

2007 Bill 57

Third Session, 26th Legislature, 56 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 57

**MISCELLANEOUS STATUTES
AMENDMENT ACT, 2007 (NO. 2)**

THE MINISTER OF JUSTICE AND ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 57

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2007

MISCELLANEOUS STATUTES AMENDMENT ACT, 2007 (NO. 2)

(Assented to , 2007)

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

Family Support for Children with Disabilities Act

Amends SA 2003 cF-5.3

**1 The *Family Support for Children with Disabilities Act* is
amended in section 1**

- (a) in clause (e)(i) by striking out “Part 7 of the *Domestic Relations Act*” and substituting “Part 2 of the *Family Law Act*”;**
- (b) in clause (e)(ii) by striking out “*Child Welfare Act*” and substituting “*Child, Youth and Family Enhancement Act*”.**

Explanatory Notes

Family Support for Children with Disabilities Act

1 Amends chapter F-5.3 of the Statutes of Alberta, 2003.
Section 1(e) presently reads:

1 In this Act,

(e) “guardian” means

- (i) a person who is or is appointed a guardian of the child under Part 7 of the Domestic Relations Act, or*
- (ii) a person who is a guardian of the child under an agreement or order made pursuant to the Child Welfare Act;*

Legal Profession Act

Amends RSA 2000 cL-8

2(1) The *Legal Profession Act* is amended by this section.

(2) Section 27(4) is repealed and the following is substituted:

(4) At least 10 days before an annual general meeting the Executive Director shall send a notice of the meeting and a statement of the financial position of the Society during the previous fiscal year to each active member of the Society.

(3) Section 28(2) is repealed and the following is substituted:

(2) At least 10 days before a special meeting the Executive Director shall send a notice of the meeting to each active member of the Society.

(4) Section 122(7) is repealed and the following is substituted:

(7) When investing funds that are not immediately required by the Foundation, the Foundation must adhere to prudent investment standards in making investment decisions and in managing the Foundation's total investments.

(7.1) For the purpose of this section, prudent investment standards are those that, in the overall context of an investment portfolio, a reasonable and prudent person would apply to investments made on behalf of another person with whom there exists a fiduciary relationship to make such investments, without undue risk of loss and with a reasonable expectation of fair return or appreciation.

(7.2) The board must establish policies and procedures to ensure that the Foundation applies prudent investment standards in making investment decisions and in managing the Foundation's total investments.

(7.3) The board must review the procedures established under subsection (7.2) at least once each year.

Legal Profession Act

2(1) Amends chapter L-8 of the Revised Statutes of Alberta 2000.

(2) Section 27(4) presently reads:

(4) At least 10 days before an annual general meeting the Executive Director shall have a notice of the meeting and a statement of the financial position of the Society during the previous fiscal year mailed to each active member of the Society.

(3) Section 28(2) presently reads:

(2) At least 10 days before a special meeting the Executive Director shall have a notice of the meeting mailed to each active member of the Society.

(4) Section 122(7) presently reads:

(7) Any money that is not immediately required for the purposes of the Foundation may be invested in the name of the Foundation by the directors in securities of the kind, but not limited to the proportions, in which insurance companies incorporated in Alberta were permitted to invest under section 94 of the Insurance Act as it read on March 1, 1996.

Provincial Court Act

Amends RSA 2000 cP-31

3(1) The *Provincial Court Act* is amended by this section.

(2) Section 9.24(8) is amended

- (a) in clause (a) by striking out “date of retirement” and substituting “date the request is made”;**
- (b) in clause (b) by striking out “the term commences on the date the judge attains the age of 70 years and expires one year from that date” and substituting “the term is one year commencing on the judge’s 70th birthday”;**
- (c) in clause (b.1) by repealing subclause (i) and substituting the following:**
 - (i) unless subclause (ii) applies, the term is one year commencing on the judge’s birthday following the date the request is made;
- (d) in clause (c) by striking out “the term commences on the date of the expiry of the previous appointment and expires one year from that date” and substituting “the term is one year commencing on the expiry of the previous appointment”.**

Provincial Offences Procedure Act

Amends RSA 2000 cP-34

4(1) The *Provincial Offences Procedure Act* is amended by this section.

Provincial Court Act

3(1) Amends chapter P-31 of the Revised Statutes of Alberta 2000.

(2) Section 9.24(8) presently reads:

(8) The term for which a part-time judge is appointed or reappointed under this section is as follows:

- (a) if the request for appointment is made under subsection (2), the term commences on the judge's birthday following the date of retirement and expires on the commencement of the judge's 70th birthday;*
- (b) if the request for appointment is made under subsection (3), the term commences on the date the judge attains the age of 70 years and expires one year from that date;*
- (b.1) if the request for appointment is made under subsection (3.1),
 - (i) unless subclause (ii) applies, the term commences on the judge's birthday following the date of retirement and expires one year from that date, or*
 - (ii) where the appointment is made after the judge's birthday but on or before the mid-point of the term of the judge's current appointment under section 9.23, the term commences on the 183rd day after the judge's birthday and expires on the commencement of the judge's next birthday;**
- (c) if the request for reappointment is made under subsection (4), the term commences on the date of the expiry of the previous appointment and expires one year from that date.*

Provincial Offences Procedure Act

4(1) Amends chapter P-34 of the Revised Statutes of Alberta 2000.

(2) Section 31(5) is amended by adding “or as shown in the records of an official of a jurisdiction other than Alberta who is a registrar of motor vehicles or performs a function for that jurisdiction similar to the function that the Registrar performs for Alberta” **after** “under the *Traffic Safety Act*”.

(3) Section 34(4) is repealed and the following is substituted:

(4) If section 31(5)(a) or (b) applies, the notice referred to in subsection (3) may be sent by ordinary mail to the defendant’s address to which the offence notice referred to in section 31(5) was sent.

(4) Section 37(3) is repealed and the following is substituted:

(3) If section 31(5)(a) or (b) applies, the notice referred to in subsection (2) may be sent by ordinary mail to the defendant’s address to which the offence notice referred to in section 31(5) was sent.

School Act

Amends RSA 2000 cS-3

5(1) The *School Act* is amended by this section.

(2) Section 1(2) is amended

(a) in clause (a)(ii) by striking out “Part 5 of the *Child Welfare Act*”;

(b) in clause (c) by striking out “the *Child Welfare Act*” **and substituting** “the *Child, Youth and Family Enhancement Act*”.

(2) Section 31(5) presently reads:

(5) Notwithstanding subsection (4), if

(a) the defendant has been charged under section 160 of the Traffic Safety Act, or

(b) the offence notice relates to an alleged parking violation,

the offence notice may be served by sending it by ordinary mail to the defendant's address as shown on the records of the Registrar of Motor Vehicle Services under the Traffic Safety Act.

(3) Section 34(4) presently reads:

(4) If section 31(5)(a) or (b) applies, the notice referred to in subsection (3) may be sent by ordinary mail to the defendant's address as shown on the records of the Registrar, as defined in the Traffic Safety Act.

(4) Section 37(3) presently reads:

(3) If section 31(5)(a) or (b) applies, the notice referred to in subsection (2) may be sent by ordinary mail to the defendant's address as shown on the records of the Registrar, as defined in the Traffic Safety Act.

School Act

5(1) Amends chapter S-3 of the Revised Statutes of Alberta 2000.

(2) Section 1(2) presently reads in part:

(2) For the purposes of subsection (1)(q), the parent is

(a) subject to subsection (3),

(i) the guardian as set out in section 20 of the Family Law Act, or

(ii) the guardian appointed under Part 5 of the Child Welfare Act, Part 1, Division 5 of the Child, Youth and Family Enhancement Act or section 23 of the Family Law Act if

(3) Section 143(2) is amended by striking out “section 132” and substituting “section 142”.

the guardian notifies the board in writing of the guardian's appointment,

(c) notwithstanding clauses (a) and (b), the guardian of a student appointed under a temporary or permanent guardianship order or a permanent guardianship agreement under the Child Welfare Act if the guardian notifies the board in writing of the guardian's appointment, or

(3) Section 143(2) presently reads:

(2) The appeal shall be commenced not more than 30 days after the date on which the order is filed under section 132

(a) by filing a notice of appeal with the Registrar of the Court at Edmonton or Calgary, and

(b) by serving a copy of the notice of appeal

(i) on the relevant board if the appellant is a teacher,

(ii) on the relevant teacher if the appellant is a board, and

(iii) on the Board of Reference.

