations Code is amended in section 74(5)(b) by striking out “clause (b)” and substituting “clause (a)”.

(b) progressively reforest any land where he has harvested or an equivalent amount of forest land within the management unit, whichever the Minister directs.

12 This section amends chapter H-7 of the Revised Statutes of Alberta 1980. Section 124 presently reads:

124(1) No person shall drive a vehicle on a highway in a race or on a bet or wager.

(2) Subsection (1) does not apply to a bicycle race that is authorized by the Minister.

13 This section amends chapter I-7 of the Revised Statutes of Alberta 1980. Sections 25(1)(b.1) and 27 presently read:

25(1) In an enactment,

(b.1) "bank" means a bank named in Schedule A or B of the Bank Act (Canada);

27(1) In an enactment a citation of or reference to another enactment shall be construed as a citation of or reference to the other enactment as amended from time to time, whether before or after the commencement of the enactment in which the citation or reference occurs.

(2) In an enactment a citation of or a reference to a statute or regulation of another province or of Canada shall be deemed to be a citation of or a reference to the statute or regulation as amended from time to time.

14 This section amends chapter L-1.2 of the Statutes of Alberta, 1988. Section 74(5) presently reads:

(5) In this section,

(a) "employees of the employer affected by the dispute" or "employees of the employers affected by the dispute"

(i) means employees of the employer or employers, as the case may be, employed in the unit affected by the dispute at any time during the 60 days preceding the date, or the last date if there is more than one, fixed for taking the strike vote, but

(ii) does not include employees who are engaged in a project that is the subject of a collective agreement entered into under Part 3, Division 8;

(b) "employers affected by the dispute" means employer affected by the dispute who have employed any employees referred to in clause (b) entitled to vote at a vote under

15 The Livestock Identification and Brand Inspection Act is amended in section 45(1) by adding “, except where a penalty is specifically provided, is” after “and”.

16 The Maintenance Enforcement Act is amended in section 16(6) by striking out “take” and substituting “takes”.

17 The Mental Health Act is amended in section 41(2)(b) by striking out “subsection (1)” and substituting “section 40(1)”.

18 The Motor Vehicle Administration Act is amended in section 77(1) by striking out “\$500” and substituting “\$1000”.

19 The Oaths of Office Act is amended by renumbering section 4 as section 4(2) and by adding the following before subsection (2):

subsection (1) at any time during the 60 days preceding the date, or the last date if there is more than 1, fixed for taking the lockout vote.

15 This section amends chapter L-22.5 of the Statutes of Alberta, 1985. Section 45(1) presently reads:

45(1) A person who contravenes this Act or the regulations is guilty of an offence and liable to a fine not exceeding \$1000.

16 This section amends chapter M-0.5 of the Statutes of Alberta, 1985. Section 16(6) presently reads:

(6) Notwithstanding any other Act, a maintenance order filed under this section take priority over any other writ of execution for an amount equal to the total maintenance payable under the maintenance order for the latest 3-year period.

17 This section amends chapter M-13.1 of the Statutes of Alberta, 1988. Section 41(2) presently reads:

(2) A review panel shall, with respect to a decision under section 33, 38 or 39,

(a) make the decision within 24 hours of hearing the application, and

(b) inform the patient and his guardian, if any, of the decision and send a copy of the decision in the prescribed form to every person referred to in subsection (1) within 24 hours of making the decision.

18 This section amends chapter M-22 of the Revised Statutes of Alberta 1980. Section 77(1) presently reads:

77(1) Subject to subsection (2), when an accident results in injury or death to a person or in property damage to an apparent extent of \$500 or more, the driver shall forthwith make a written report in the form prescribed by the Minister and containing the information required by that form to

(a) a peace officer having jurisdiction where the accident occurred, or

(b) an employee of a police service having jurisdiction where the accident occurred who is authorized to receive those reports.

19 This section amends chapter O-1 of the Revised Statutes of Alberta 1980. Section 4 presently reads:

4 When on the administering of an oath prescribed by this Act the person about to take the oath is permitted by law to make a

4(1) A person who is required by a statute of Alberta to take an oath prescribed by this Act may make a solemn affirmation or declaration instead of taking the oath.

20 The Off-highway Vehicle Act is amended in section 21(1) by striking out “\$500” and substituting “\$1000”.

21 The Provincial Court Act is amended

(a) in the following provisions by striking out “summons” wherever it occurs and substituting “civil claim”:

section 35(a) and (c);
section 38;
section 39(1);
section 42(4)(b);
section 47;
sections 53 and 54;
section 73(1)(a);

(b) in section 36(1)(a) and (b) by adding “exclusive of interest payable under an Act or by agreement on the amount claimed” after “\$4000”.

solemn affirmation or declaration instead of taking an oath, the person may make a solemn affirmation in the prescribed form of the oath, substituting the words "solemnly swear and truly declare and affirm" for the word "swear", and omitting the words "So help me God".

20 This section amends chapter O-4 of the Revised Statutes of Alberta 1980. Section 21(1) presently reads:

21(1) Subject to subsection (2), when an accident results in injury or death to a person or in property damage to an apparent extent of \$500 or more, the operator or person in charge of an off-highway vehicle involved in the accident shall forthwith make a written report in the form provided by the Registrar and containing the information required by it, to a peace officer having jurisdiction where the accident occurred.

21 This section amends chapter P-20 of the Revised Statutes of Alberta 1980. Sections 35(a) and (c), 36(1)(a) and (b), 38, 39(1), 42(4)(b), 47, 53, 54 and 73(1)(a) presently read:

35 *In this Part,*

(a) "defendant" means a person to whom a summons is issued under this Part;

(c) "plaintiff" means a person at whose instance a summons is issued under this Part;

36(1) *Subject to this Act, the Court has jurisdiction to hear and adjudicate on any claim or counterclaim*

(a) for debt, whether payable in money or otherwise, if the amount claimed or counterclaimed, as the case may be, does not exceed \$4000, and

(b) for damages, including damages for breach of contract, if the amount claimed or counterclaimed, as the case may be, does not exceed \$4000.

38(1) *A person who has a claim may apply to a clerk for the issuance of a summons.*

(2) When an application is made under subsection (1), a clerk shall, subject to section 73, issue a summons in the prescribed form that contains the particulars of the claim and an address for service as provided by the plaintiff, together with a copy of a dispute note in the prescribed form.

(3) The summons and dispute note shall be served on the defendant by the plaintiff.

(4) A summons and dispute note may be served outside Alberta without an order of the Court.

39(1) The defendant shall pay the amount claimed in the summons or file a dispute note with a clerk,

(a) where the defendant has been served in Alberta, within 20 days from the date of service of the summons and the dispute note;

(b) where the defendant has been served outside of Alberta, within 30 days from the date of service of the summons and the dispute note.

42(4) Service of a document on a corporation, other than a local authority, may be made

(b) by serving it on a manager, agent or officer of the corporation transacting business on behalf of the corporation in the judicial district in which the summons was issued, or

47(1) At a hearing, the parties are confined to the particulars set out in the summons and the dispute note.

(2) If the Court is satisfied that sufficient cause is shown, it may allow the summons or the dispute note to be amended.

53(1) Where a summons includes a claim for a debt or liquidated demand and no dispute note has been filed within the time specified in section 39, a clerk shall, on proof of service of the summons and dispute note on the defendant and on the request of the plaintiff, enter judgment against the defendant for the full amount of the claim.

(2) With respect to other claims, the plaintiff may on proof of service of the summons and dispute note on the defendant apply to a clerk to note the defendant in default and may either

(a) apply ex parte to the Court for judgment, and the judge hearing the application may

(i) on proof of the plaintiff's claim make an order for judgment, or

(ii) set the matter over for a hearing to hear the claim or assess the damages,

or

(b) apply to the clerk to set a hearing to assess the damages.

(3) The plaintiff shall serve on the defendant at least 10 days' notice of the time, date and place

22 The Provincial Court Judges Act is amended in section 7

(a) in subsection (1)

(i) by striking out “judge as a supernumerary” and substituting “person as a supernumerary”;

(ii) by striking out “judge and chief” and substituting “person and chief”;

(b) in subsection (2) by striking out “judge other than a judge” and substituting “person other than a person”.

23 The Provincial Offences Procedure Act is amended in section 1 by repealing clause (l).

(a) of the hearing referred to in subsection (2)(a)(ii), and

(b) of the hearing to assess the damages referred to in subsection (2)(b).

(4) After the hearing referred to in subsection (2)(b), the clerk shall enter judgment against the defendant for the amount determined.

54(1) If the defendant fails to appear on the date set for a hearing, the Court may, on proof of service of the summons and the dispute note on the defendant,

(a) enter a default judgment, if the claim is for a debt or liquidated demand, or

(b) in any other case, note the defendant in default and proceed to assess the damages or adjourn the matter to a subsequent date for assessment of damages.

(2) If a judgment is entered in default or the defendant is noted in default, the Court may dismiss any counterclaim of the defendant.

73(1) The Court may, on application, if it considers it proper to do so, order a clerk not to issue

(a) a summons under section 38, or

22 This section amends chapter P-20.1 of the Statutes of Alberta, 1981. Section 7 presently reads:

7(1) The Lieutenant Governor in Council on the recommendation of the Attorney General may appoint, for a term of up to 2 years, a judge as a supernumerary judge on terms and conditions agreed on by the judge and chief judge and approved by the Attorney General.

(2) Unless the Lieutenant Governor in Council provides otherwise, no judge other than a judge who has attained the age of 60 years and has served as a judge for at least 10 years may be appointed as a supernumerary judge.

(3) Section 6 does not apply to a supernumerary judge.

23 This section amends chapter P-21.5 of the Statutes of Alberta, 1988. Section 1(l) presently reads:

(l) "prosecutor" means

(i) a barrister and solicitor or student-at-law who is employed by the Government and whose position is under the administration of the Attorney General, or

24 The Public Trustee Act is amended in section 4(f) by striking out “pursuant to the Child Welfare Act”.

25 The Special Areas Act is amended in section 14 by striking out “, leased or otherwise disposed of”.

26 The Stray Animals Act is amended in section 6(1) by adding “or expense” after “the damage”.

27 The Surface Rights Act is amended in section 1(h)(ii), (j)(ii)(B), (k)(ii)(B) and (p)(ii) by striking out “Water, Gas, Electric and Telephone Companies Act” and substituting “Water, Gas and Electric Companies Act”.

(ii) any other person who is authorized by the Attorney General to conduct prosecutions under this Act;

24 This section amends chapter P-36 of the Revised Statutes of Alberta 1980. Section 4(f) presently reads:

4 The Public Trustee may

(f) act as trustee of the estate of a minor under the guardianship of a director under the Child Welfare Act pursuant to the Child Welfare Act;

25 This section amends chapter S-20 of the Revised Statutes of Alberta 1980. Section 14 presently reads:

14 No public land situated in a special area shall be sold, leased or otherwise disposed of without the consent of the Minister.

26 This section amends chapter S-23 of the Revised Statutes of Alberta 1980. Section 6(1) presently reads:

6(1) A person is not liable under section 5 for any damage or expense which is due wholly to the fault of the person suffering the damage.

27 This section amends chapter S-27.1 of the Statutes of Alberta, 1983. Section 1(h)(ii), (j)(ii)(B), (k)(ii)(B) and (p)(ii) presently read:

1 In this Act,

(h) "operator" means

(ii) with reference to a pipeline, power transmission line or telephone line, the person empowered to acquire an interest in land for the purpose of the pipeline, power transmission line or telephone line under the Pipeline Act, the Hydro and Electric Energy Act or the Water, Gas, Electric and Telephone Companies Act, as the case may be;

(j) "pipeline" means

(ii) mains, pipes or other devices

(B) to which sections 30 to 32 of the Water, Gas, Electric and Telephone Companies Act apply;

(k) "power transmission line" means

(ii) wires, conductors, poles or other devices

(B) to which sections 30 to 32 of the Water, Gas,

28 The Tax Recovery Act is amended in section 29 by repealing subsection (1) and substituting the following:

29(1) When a parcel is not sold at the first public auction held by a municipality after a tax recovery notification has been placed on the certificate of title for the parcel, the municipality may grant a lease, licence or permit relating to the parcel

(a) for periods of not more than one year, if the period of redemption has not expired, or

(b) for any period the municipality considers appropriate, if the period of redemption has expired.

(1.1) A lease, licence or permit granted by a municipality before the coming into force of subsection (1) is deemed to be valid for the term specified in the lease, licence or permit.

29 The Tourism Education Council Act is amended in section 5(1)(a) by striking out "Council" and substituting "Fund".

30 The Universities Act is amended in section 54 by repealing subsection (5) and substituting the following:

(5) If a person contravenes this section, the Court of Queen's Bench on application by way of originating notice

(a) by the university in respect of a contravention of subsection (2), or

(b) by the Minister in respect of a contravention of subsection (3),

may grant an injunction enjoining the person from continuing the contravention of this section.

31 Sections 19 and 21 come into force on January 1, 1991.

Electric and Telephone Companies Act apply;

(p) "telephone line" means wires, conductors, poles or other devices

(ii) to which sections 30 to 32 of the Water, Gas, Electric and Telephone Companies Act apply;

28 This section amends chapter T-1 of the Revised Statutes of Alberta 1980. Section 29(1) presently reads:

29(1) Prior to the acquisition of a parcel that is not sold at the first public auction held by a municipality after a tax recovery notification has been placed on the certificate of title thereto, the municipality may grant a lease, licence or permit of the land for a period of not more than one year, or for periods of not more than 3 years after final acquisition.

29 This section amends chapter T-6.3 of the Statutes of Alberta, 1988. Section 5(1)(a) presently reads:

5(1) There is hereby established a fund called the "Tourism Education Fund" into which shall be deposited

(a) money from time to time voted by the Legislature for the purposes of the Council,

30 This section amends chapter U-5 of the Revised Statutes of Alberta 1980. Section 54(5) presently reads:

(5) If a person contravenes this section, the Court of Queen's Bench on application by way of originating notice

(a) by the university in respect of a contravention of subsection (2), or

(b) by the Minister in respect of a contravention of subsection (3), may grant an injunction enjoining the person from continuing the contravention of this section.

31 Coming into force.