

2011 Bill 2

Fourth Session, 27th Legislature, 60 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 2

PROTECTION AGAINST FAMILY VIOLENCE AMENDMENT ACT, 2011

DR. BROWN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 2
Dr. Brown

BILL 2

2011

PROTECTION AGAINST FAMILY VIOLENCE AMENDMENT ACT, 2011

(Assented to , 2011)

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

Amends RSA 2000 cP-27

**1 The *Protection Against Family Violence Act* is amended by
this Act.**

2 Section 1(1) is amended

- (a) by repealing clause (b);**
- (b) in clause (f) by striking out “designated”.**

3 Section 2 is amended

- (a) in subsections (1) to (3) by striking out “designated”;**
- (b) by adding the following after subsection (3):**
 - (3.1) A provision of an order referred to in subsection (3)(b)
is to be interpreted as prohibiting communication and contact**

Explanatory Notes

1 Amends chapter P-27 of the Revised Statutes of Alberta 2000.

2 Section 1(1) presently reads in part:

1(1) In this Act,

(b) “designated justice of the peace” means a justice of the peace designated by the Lieutenant Governor in Council for the purposes of this Act;

(f) “judge” means a justice of the Court of Queen’s Bench, a judge of the Provincial Court or a designated justice of the peace;

3 Section 2(1) to (4) presently read in part:

2(1) An order under this section may be granted by a judge of the Provincial Court or a designated justice of the peace, on application without notice to the respondent, if the judge or justice of the peace determines

by any means, including through a third party, unless the order expressly provides otherwise.

(c) in subsection (4) by striking out “designated”.

4 Section 3 is amended

(a) in subsection (1) by striking out “designated”;

(b) by repealing subsection (2);

(c) by repealing subsection (3) and substituting the following:

(3) At a hearing referred to in section 2(6), the justice of the Court of Queen’s Bench

(a) must consider all the evidence that was before the judge of the Provincial Court or justice of the peace who made the order under section 2, and

(b) may allow additional evidence to be presented.

5 Section 4 is amended by adding the following after subsection (2):

(3) A provision of an order referred to in subsection (2)(b) is to be interpreted as prohibiting contact by any means, including

(2) In determining whether an order should be granted, the judge of the Provincial Court or designated justice of the peace must consider, but is not limited to considering, the following:

(2.1) Without excluding any other circumstance, in determining whether an order under this section should be granted, by a judge of the Provincial Court or a designated justice of the peace, the following circumstances should not preclude the granting of an order:

(3) An order under this section may include any or all of the following:

(b) a provision restraining the respondent from communicating with or contacting the claimant and other specified persons;

(4) An order under this section may be subject to any terms and conditions that the judge of the Provincial Court or designated justice of the peace considers appropriate.

4 Section 3 presently reads in part:

3(1) If a judge of the Provincial Court or a designated justice of the peace grants an emergency protection order, the judge or justice of the peace must, immediately after granting the order, forward to the Court of Queen's Bench a copy of the order and all supporting documentation, including any notes.

(2) A hearing referred to in section 2(6) must be based on affidavit evidence and any other sworn evidence.

(3) The evidence that was before the judge of the Provincial Court or designated justice of the peace may also be considered as evidence at the hearing.

5 Section 4(3) clarifies section 4(2)(b), which currently reads:

(2) An order under this section may include any or all of the following:

through a third party, unless the order expressly provides otherwise.

6 The following is added after section 13:

Offences and penalties

13.1(1) A person who

- (a) contravenes or fails to comply with a provision of a protection order, other than a provision referred to in section 4(2)(d), or
- (b) obstructs or interferes with any person who is exercising a right or power or carrying out a duty or function under a provision of a protection order,

and who has actual notice of the provision under section 5, is guilty of an offence.

(2) A person who is guilty of an offence under subsection (1)(a) or (b) is liable

- (a) for a first offence, to a fine of not more than \$5000 or to imprisonment for a term of not more than 90 days, or both,
- (b) for a 2nd offence, to imprisonment for a term of not less than 14 days and not more than 18 months, and
- (c) for a 3rd or subsequent offence, to imprisonment for a term of not less than 30 days and not more than 24 months.

7 This Act comes into force on Proclamation.

(b) a provision restraining the respondent from contacting the claimant or associating in any way with the claimant and from subjecting the claimant to family violence;

6 Offences and penalties.

7 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
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