

2013 Bill 38

First Session, 28th Legislature, 62 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 38

STATUTES AMENDMENT ACT, 2013 (NO. 2)

THE MINISTER OF JUSTICE AND
SOLICITOR GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 38

2013

STATUTES AMENDMENT ACT, 2013 (NO. 2)

(Assented to _____, 2013)

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

Alberta Personal Property Bill of Rights

Amends RSA 2000 cA-31

**1(1) The *Alberta Personal Property Bill of Rights* is amended
by this section.**

(2) Section 3(c) is amended

(a) by adding the following after subclause (iii):

(iii.1) the *International Interests in Mobile Aircraft Equipment Act*;

(b) in subclause (iv) by striking out “or the *Personal Property Security Act*” and substituting “, the *Personal Property Security Act* or the *International Interests in Mobile Aircraft Equipment Act*”.

Explanatory Notes

Alberta Personal Property Bill of Rights

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

(2) Section 3(c) presently reads:

3 *Section 2 does not apply in respect of the following:*

- (c) *where the title to personal property is acquired under or pursuant to*
 - (i) *any proceedings taken under a provincial enactment respecting the payment of taxes, levies, royalties, fines or penalties;*
 - (ii) *the Civil Enforcement Act;*
 - (iii) *the Personal Property Security Act;*
 - (iv) *any regulation made under the Civil Enforcement Act or the Personal Property Security Act;*
 - (v) *any distress, receivership, trusteeship or similar proceedings;*

Civil Enforcement Act

Amends RSA 2000 cC-15

2(1) The *Civil Enforcement Act* is amended by this section.

(2) Section 92.1 is amended

(a) in subsection (1)

(i) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):

(a) “beneficiary” with respect to a registered education savings plan means a beneficiary as defined in section 146.1 of the federal Act;

(ii) by adding the following after clause (e):

(e.1) “refund of payments” means a refund of payments as defined in section 146.1 of the federal Act;

(iii) by adding the following after clause (f):

(f.1) “registered education savings plan” means a registered education savings plan as defined in section 146.1 of the federal Act;

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

(3.1) Property in a registered education savings plan, including any current obligation or future obligation under the plan, and any payments, or refunds of payments, out of a registered education savings plan to or for a beneficiary to assist the beneficiary to further the beneficiary’s education at a post-secondary school level are exempt from any enforcement process, but any other payments or refunds of payments out of a registered education savings plan are not exempt.

(c) by adding the following after subsection (4):

(4.1) For the purposes of subsection (3.1), the following transfers do not constitute payments or refunds of payments out of a registered education savings plan:

- (vi) *any liens;*
- (vii) *any agreement or arrangement between the owner of the personal property and the Crown;*

Civil Enforcement Act

2(1) Amends chapter C-15 of the Revised Statutes of Alberta 2000.

(2) Section 92.1 presently reads:

92.1(1) In this section,

- (a) *“current obligation or future obligation” means a current obligation or future obligation within the meaning of section 77;*
- (b) *“DPSP” means a deferred profit sharing plan as defined in section 147 of the federal Act;*
- (c) *“enforcement process” means writ proceedings, attachment orders under Part 3 and any other pre-judgment and post-judgment remedies under any other enactment or law that may result in a money judgment, but does not include a remedy of a secured creditor enforcing the secured creditor’s security;*
- (d) *“federal Act” means the Income Tax Act (Canada);*
- (e) *“plan holder” means*
 - (i) *with respect to an RRSP, an annuitant as defined in section 146 of the federal Act,*
 - (ii) *with respect to an RRIF, an annuitant as defined in section 146.3 of the federal Act,*
 - (iii) *with respect to a registered disability savings plan, a beneficiary within the meaning of section 146.4 of the federal Act, and*
 - (iv) *with respect to a DPSP, a beneficiary within the meaning of section 147 of the federal Act;*
- (f) *“registered disability savings plan” means a registered disability savings plan as defined in section 146.4 of the federal Act;*
- (g) *“registered plan” means a DPSP, an RRIF or an RRSP;*

- (a) a transfer of property held in one registered education savings plan to another registered education savings plan as described in subsection 146.1(6.1) of the federal Act;
- (b) a transfer of property held in a registered education savings plan to a registered disability savings plan pursuant to an election under subsection 146.1(1.1) of the federal Act;
- (c) a transfer of property held in a registered education savings plan to an RRSP in respect of which subsection 204.94(2) of the federal Act applies.

(d) by adding the following after subsection (5):

(5.1) A transfer of property held in a registered education savings plan referred to in subsection (4.1) does not constitute a fraudulent or preferential transfer under the *Fraudulent Preferences Act*.

(e) in subsection (6) by adding “or a registered education savings plan” after “registered plan”.

(f) by adding the following after subsection (7):

(8) This section does not apply to an enforcement process commenced in respect of a registered education savings plan before this subsection comes into force.

(3) This section comes into force on Proclamation.

Court of Appeal Act

Amends RSA 2000 cC-30

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

(2) Section 3(1)(b) is amended by striking out “12 other judges” and substituting “13 other judges”.

- (h) *“RRIF” means a registered retirement income fund as defined in section 146.3 of the federal Act;*
- (i) *“RRSP” means a registered retirement savings plan as defined in section 146 of the federal Act.*
- (2) *Property in a registered plan, including any current obligation or future obligation under the plan, is exempt from any enforcement process, but a payment out of a registered plan to a plan holder is not exempt.*
- (3) *Property in a registered disability savings plan, including any current obligation or future obligation under the plan and any payments out of a registered disability savings plan to a plan holder are exempt from any enforcement process.*
- (4) *For the purposes of subsection (2), a transfer of property held in one registered plan to another registered plan does not constitute a payment out of a registered plan.*
- (5) *A transfer of property held in one registered plan to another registered plan does not constitute a fraudulent or preferential transfer under the Fraudulent Preferences Act.*
- (6) *This section does not apply to a contract of life insurance under Part 5 of the Insurance Act that is a registered plan.*
- (7) *This section does not apply to an enforcement process commenced in respect of a registered plan or registered disability savings plan before this section comes into force.*

- (3) Coming into force.

Court of Appeal Act

3(1) Amends chapter C-30 of the Revised Statutes of Alberta 2000.

- (2) Section 3(1) presently reads:

3(1) The Court of Appeal consists of

- (a) *the chief judge, who shall be called the Chief Justice of Alberta,*
- (b) *12 other judges, who shall be called justices of appeal, and*

Court of Queen's Bench Act

Amends RSA 2000 cC-31

4(1) The *Court of Queen's Bench Act* is amended by this section.

(2) Section 3(1)(c) is amended by striking out "61 other judges" and substituting "65 other judges".

Dower Act

Amends RSA 2000 cD-15

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

(2) Section 5 is amended

(a) in subsection (1) by striking out "apart from the married person";

(b) by repealing subsection (2) and substituting the following:

(2) The acknowledgment shall be made

(a) apart from the married person in whose favour the consent is made, and

(b) before a solicitor, barrister, lawyer or attorney-at-law residing in Alberta, or residing in any other province,

(c) *the supernumerary judges of the Court.*

Court of Queen's Bench Act

4(1) Amends chapter C-31 of the Revised Statutes of Alberta 2000.

(2) Section 3(1) presently reads:

3(1) The Court consists of

- (a) the chief judge, who shall be called the Chief Justice of the Court of Queen's Bench of Alberta,*
- (b) the associate chief judge, who shall be called the Associate Chief Justice of the Court of Queen's Bench of Alberta,*
- (c) 61 other judges, who shall be called justices of the Court of Queen's Bench of Alberta, and*
- (d) the supernumerary judges of the Court.*

Dower Act

5(1) Amends chapter D-15 of the Revised Statutes of Alberta 2000.

(2) Section 5 presently reads:

5(1) When the spouse of a married person executes a consent to a disposition as required under this Act or executes a disposition containing the consent, the spouse shall acknowledge apart from the married person

- (a) that the spouse is aware of the nature of the disposition,*
- (b) that the spouse is aware that the Dower Act gives the spouse a life estate in the homestead and the right to prevent disposition of the homestead by withholding consent,*
- (c) that the spouse consents to the disposition for the purpose of giving up, to the extent necessary to give effect to the*

realm and territory, state or country, other than the solicitor or the partner or employee of the solicitor acting for the married person in whose favour the consent is made.

(2.1) A certificate of the acknowledgment shall be endorsed on or attached to the disposition executed by the spouse in the prescribed form.

(3) Section 21(1) is repealed and the following is substituted:

Execution of consent

21(1) When a disposition of the homestead of a deceased married person is made during the lifetime of the surviving spouse, the spouse shall

- (a) execute the consent in the prescribed form, and
- (b) acknowledge
 - (i) that the spouse is aware of the nature of the disposition,
 - (ii) that the spouse is aware that the *Dower Act* gives the spouse a life estate in the homestead and the right to prevent disposition of the homestead by withholding consent,
 - (iii) that the spouse consents to the disposition for the purpose of giving up, to the extent necessary to give effect to the disposition, the life estate and other dower rights given by the *Dower Act* in the homestead, and

disposition, the life estate and other dower rights given by the Dower Act in the homestead, and

(d) that the spouse is executing the document freely and voluntarily without any compulsion on the part of the married person.

(2) The acknowledgment may be made before a person authorized to take proof of the execution of instruments under the Land Titles Act, and a certificate of the acknowledgment in the prescribed form shall be endorsed on or attached to the disposition executed by the spouse.

(3) The Court on being satisfied of the due execution of a consent and the making of an acknowledgment, whether the consent was executed and the acknowledgment made within or outside Alberta, may authorize the registration of the disposition notwithstanding that the proof of the execution of the consent or of the making of the acknowledgment is defective.

(3) Section 21 presently reads:

21(1) When a disposition of the homestead of a deceased married person is made during the lifetime of the surviving spouse, the spouse shall execute the consent in the prescribed form.

(2) The Registrar of Land Titles before registering a disposition of land that is made by the executor or administrator of the estate of a deceased married person, and that

(a) does not purport to be consented to under this Act by the surviving spouse, and

(b) is not accompanied with an order of the Court dispensing with the consent of the surviving spouse,

shall require from the executor or administrator an affidavit in the prescribed form.

- (iv) that the spouse is executing the document freely and voluntarily without any compulsion on the part of the person disposing of the property.

(1.1) The acknowledgment shall be made by the spouse

- (a) apart from the person disposing of the property, and
- (b) before a solicitor, barrister, lawyer or attorney-at-law residing in Alberta, or residing in any other province, realm and territory, state or country, other than a solicitor or the partner or employee of a solicitor acting for the estate of the married person in whose favour the acknowledgment is made.

(1.2) A certificate of the acknowledgment shall be endorsed on or attached to the disposition executed by the spouse in the prescribed form.

(4) This section comes into force on Proclamation.

Family Law Act

Amends SA 2003 cF-4.5

6(1) The *Family Law Act* is amended by this section.

(2) Section 9 is amended by adding the following after subsection (9):

- (10)** A declaration of the court that a person is not a parent of a child does not affect
 - (a) any rights and duties that have been exercised and observed, or
 - (b) any interests in property that have been distributed before the declaration is made, unless the court orders otherwise.

- (4) Coming into force.

Family Law Act

- 6(1) Amends chapter F-4.5 of the Statutes of Alberta, 2003.

- (2) Section 9 presently reads:

9(1) If there is a dispute or any uncertainty as to whether a person is or is not a parent of a child under section 7(2)(a) or (b), the following persons may apply to the court for a declaration that the person is or is not the parent of a child:

- (a) a person claiming to be a parent of the child;*
- (b) a person claiming not to be a parent of the child;*
- (c) the child;*
- (d) a parent of the child, if the child is under the age of 18 years;*
- (e) a guardian of the child;*
- (f) a person who has the care and control of the child.*

(2) This section does not apply where a child is born to a surrogate who has consented to an application under section 8.2.

(3) If the court finds that a living person is or is not a parent of a child, the court may make a declaration to that effect.

(4) If the court finds that a deceased person is or is not a parent of a child conceived before that person's death, the court may make a declaration to that effect.

(5) In making a declaration under this section, the court shall give effect to any applicable presumption set out in section 8 and any applicable provision of section 8.1.

(6) The court has jurisdiction under this section if

(a) the child is born in Alberta, or

(b) an alleged parent resides in Alberta.

(7) An application or declaration may not be made under this section if

(a) the child has been adopted, or

(b) the declaration sought would result in the child having more than 2 parents.

(8) When making a declaration of parentage, the court may, in order to facilitate registration under the Vital Statistics Act, order one or more of the following:

(a) if the child is less than 12 years of age at the time the application is made, that the Registrar of Vital Statistics register or amend the name of the child in accordance with section 10 of the Vital Statistics Act;

(b) that the Registrar of Vital Statistics add the name of a parent to the child's birth registration document;

(c) that the Registrar of Vital Statistics amend the parentage shown on the child's birth registration document.

(9) In making an order under subsection (8), the court shall consider the child's views and preferences.

Fatal Accidents Act

Amends RSA 2000 cF-8

7(1) The *Fatal Accidents Act* is amended by this section.

(2) Section 8(2) is amended

- (a) in clauses (a) and (b) by striking out “\$75 000” and substituting “\$82 000”;**
- (b) in clause (c) by striking out “\$45 000” and substituting “\$49 000”.**

(3) The amounts of damages set out in section 8(2) of the *Fatal Accidents Act* as amended by subsection (2) apply only to actions in respect of persons who die on or after May 1, 2013.

Judicature Act

Amends RSA 2000 cJ-2

8(1) The *Judicature Act* is amended by this section.

Fatal Accidents Act

7(1) Amends chapter F-8 of the Revised Statutes of Alberta 2000.

(2) Section 8 presently reads:

8(1) In this section,

(a) “child” means a son or daughter;

(b) “parent” means a mother or father.

(2) If an action is brought under this Act, the court, without reference to any other damages that may be awarded and without evidence of damage, shall award damages for grief and loss of the guidance, care and companionship of the deceased person of

(a) subject to subsection (3), \$75 000 to the spouse or adult interdependent partner of the deceased person,

(b) \$75 000 to the parent or parents of the deceased person to be divided equally if the action is brought for the benefit of both parents, and

(c) \$45 000 to each child of the deceased person.

(3) The court shall not award damages under subsection (2)(a) to the spouse or adult interdependent partner if the spouse or adult interdependent partner was living separate and apart from the deceased person at the time of death.

(5) A cause of action conferred on a person by subsection (2) does not, on the death of that person, survive for the benefit of the person’s estate.

(3) Transitional.

Judicature Act

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

(2) Section 1 is amended by adding “except in Part 2.1,” after “In this Act,”.

(3) Section 23.1 is amended by adding the following after subsection (5):

(5.1) Subject to the *Alberta Rules of Court*, any party to a proceeding under subsection (1) or (4) before the Provincial Court, the Court of Queen’s Bench or a single justice of the Court of Appeal may appeal an order under subsection (1) or (4) to the Court of Appeal.

(2) Section 1 presently reads:

1 In this Act, "Court" means the Court of Queen's Bench or, on appeal, the Court of Appeal.

(3) Section 23.1 presently reads:

23.1(1) Where on application or on its own motion, with notice to the Minister of Justice and Solicitor General, a Court is satisfied that a person is instituting vexatious proceedings in the Court or is conducting a proceeding in a vexatious manner, the Court may order that

(a) the person shall not institute a further proceeding or institute proceedings on behalf of any other person, or

(b) a proceeding instituted by the person may not be continued,

without leave of the Court.

(2) An application under subsection (1) may be made by a party against whom vexatious proceedings are being instituted or conducted, a clerk of the Court or the Minister of Justice and Solicitor General or, with leave of the Court, any other person.

(3) The Minister of Justice and Solicitor General of Alberta has the right to appear and be heard in person or by counsel on an application or a Court's motion under subsection (1) or (4).

(4) The Court may at any time on application or on its own motion, with notice to the Minister of Justice and Solicitor General, make an order under subsection (1) applicable to any other individual or entity specified by the Court who in the opinion of the Court is associated with the person against whom an order under subsection (1) is made.

(5) An order under subsection (1) or (4) may not be made against a member of The Law Society of Alberta or a person authorized under section 48 of the Legal Profession Act when acting as legal counsel for another person.

(6) Subject to the right to appeal an order made under subsection (1) or (4), the Court of Appeal or the Court of Queen's Bench may make an order made under subsection (1) or (4) binding on any one or more of the other Courts referred to in section 23(1)(b), but an

Motor Vehicle Accident Claims Act

Amends RSA 2000 cM-22

9(1) The *Motor Vehicle Accident Claims Act* is amended by this section.

(2) Section 7 is amended by adding the following after subsection (7):

(8) Subject to the regulations, if after receiving a notice under subsection (2) and making any investigation the Administrator considers appropriate the Administrator is satisfied that the amount of a claim for damages of a person who has a cause of action under subsection (1) in respect of bodily injury to or the death of a person arising in the circumstances referred to in subsection (1) does not exceed \$25 000 inclusive of costs, the Administrator may enter into a settlement agreement to settle the claim without a judgment for an amount not exceeding \$25 000.

(9) When a person has entered into a settlement agreement with the Administrator under subsection (8), the person may apply to the Administrator in the prescribed form for payment under this section of the amount set out in the settlement agreement.

(10) When an application is made under subsection (9) and the requirements of this section have been satisfied, the Minister shall, subject to sections 10 to 14 and the regulations, authorize

order under subsection (1) or (4) made by the Provincial Court is binding only on that Court.

(7) A person against whom an order has been made under subsection (1) or (4) may apply to a Court for leave to institute or continue a proceeding in that Court and the Court may, subject to any terms or conditions it may impose, grant leave if it is satisfied that the proceeding is not an abuse of process and that there are reasonable grounds for the proceeding.

(8) With respect to an application under this section before the Court of Appeal, the matter may be heard by a single justice.

(9) Nothing in this section limits the authority of a Court to stay or dismiss a proceeding as an abuse of process or on any other ground.

Motor Vehicle Accident Claims Act

9(1) Amends chapter M-22 of the Revised Statutes of Alberta 2000.

(2) Section 7 presently reads:

7(1) If bodily injury to or the death of a person arises out of the use or operation within Alberta of a motor vehicle and

- (a) the names of the owner and operator of the motor vehicle are unknown and unascertainable, or*
- (b) the name of the operator is unknown and unascertainable and the owner may not be liable to an action for damages for injury or death,*

a person who has a cause of action against the unknown owner or operator in respect of that bodily injury or death may bring an action against the Administrator as nominal defendant, either alone or as a co-defendant with others alleged to be responsible for the injury or death.

(2) No action may be brought against the Administrator pursuant to subsection (1) unless

- (a) a notice in writing is served on the Administrator within 90 days after the cause of action arose or within any longer period that the court may allow, or*

payment out of the General Revenue Fund of the amount set out in the settlement agreement.

(3) Section 25(2) is amended by adding the following after clause (d):

- (d.1) respecting the settlement of claims under section 7 without a judgment;
- (d.2) respecting the authorization under section 7(10) of the payment out of the General Revenue Fund of the amount set out in a settlement agreement, including, without limitation, regulations providing for deductions from, or limiting, the amount that may be authorized to be paid or

(b) the Administrator waives the requirements of notice in writing.

(3) An action under subsection (1) against the Administrator may be commenced only within the time limited by the Limitations Act for bringing an action against the owner or operator of the vehicle.

(4) In an action against the Administrator as nominal defendant, the Administrator may deny generally the allegations in respect of the unidentified motor vehicle and unknown owner and operator of it and shall not be required to set out the facts on which the Administrator relies.

(5) In an action against the Administrator as nominal defendant, a judgment against the Administrator shall not be granted unless the court is satisfied that all reasonable efforts have been made by the parties to ascertain the identity of the unknown owner and operator and that the identity of the owner and operator cannot be ascertained.

(6) If before judgment is granted in an action against the Administrator as nominal defendant the identity of the unknown owner or operator is ascertained, then, notwithstanding the Limitations Act, that owner or operator shall be added as a defendant in the action in substitution for the Administrator, subject to any conditions the court prescribes.

(7) When judgment is obtained against the Administrator as nominal defendant and on the determination of all proceedings, including appeals, the Minister shall, subject to sections 10 to 16, authorize payment out of the General Revenue Fund to the judgment creditor of the amount of the judgment with respect to the bodily injury or death.

(3) Section 25(2) presently reads in part:

(2) The Lieutenant Governor in Council may make regulations for the purpose of carrying out this Act according to its intent and of supplying any deficiency in this Act, and without limiting the generality of the foregoing may make regulations

(a) prescribing the evidence that an applicant is required to give to the Administrator to establish the applicant's claim for payment under this Act and the amount of that payment;

prohibiting the authorization of payment in specified circumstances;

(4) Section 7(8) to (10) of the *Motor Vehicle Accident Claims Act* as enacted by subsection (2) apply only to causes of action in respect of bodily injury to or the death of a person that occurs after the coming into force of subsection (2).

(5) This section comes into force on Proclamation.

Police Act

Amends RSA 2000 cP-17

10(1) The *Police Act* is amended by this section.

(2) The following is added after section 60:

Commissioned officers

60.1(1) The Lieutenant Governor in Council shall, on the recommendation of the Minister, annually authorize the issue of a commission under the Great Seal of the Province to each police officer who, in the year in which the commission is issued, was first appointed to any one of the following ranks:

- (a) inspector;
- (b) superintendent;
- (c) deputy chief of police;
- (d) chief of police.

- (b) *prescribing the manner of obtaining and proving any information required to be given to the Administrator;*
 - (c) *prescribing when an applicant may be required to exercise other remedies before or instead of receiving payment under this Act, and what remedies the applicant may be required to exercise;*
 - (d) *authorizing the Minister or the Administrator, in the Minister's or Administrator's discretion or in specified circumstances, to waive compliance, in whole or in part, with any regulation made under clause (b) or (c);*
 - (e) *prescribing amounts for the purposes of section 10(3) and (4);*
- (4) Transitional provision.
- (5) Coming into force.

Police Act

- 10(1)** Amends chapter P-17 of the Revised Statutes of Alberta 2000.
- (2) Commissioned officers.

(2) In the case of a police officer who on the day this section comes into force holds a rank referred to in subsection (1), the Lieutenant Governor in Council, on the recommendation of the Minister, shall authorize the issue of a commission under the Great Seal of the Province to the police officer if,

- (a) in the case of a police officer other than a chief of police, the Minister receives written confirmation from the chief of police of the police service in which the police officer serves that the police officer holds that rank;
- (b) in the case of a chief of police, the Minister receives written confirmation from the commission of the police service in which the chief of police serves that the chief of police holds that rank.

(3) The Lieutenant Governor in Council may authorize the revocation of a commission issued under subsection (1) or (2) if the Lieutenant Governor in Council considers it appropriate to do so.

(3) **This section comes into force on Proclamation.**

Provincial Court Act

Amends RSA 2000 cP-31

11(1) The *Provincial Court Act* is amended by this section.

(2) The following is added after section 9.9:

Electronic documents

9.91(1) In this section,

- (a) “data” means representations of information or concepts, in any form;
- (b) “deal with” includes create, sign, use, collect, receive, provide, store, transfer, reproduce, distribute, publish, process, file, access and retain;
- (c) “document” means the representation of information, data or a record in any form and includes notes, images,

(3) Coming into force.

Provincial Court Act

11(1) Amends chapter P-31 of the Revised Statutes of Alberta 2000.

(2) Electronic documents.

audiovisual recordings, x-rays, books, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records;

- (d) “electronic” includes created, recorded, transmitted or stored in digital form or in any other intangible form by electronic, magnetic or optical means or by any other means that have similar capabilities for creation, recording, transmission or storage;
- (e) “electronic document” means the representation of information, data or a record that is created, recorded, transmitted or stored in digital form or in any other intangible form by electronic, magnetic or optical means or by any other means that have similar capabilities for creation, recording, transmission or storage, and includes any display, print-out or other output of the information, data or record;
- (f) “electronic signature” means electronic data that a person creates or adopts in order to sign an electronic document and that is in, attached to or associated with the electronic document;
- (g) “enactment” means
 - (i) an Act of the Legislature of Alberta and a regulation made under an Act of the Legislature of Alberta, and
 - (ii) an Act of the Parliament of Canada and a statutory instrument made under an Act of the Parliament of Canada.

(2) The Court may, with respect to any matter under its jurisdiction, deal with electronic documents or data in accordance with the regulations.

(3) A requirement under an enactment that a document be made in writing is satisfied by the making of the document in electronic form if the electronic document meets the requirements provided for by the regulations.

- (4) If an enactment requires that a document be signed, the Court may accept an electronic signature in an electronic document if the electronic signature meets the requirements provided for by the regulations.
- (5) The Court may accept an electronic document as an original document if the electronic document meets the requirements provided for by the regulations.
- (6) The Lieutenant Governor in Council may make regulations
- (a) respecting the creation, signing, use, collection, receipt, provision, storage, transfer, reproduction, distribution, publication, processing, filing or retention of, or access to, or other dealing with, electronic documents;
 - (b) respecting the conversion of electronic documents into non-electronic documents and the conversion of non-electronic documents into electronic documents and respecting dealing with the converted documents;
 - (c) respecting the signing of documents, including, without limitation, regulations
 - (i) respecting requirements pertaining to electronic signatures,
 - (ii) dispensing with any requirement that a document be signed, and
 - (iii) respecting alternatives to electronic signatures;
 - (d) providing that this section applies or does not apply in respect of certain documents or classes of documents, including electronic documents;
 - (e) respecting the making of informations, affidavits, solemn declarations, statements under oath or solemn affirmations in the form of electronic documents;
 - (f) respecting processes for ensuring or verifying the authenticity, integrity or security of an electronic document or the integrity or security of the system that provides the means for dealing with the electronic document;

- (g) defining for the purposes of this section any term or expression that is used in this section but not defined in this section;
- (h) respecting any matter the Lieutenant Governor in Council considers necessary or advisable to carry out the purposes of this section.

(3) This section comes into force on Proclamation.

Recording of Evidence Act

Amends RSA 2000 cR-7.5

12(1) The *Recording of Evidence Act* is amended by this section.

(2) Section 1(f) is amended

- (a) by adding “or” at the end of subclause (i) and repealing subclause (ii);
- (b) in subclause (iii) by striking out “court reporter” and substituting “transcriber”.

(3) Section 1.1 is repealed.

(4) Section 1.2 is repealed and the following is substituted:

Transcribers

1.2 The Minister may appoint persons as transcribers for the purposes of this Act.

- (3) Coming into force.

Recording of Evidence Act

12(1) Amends chapter R-7.5 of the Revised Statutes of Alberta 2000.

- (2) Section 1(f) presently reads:

1 In this Act,

(f) “reporter” means

- (i) an official court reporter as defined in the Alberta Rules of Court,*
- (ii) a person who is appointed by the Minister as an official court reporter pursuant to section 1.1, or*
- (iii) a person who is appointed by the Minister as a court reporter pursuant to section 1.2 or an agent or employee of that person;*

- (3) Section 1.1 presently reads:

1.1 The Minister may appoint persons as official court reporters for the purposes of this Act.

- (4) Section 1.2 presently reads:

1.2 The Minister may appoint persons as court reporters for the purposes of this Act.

(5) On the coming into force of this section, an appointment of a person as a court reporter under section 1.2 of the *Recording of Evidence Act* that was in effect immediately before the coming into force of this section continues as an appointment of the person as a transcriber until the term for which the person is appointed expires or the appointment is terminated or revoked.

(6) The *Provincial Court Act* is amended in section 37(1)(a) by **striking out** “appointed pursuant to the *Recording of Evidence Act*” and **substituting** “as defined in the *Alberta Rules of Court* (AR 124/2010)”.

(7) This section comes into force on Proclamation.

Special Areas Act

Amends RSA 2000 cS-16

13(1) The *Special Areas Act* is amended by this section.

(2) Section 29(3) is amended by **striking out** “3 members” and **substituting** “4 members”.

(5) Transitional.

(6) Amends chapter P-31 of the Revised Statutes of Alberta 2000.
Section 37(1)(a) presently reads:

37(1) A complete record of the evidence of a hearing shall be taken

*(a) by an official court reporter appointed pursuant to the
Recording of Evidence Act, or*

(7) Coming into force.

Special Areas Act

13(1) Amends chapter S-16 of the Revised Statutes of Alberta
2000.

(2) Section 29(3) presently reads:

*(3) The Board shall consist of not more than 3 members appointed
by the Lieutenant Governor in Council.*

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