

2014 Bill 12

Second Session, 28th Legislature, 63 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 12

STATUTES AMENDMENT ACT, 2014

THE MINISTER OF ENVIRONMENT AND
SUSTAINABLE RESOURCE DEVELOPMENT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 12

2014

STATUTES AMENDMENT ACT, 2014

(Assented to _____, 2014)

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

Charitable Fund-raising Act

Amends RSA 2000 cC-9

1(1) The *Charitable Fund-raising Act* is amended by this section.

(2) Section 8 is amended by striking out “audited financial statements or”.

(3) Section 9 is amended

(a) in subsection (1)(a) by striking out “audited financial statements or”;

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

(2) Despite subsection (1)(a), a charitable organization may establish a reasonable fee for providing a copy of its financial information return that is based on the cost of reproducing the return, and postage if the return is to be mailed, and the charitable organization may refuse to provide a copy of the return unless the fee is paid.

Explanatory Notes

Charitable Fund-raising Act

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

(2) Section 8 presently reads:

8 If solicitations are made by or on behalf of a charitable organization in a financial year, the charitable organization must prepare for that financial year audited financial statements or financial information returns as specified by the regulations that meet the requirements of the regulations.

(3) Section 9 presently reads in part:

9(1) If solicitations are made by or on behalf of a charitable organization, the charitable organization must provide the following information to any person who requests it:

(a) a copy of the most recent audited financial statements or financial information return that the charitable organization is required to prepare under section 8;

(2) Despite subsection (1)(a), a charitable organization may establish a reasonable fee for providing a copy of its audited financial statements or financial information return that is based on the cost of reproducing the documents, and postage if the documents

(4) Section 57(d) is repealed and the following is substituted:

- (d) respecting, for the purposes of section 8, the requirements to be met when preparing a financial information return;

(5) Despite subsection (2), section 8 of the *Charitable Fund-raising Act* as it reads immediately before the coming into force of subsection (2) applies in respect of financial years ending before the coming into force of subsection (2).

(6) Despite subsection (3), section 9 of the *Charitable Fund-raising Act* as it reads immediately before the coming into force of subsection (3) applies in respect of financial years ending before the coming into force of subsection (3).

(7) This section comes into force on Proclamation.

Freehold Mineral Rights Tax Act

Amends RSA 2000 cF-26

2(1) The *Freehold Mineral Rights Tax Act* is amended by this section.

(2) Section 3 is amended

- (a) in subsection (5)(b) by striking out “4 years” and substituting “5 years and 6 months”;**
- (b) by repealing subsection (5.1).**

are to be mailed, and the charitable organization may refuse to provide a copy of the documents unless the fee is paid.

(4) Section 57 presently reads in part:

57 The Minister may make regulations

(d) respecting, for the purposes of section 8, the situations in which a charitable organization is required to prepare either audited financial statements or a financial information return and the requirements to be met when preparing audited financial statements and a financial information return;

(5) Transitional.

(6) Transitional.

(7) Coming into force.

Freehold Mineral Rights Tax Act

2(1) Amends chapter F-26 of the Revised Statutes of Alberta 2000.

(2) Section 3 presently reads in part:

(5) A tax statement under subsection (3) or (4) may be sent to the owner

(a) at any time if any misrepresentation has been made that is attributable to neglect, carelessness or wilful default, or if fraud has been committed in supplying any information under this Act, or

(b) in any other case, not more than 4 years after the end of the taxation year in respect of which it is sent.

(3) Section 3.1(1)(b) is amended

- (a) by striking out “4-year”;**
- (b) by striking out “under section 3(5.1) or otherwise”.**

(4) Section 4 is amended

- (a) by repealing subsection (1) and substituting the following:**

Notice of objection to tax

4(1) An owner or a prescribed person may, in accordance with the regulations, object to the amount of tax calculated by the Minister as payable for a taxation year in respect of a taxable mineral right by serving on the Minister a notice of objection.

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

(2) The Minister shall review an objection received under subsection (1) in accordance with the regulations.

(2.1) After a review of an objection under subsection (2) the Minister may make any calculation, recalculation or additional calculation of the amount of tax, and any interest or penalties, and shall

- (a)** confirm or vary the amount, or
- (b)** order that no amount is payable,

and give notice of the Minister’s decision to the owner or prescribed person.

(5.1) Where a recalculation or correction referred to in subsection (3) or (4) is made as a result of an audit or examination under section 7(5) and the audit or examination is commenced in the 4th year as calculated under subsection (5)(b), the 4-year period referred to in subsection (5)(b) is extended by one year.

(3) Section 3.1(1)(b) presently reads:

3.1(1) In this section,

(b) “recalculation period” means, in relation to any tax under this Act in respect of a taxable mineral right, the 4-year period under section 3(5)(b) to recalculate that tax, including any extension of that period under section 3(5.1) or otherwise permitted by this Act;

(4) Section 4 presently reads:

4(1) If the tax and any interest or penalties for a taxation year in respect of a taxable mineral right have been paid, the owner or a prescribed person may object to the amount of the tax calculated by the Minister as payable for that taxation year by serving on the Minister, not later than the prescribed date, a notice of objection, in the form established by the Minister, setting out the reasons for the objection and the relevant facts.

(2) On receipt of a notice of objection under subsection (1) the Minister shall recalculate the amount of tax and any interest or penalties and shall

(a) confirm or vary the amount, or

(b) order that no amount is payable,

and give notice of the Minister’s decision to the owner or prescribed person.

(3) Notwithstanding subsection (2), if the owner or prescribed person indicates in the notice of objection that the owner or prescribed person wishes to appeal immediately to the Court and waives recalculation by the Minister, the Minister may on receipt of the notice of objection consent to an immediate appeal by serving a notice of consent on the owner or prescribed person.

- (c) in subsection (3) by striking out “recalculation” and substituting “a review”;**
- (d) in subsection (4)**
 - (i) in clause (a) by striking out “subsection (2)(a)” and substituting “subsection (2.1)(a)”;**
 - (ii) in clause (c) by striking out “acted” and substituting “commenced a review”;**
- (e) in subsection (5)(a) by striking out “subsection (2)” and substituting “subsection (2.1)”.**

(5) Section 7(3) and (4) are repealed and the following is substituted:

- (3) The records must be kept until the expiration of the period referred to in the regulations.**

(6) Section 8.1 is repealed and the following is substituted:

(4) Subject to subsection (5), the owner or prescribed person who has served a notice of objection under subsection (1) may appeal to the Court in accordance with section 5 the amount of the tax calculated by the Minister as payable for the taxation year if

- (a) the Minister has confirmed or varied the amount under subsection (2)(a),*
- (b) the Minister has consented to an immediate appeal under subsection (3), or*
- (c) more than 90 days has elapsed from the date that the notice of objection was served on the Minister and the Minister has not acted under subsection (2).*

(5) No owner or prescribed person may institute an appeal referred to in subsection (4) after 90 days has elapsed from the date that

- (a) a notice of the Minister's decision under subsection (2), or*
- (b) a notice of the Minister's consent under subsection (3),*

was served on the owner or prescribed person.

(5) Section 7(3) and (4) presently read:

(3) The records shall be kept until the expiration of the 6-year period following the end of the taxation year to which the information contained in the records relates unless

- (a) in the case of any particular records, the Minister consents in writing to their destruction before the end of the 6-year period, or*
- (b) the regulations authorize their destruction before the end of the 6-year period.*

(4) Notwithstanding subsection (3), if the Minister is of the opinion that it is necessary for the administration of this Act, the Minister may, by a direction in writing given to any person required to keep records, require that person to retain those records for any longer period specified in the direction.

(6) Section 8.1 presently reads:

Failure to comply with Minister's direction

8.1(1) If a person fails to comply with a direction of the Minister under section 8(1), the Minister may, by sending the person a notice of the assessment, assess a penalty against the person, in an amount not to exceed the amount established in the regulations, for each day of default.

(2) A person who objects to being assessed a penalty under subsection (1) may, in accordance with the regulations, serve on the Minister a notice of objection.

(3) The Minister shall review an objection received under subsection (2) in accordance with the regulations.

(4) After a review of an objection under subsection (3) the Minister shall

- (a) confirm or vary the amount of the penalty, or
- (b) order that no penalty is payable,

and give notice of the Minister's decision to the person who served the notice of objection.

(5) Notwithstanding subsection (4), if a person indicates in the notice of objection served on the Minister under subsection (2) that the person wishes to appeal immediately to the Court and waives a review by the Minister, the Minister may consent to an immediate appeal by serving a notice of consent on the person.

(6) Subject to subsection (7), a person who has served a notice of objection under subsection (2) may appeal to the Court in accordance with section 5 to have the assessment of the penalty vacated or varied if

- (a) the Minister has confirmed or varied the amount of the penalty under subsection (4)(a),
- (b) the Minister has consented to an immediate appeal under subsection (5), or
- (c) more than 90 days has elapsed from the date that the notice of objection was served on the Minister and the Minister has not commenced a review under subsection (3).

8.1(1) If a person fails to comply with a direction of the Minister under section 8(1), the Minister may, by sending the person a notice of the assessment, assess a penalty against the person, in an amount not to exceed the amount established in the regulations, for each day of default.

(2) Subject to subsection (3), a person who objects to being assessed a penalty under subsection (1) may, within 90 days after the notice under subsection (1) is sent, serve on the Minister a notice of objection, in the form established by the Minister, setting out the reasons for the objection and the relevant facts.

(3) A notice of objection may not be served under subsection (2) unless the penalty assessed under subsection (1) has been paid.

(4) On receipt of a notice of objection, the Minister shall reconsider the assessment of the penalty and

(a) confirm or vary the amount of the penalty, or

(b) order that no penalty is payable,

and shall give notice of the Minister's decision to the person who served the notice of objection.

(5) Notwithstanding subsection (4), if a person indicates in the notice of objection served on the Minister under subsection (2) that the person wishes to appeal immediately to the Court and waives reconsideration by the Minister, the Minister may consent to an immediate appeal by serving a notice of consent on the person.

(6) Subject to subsection (7), a person who has served a notice of objection under subsection (2) may appeal to the Court in accordance with section 5 to have the assessment of the penalty vacated or varied if

(a) the Minister has confirmed or varied the amount of the penalty under subsection (4)(a),

(b) the Minister has consented to an immediate appeal under subsection (5), or

(c) more than 90 days has elapsed from the date that the notice of objection was served on the Minister and the Minister has not acted under subsection (4).

(7) No owner or prescribed person may institute an appeal referred to in subsection (6) after 90 days has elapsed from the date that

(a) a notice of the Minister's decision under subsection (4),
or

(b) a notice of the Minister's consent under subsection (5),
was served on the owner or prescribed person.

(7) Section 11(1) is amended by striking out “7(4) or”.

(8) Section 23(1) is amended by adding the following after clause (f):

(f.1) respecting the making, reviewing and resolving of objections under sections 4 and 8.1;

(9) Subsections (2) to (6) apply with respect to the 2015 taxation year and subsequent taxation years.

(10) This section comes into force on Proclamation.

Government Organization Act

Amends RSA 2000 cG-10

3(1) The *Government Organization Act* is amended by this section.

(2) Section 9(1) is repealed and the following is substituted:

Delegation of powers and duties

9(1) A Minister may in writing delegate to any person any power, duty or function conferred or imposed on the Minister by this Act or any other enactment.

(3) Schedule 6 is amended

(a) by repealing section 4(1) to (3) and substituting the following:

(7) No owner or prescribed person may institute an appeal referred to in subsection (6) after 90 days has elapsed from the date that

(a) a notice of the Minister's decision under subsection (4), or

(b) a notice of the Minister's consent under subsection (5),

was served on the owner or prescribed person.

(7) Section 11(1) presently reads:

11(1) A person who contravenes section 7 or 10 or a direction by the Minister under section 7(4) or 8 is guilty of an offence and liable to a fine of not more than \$100 000.

(8) Additional regulation-making power.

(9) Application of subsections (2) to (8).

(10) Coming into force.

Government Organization Act

3(1) Amends chapter G-10 of the Revised Statutes of Alberta 2000.

(2) Section 9(1) presently reads:

9(1) A Minister may in writing delegate any power, duty or function conferred or imposed on the Minister by this Act or any other Act or regulation to any person.

(3) Schedule 6, sections 4 and 4.4 presently read in part:

Enforcement of awards

4(1) In this section, “award” means award as defined in the regulations.

(2) A certified copy of an award, or of the document that contains an award, under a domestic trade agreement may be filed with the clerk of the Court of Queen’s Bench and on being filed the award has the same force and effect and is enforceable as if it were an order or judgment of the Court of Queen’s Bench, but only if and to the extent that that filing or enforcement is not restricted by the domestic trade agreement.

(b) in section 4.4 by adding the following after clause (c):

(c.1) defining “award” for the purposes of section 4(1) either generally or with respect to particular domestic trade agreements;

(4) Schedule 9 is amended

(a) by repealing section 1(2) and substituting the following:

(2) Except as otherwise provided in this section, the deputy appointed for the Minister under section 4 of this Act is the Deputy Attorney General.

(3) If the Lieutenant Governor in Council considers it advisable, the Lieutenant Governor in Council may, in accordance with the *Public Service Act*, appoint a person other than the deputy of the Minister as Deputy Attorney General.

(4) The Deputy Attorney General referred to in subsection (2) or appointed under subsection (3)

4(1) In this section, “award” means an award or order for costs or a monetary award or monetary penalty that

(a) is made under a provision of a domestic trade agreement, and

(b) is not subject to review or appeal, as determined in accordance with the provisions of the agreement.

(2) If an award is made against the Government of Alberta under a domestic trade agreement and the agreement contains provisions providing for the award to be enforceable against the Government of Alberta as if it were an order of the Court of Queen’s Bench, the person or party to the agreement entitled to the award may at any time file a certified copy of the award or the document containing the award with the clerk of the Court of Queen’s Bench.

(3) On an award or a document containing an award being filed with the clerk of the Court of Queen’s Bench under subsection (2), the award has the same force and effect as if it were a judgment of the Court of Queen’s Bench.

4.4 The Minister may make regulations

(c) designating agreements as domestic trade agreements for the purposes of section 2(c);

(4) Schedule 9 presently reads in part:

1(2) The Deputy of the Minister is the Deputy Attorney General.

2 The Minister

(e) shall exercise the powers and is charged with the duties attached to the office of the Attorney General of England by law or usage insofar as those powers and duties are applicable to Alberta;

- (a) is the deputy of the Minister in the Minister's capacity as Attorney General in and for the Province of Alberta, and
- (b) is a lawful deputy of the Attorney General in and for the Province of Alberta under the *Criminal Code* (Canada) or any other Act or any regulation of Canada.

(b) by repealing section 2(e) and substituting the following:

- (e) shall exercise the powers and is charged with the duties attached to the offices of the Attorney General and Solicitor General of England by law or usage insofar as those powers and duties are applicable in the Province of Alberta;

(5) Schedule 15 is repealed.

(6) The *Queen's Counsel Act* is amended by repealing section 4(b) and substituting the following:

- (b) a deputy appointed for the Minister of Justice and Solicitor General under section 4 of the *Government Organization Act*;
- (b.1) a Deputy Attorney General appointed under section 1(3) of Schedule 9 of the *Government Organization Act*;

(7) Subsection (3) comes into force on Proclamation.

(5) Schedule 15 presently reads:

Schedule 15

Solicitor General

1 The Solicitor General

- (a) shall exercise the powers and is charged with the duties attached to the office of the Solicitor General of England by law or usage insofar as those powers and duties are applicable to Alberta, and*
- (b) is charged generally with any duties that may be at any time assigned to the Solicitor General by law or by the Lieutenant Governor in Council.*

(6) Amends chapter Q-1 of the Revised Statutes of Alberta 2000. Section 4 presently reads:

4 Notwithstanding section 2, the following may be appointed pursuant to section 1:

- (a) a Member of the Legislative Assembly or of the Parliament of Canada;*
- (b) the Deputy Minister of Justice;*
- (c) a Bencher of The Law Society of Alberta.*

(7) Coming into force.

Health Information Act

Amends RSA 2000 cH-5

4(1) The *Health Information Act* is amended by this section.

(2) The following is added after section 60:

Duty to notify

60.1(1) Subject to the regulations, an affiliate of a custodian must as soon as practicable notify the custodian in accordance with the regulations of any loss of individually identifying health information or any unauthorized access to or disclosure of individually identifying health information in the custody or control of the custodian.

(2) Subject to the regulations, subsections (4) and (5) and section 85.1, a custodian must as soon as practicable give notice in accordance with the regulations and subsection (3) of any loss of individually identifying health information or any unauthorized access to or disclosure of individually identifying health information in the custody or control of the custodian if there is a risk of harm to an individual as a result of the loss or unauthorized access or disclosure.

(3) The notice required by subsection (2) must be given to

- (a) the Commissioner,
- (b) the Minister, and
- (c) the individual who is the subject of the individually identifying health information.

(4) A custodian must consider all relevant factors, including the factors prescribed by the regulations, in assessing for the purposes of subsection (2) whether there is a risk of harm to an individual.

(5) If a custodian considers that giving notice under subsection (2) to an individual who is the subject of individually identifying health information could reasonably be expected to result in a risk of harm to the individual's mental or physical health, the custodian may decide not to give notice to the individual, in which case the custodian must immediately give notice to the Commissioner of the decision not to give notice to

Health Information Act

- 4(1)** Amends chapter H-5 of the Revised Statutes of Alberta 2000.
- (2) Duty to notify.

the individual, and the reasons for the decision, in accordance with the regulations.

(3) Section 82 is amended

- (a) in subsection (1) by adding** “other than an order made under section 85.1,” **after** “the Commissioner,”;
- (b) in subsection (2) by adding** “, other than an order made under section 85.1,” **after** “Commissioner’s order”;
- (c) in subsection (3) by adding** “, other than an order made under section 85.1,” **after** “Commissioner’s order”.

(4) The following is added after section 85:

Power to order notification under section 60.1

85.1(1) On receiving a notice under section 60.1(5), the Commissioner may require the custodian to provide any additional information the Commissioner considers necessary to determine whether to make an order under subsection (2)(b).

(2) On considering the notice under section 60.1(5), the reasons the custodian provided for the decision not to notify the individual and any information provided under subsection (1), the Commissioner may

- (a) confirm the decision of the custodian, or
- (b) by order require the custodian to provide a notice that contains the information specified in the order, in the form, manner and within the time specified in the order.

(3) The Commissioner may

(3) Section 82 presently reads:

82(1) Subject to subsection (2), not later than 50 days after being given a copy of an order of the Commissioner, the custodian concerned must comply with the order.

(2) A custodian must not take any steps to comply with a Commissioner's order until the period for bringing an application for judicial review under subsection (3) ends.

(3) An application for judicial review of a Commissioner's order must be made not later than 45 days after the person making the application is given a copy of the order.

(4) If an application for judicial review is made pursuant to subsection (3), the Commissioner's order is stayed until the application is dealt with by the Court of Queen's Bench.

(5) Despite subsection (3), the Court may, on application made either before or after the expiry of the period referred to in subsection (3), extend that period if it considers it appropriate to do so.

(4) Power to order notification under section 60.1.

(a) specify any terms or conditions in an order made under subsection (2)(b), and

(b) amend an order made under subsection (2)(b).

(4) The custodian must comply with a requirement to provide information under subsection (1), and if the custodian does not comply, the Commissioner may apply to the Court of Queen's Bench for an order to compel the custodian to provide the information.

(5) On the application of the Commissioner under subsection (4), the Court of Queen's Bench may make an order requiring the custodian to provide information to the Commissioner in accordance with a requirement under subsection (1).

(6) The Commissioner must give a copy of an order made under subsection (2)(b)

(a) to the custodian, and

(b) to the Minister.

(7) After being given a copy of an order under subsection (2)(b) the custodian must comply with the order.

(8) An order under subsection (2)(b) may only be stayed by an order of the Court of Queen's Bench.

(9) A copy of an order made by the Commissioner under subsection (2)(b) may be filed with a clerk of the Court of Queen's Bench and, after filing, the order is enforceable as a judgment or order of that Court.

(5) Section 89(1) is amended

(a) **by adding** "to the Commissioner under section 85.1 or" **after** "by a person";

(b) **by striking out** "or" **at the end of clause (b), by adding** "or" **at the end of clause (c) and by adding the following after clause (c):**

(d) in an application for a stay of an order made under section 85.1(2)(b).

(5) Section 89(1) presently reads:

89(1) A statement made or an answer given by a person during an investigation or inquiry by the Commissioner is inadmissible in evidence in court or in any other proceeding, except

- (a) in a prosecution for perjury in respect of sworn testimony,*
- (b) in a prosecution for an offence under this Act, or*
- (c) in an application for judicial review or an appeal from a decision with respect to that application.*

(6) Section 90 is amended

- (a) by adding** “to the Commissioner under section 85.1 or”
after “by a person”;
- (b) by striking out** “investigation or inquiry were” **and**
substituting “matter, investigation or inquiry were”.

(7) Section 91 is amended by adding the following after subsection (3):

(3.1) The Commissioner may disclose any information to the Minister if in the opinion of the Commissioner the disclosure is necessary to enable the Minister to exercise the powers or carry out the duties or functions of the Minister in respect of any matter under the Minister’s administration.

(3.2) The Commissioner may disclose any information to any person where the Commissioner reasonably believes the disclosure of the information to that person

- (a) is necessary to protect the privacy, health or safety of an individual, or
- (b) is in the public interest.

(6) Section 90 presently reads:

90 Anything said, any information supplied or any record produced by a person during an investigation or inquiry by the Commissioner is privileged in the same manner as if the investigation or inquiry were a proceeding in a court.

(7) Section 91 presently reads:

91(1) The Commissioner and anyone acting for or under the direction of the Commissioner must not disclose any information obtained in performing their duties, powers and functions under this Act, except as provided in subsections (2) to (5) and section 50.1.

(2) The Commissioner may disclose, or may authorize anyone acting for or under the direction of the Commissioner to disclose, information that is necessary

(a) to conduct an investigation or inquiry under this Act, or

(b) to establish the grounds for findings and recommendations contained in a report under this Act.

(3) In conducting an investigation or inquiry under this Act and in a report under this Act, the Commissioner and anyone acting for or under the direction of the Commissioner must take every reasonable precaution to avoid disclosing and must not disclose

(a) any health information a custodian would be required or authorized to refuse to disclose if it were contained in a record requested under section 8(1), or

(b) whether health information exists, if a custodian in refusing to grant access does not indicate whether the information exists.

(4) The Commissioner may disclose to the Minister of Justice and Solicitor General information relating to the commission of an offence under an enactment of Alberta or Canada if the Commissioner considers there is evidence of an offence.

(5) The Commissioner may disclose, or may authorize anyone acting for or under the direction of the Commissioner to disclose, information in the course of a prosecution, application or appeal referred to in section 89(1).

(8) Section 107 is amended

(a) by adding the following after subsection (1):

(1.1) No custodian shall

- (a) fail to take reasonable steps in accordance with the regulations to maintain administrative, technical and physical safeguards that will protect against any reasonably anticipated threat or hazard to the security or integrity of health information or of loss of health information,
- (b) fail to comply with section 60.1(2), (3), (4) or (5), or
- (c) fail to comply with an order made by the Commissioner under section 85.1(2)(b).

(1.2) No affiliate of a custodian shall fail to comply with section 60.1(1).

(b) in subsections (6) and (7) by striking out “subsection (5.1)” and substituting “subsection (1.1), (1.2) or (5.1)”;

(c) in subsection (8) by adding “, except a prosecution referred to in subsection (9),” after “A prosecution under this Act”;

(d) by adding the following after subsection (8):

(9) A prosecution for an offence under subsection (1.1)(b) or (c) or (1.2) may be commenced within 2 years after the day on which evidence of the alleged offence first came to the attention of the Commissioner, but not afterwards.

(9) Section 108(1) is amended by adding the following after clause (p):

- (p.1) respecting the duty to give notice and the giving of notice under section 60.1, including, without limitation, regulations
 - (i) respecting which custodian is obligated to give notice with respect to individually identifying health

(8) Section 107 presently reads in part:

107(1) No custodian or affiliate of a custodian shall knowingly

- (a) alter, falsify or conceal any record, or direct another person to do so, with the intent to evade a request for access to the record, or*
- (b) destroy any record that is subject to this Act, or direct another person to do so, with the intent to evade a request for access to the record.*

(5.1) No person shall knowingly disclose health information to which this Act applies pursuant to a subpoena, warrant or order issued or made by a court, person or body having no jurisdiction in Alberta to compel the production of information or pursuant to a rule of court that is not binding in Alberta.

(6) A person who contravenes this section, except subsection (5.1), is guilty of an offence and liable to a fine of not more than \$50 000.

(7) A person who contravenes subsection (5.1) is guilty of an offence and liable

- (a) in the case of an individual, to a fine of not less than \$2000 and not more than \$10 000, and*
- (b) in the case of any other person, to a fine of not less than \$200 000 and not more than \$500 000.*

(8) A prosecution under this Act may be commenced within 2 years after the commission of the alleged offence, but not afterwards.

(9) Section 108(1) presently reads in part:

108(1) The Lieutenant Governor in Council may make regulations

- (p) respecting the administrative, technical and physical safeguards that a custodian must maintain in respect of health information pursuant to section 60;*

information that is or was in the custody or control of more than one custodian,

- (ii) prescribing the factors that must be considered for the purposes of section 60.1(4),
- (iii) respecting the form and contents of notices under section 60.1(1), (2) and (5);

(10) This section comes into force on Proclamation.

Interpretation Act

Amends RSA 2000 ci-8

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

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

Powers in name of office

21(1) Words in an enactment directing or empowering a Minister of the Crown to do something, or otherwise applying to the Minister by the Minister's name of office, include

- (a) a Minister acting for another Minister or a Minister designated to act in the office, and
- (b) the deputy of the Minister or a person appointed as acting deputy.

(1.1) Subsection (1) applies to an enactment that authorizes a Minister to delegate, subject to any restriction imposed by an enactment or by order of the Minister.

(1.2) Nothing in this section authorizes a deputy or acting deputy to exercise any authority conferred on a Minister to enact a regulation as defined in the *Regulations Act*.

Mines and Minerals Act

Amends RSA 2000 cM-17

6(1) The *Mines and Minerals Act* is amended by this section.

(2) Section 5(1) is amended

(10) Coming into force.

Interpretation Act

5(1) Amends chapter I-8 of the Revised Statutes of Alberta 2000.

(2) Section 21(1) presently reads:

21(1) Words in an enactment directing or empowering a Minister of the Crown to do something, or otherwise applying to the Minister by the Minister's name of office, include

(a) a Minister acting for another Minister or a Minister designated to act in the office, and

(b) the deputy of the Minister or a person appointed as acting deputy,

but nothing in this subsection authorizes a deputy or acting deputy to exercise any authority conferred on a Minister to enact a regulation as defined in the Regulations Act.

Mines and Minerals Act

6(1) Amends chapter M-17 of the Revised Statutes of Alberta 2000.

(2) Additional regulation-making powers.

(a) in clause (a)(iv) by adding “, and use of,” after “exploration for”;

(b) in clause (w) by adding the following after subclause (i):

(i.1) pertaining to objections under section 39,

(3) Section 36 is amended by adding the following after subsection (5.1):

(5.2) The Lieutenant Governor in Council may make regulations

(a) prescribing an amount, item or matter for the purpose of section 38(1)(b);

(b) respecting the examination of a record under section 38;

(c) respecting, for the purpose of section 38(3), the amending of a record and the submission of additional documents or information;

(d) respecting the determination of the calendar years for the purpose of section 38;

(e) respecting the period for making an amendment, conducting an examination and making a calculation of costs, charges, expenses, interest and penalties for the purpose of section 38(10);

(f) respecting persons who are authorized to make an objection under section 39;

(g) respecting the making, reviewing and resolving of an objection under section 39;

(h) respecting the application of amendments made by section 6(4), (5) and (6) of the *Statutes Amendment Act, 2014*.

(4) Sections 38 and 39 are repealed and the following is substituted:

Examinations, amendments and calculations

38(1) In this section and section 39,

(3) Regulation-making powers re sections 38 and 39.

(4) Sections 38 and 39 presently read:

38(1) In this section,

- (a) “calculation” includes a recalculation or additional calculation, as applicable;
- (b) “prescribed matter” means an amount, item or matter prescribed by the regulations;
- (c) “record” means a record, submission, filing or other reporting, whether in written or electronic form;
- (d) “reporting person” means a person responsible under the regulations for providing a record in relation to a prescribed matter.

(2) The Minister may, in accordance with this section and the regulations, examine any record submitted by a reporting person or any other person authorized by the reporting person in respect of a calculation of a prescribed matter.

(3) In accordance with this section and the regulations, the reporting person, or any other person authorized by the reporting person,

- (a) may amend any submitted record referred to in subsection (2), and
- (b) shall submit any additional documents or information required by and satisfactory to the Minister in support of any amendment made under clause (a).

(4) An amendment made under subsection (3) must be made no later than 3 years after the end of the calendar year determined under the regulations.

(5) The Minister may, in examining a record, conduct an audit of the submitted records or conduct any other form of examination determined by the Minister.

(6) An examination referred to in subsection (5) must be completed no later than 5 years after the end of the calendar year determined under the regulations.

(7) If, after the completion of an examination under subsection (5), the Minister determines that a calculation in respect of a prescribed matter is required, the Minister shall provide a notice

- (a) *“offset compensation” means amounts that a lessee elects to pay to the Crown in relation to an obligation referred to in section 83(1)(e);*
 - (b) *“royalty proceeds” means amounts owing*
 - (i) *on account of a money royalty,*
 - (ii) *in respect of the Crown’s royalty share of a mineral when disposed of by an agent, or*
 - (iii) *on account of royalty compensation.*
- (2) *Where the Minister considers it appropriate to do so, the Minister may, in accordance with this section, calculate, recalculate or make additional calculations of any of the following:*
- (a) *the Crown’s royalty share of a mineral;*
 - (b) *any royalty proceeds;*
 - (c) *any credit or other deduction permitted by the regulations from the Crown’s royalty share of a mineral or from royalty proceeds;*
 - (d) *any reduction or exemption from payment permitted by the regulations of the Crown’s royalty share of a mineral or of royalty proceeds;*
 - (e) *any offset compensation;*
 - (e.1) *any consideration or charges instead of consideration referred to in section 36(2)(c.1), (c.2) or (c.3) that are made subject to this section by the regulations;*
 - (e.3) *any fees payable into the Post-closure Stewardship Fund under Part 9;*
 - (f) *any interest or penalty arising or imposed under the regulations.*
- (3) *A calculation, recalculation or additional calculation of any amount referred to in subsection (2) may be made by the Minister*
- (a) *on the Minister’s own initiative, or*

of the Minister's determination to the reporting person whose record is the subject of the examination.

(8) A calculation referred to in subsection (7), including any related interest and penalties, must be made no later than 5 years and 6 months after the end of the calendar year determined under the regulations.

(9) Notwithstanding subsections (3) to (8), the Minister may at any time conduct an examination under this section and make a calculation under subsection (7) if a reporting person or any other person authorized by the reporting person has made any misrepresentation that is attributable to neglect, carelessness or wilful default or has committed a fraud in providing any record or other information under this Act or the regulations.

(10) Notwithstanding anything in this section, the period for making an amendment, conducting an examination and making a calculation of costs, charges, expenses, interest and penalties relating to reclamation in respect of a mine or mining operations is to be determined under the regulations.

Objections

39(1) In this section, "authorized person" means a person who

- (a) is provided a notice under section 38(7), or
- (b) is authorized by the regulations to make an objection.

(2) An authorized person may, in accordance with the regulations, object

- (a) to a determination made by the Minister referred to in a notice provided under section 38(7), and
- (b) to a calculation referred to in section 38(7), but only as to the mathematical correctness of the calculation.

(3) On receipt of an objection under subsection (2), the Minister shall, in accordance with the regulations, review the objection.

(4) After a review of an objection, the Minister may make any calculation in respect of any prescribed matter referred to in the

(b) on receipt of a request in writing that is made by the lessee, the lessee's agent or any other person authorized by the regulations to make the request in accordance with any terms and conditions specified by the Minister.

(4) A calculation, recalculation or additional calculation of any amount referred to in subsection (2) may be made,

(a) subject to subsection (6), within 4 years after the end of the calendar year in which

(i) the mineral that is the subject of the calculation, recalculation or additional calculation was recovered in a case to which subsection (2)(a) applies,

(ii) the amount referred to in subsection (2)(b), (e), (e.1), (e.3) or (f), as the case may be, became owing, or

(iii) the amount of any credit, deduction, reduction or exemption referred to in subsection (2)(c) or (d) was first determined by the Minister,

or

(b) notwithstanding clause (a), at any time if the calculation, recalculation or additional calculation is made necessary by reason of

(i) fraud, or

(ii) misrepresentation attributable to neglect, carelessness or wilful default

in the filing or submission of any report or other information under this Act.

(5) Subject to subsection (6), where the calculation, recalculation or additional calculation of any amount referred to in subsection (2) is made

(a) pursuant to a written request in accordance with subsection (3)(b), or

objection, including any related interest and penalties, and shall provide a notice of the calculation to the authorized person.

(5) The Minister, in reviewing an objection under subsection (3) or making a calculation under subsection (4), may only consider

- (a) in respect of an objection referred to in subsection (2)(a), information previously provided in respect of
 - (i) an amendment made under section 38(3) completed for the same period to which the objection relates,
 - (ii) an examination under section 38 completed for the same period to which the objection relates, or
 - (iii) a record completed in accordance with the regulations for the same period to which the objection relates,

and

- (b) in respect of an objection referred to in subsection (2)(b) or a calculation made under subsection (4), information in respect of the mathematical correctness of a calculation, and of any interest or penalty levied with respect to the calculation.

(5) Section 39.1 is amended

(a) in subsection (1)(a)

- (i) **by striking out** “an amount” **and substituting** “a prescribed matter”;
- (ii) **by striking out** “that amount” **and substituting** “that prescribed matter”;

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

- (a) in respect of a prescribed matter referred to in section 38(2) or in respect of an overpayment of a prescribed matter;

(b) as a result of an audit or examination under section 47(5),

and the written request is received or the audit or examination is commenced in the 4th year as calculated under subsection (4)(a), that 4-year period is extended by one year.

(6) The period for recalculation and auditing of costs, charges and expenses relating to reclamation in respect of a mine or mining operations shall be determined pursuant to the regulations.

39(1) A lessee, a lessee's agent and any other person authorized by the regulations to make an objection may, in accordance with the terms and conditions specified by the Minister and in the form and manner and within the time specified by the Minister, object to a calculation, recalculation or additional calculation of any amount referred to in section 38(2).

(2) On receipt of an objection under subsection (1), the Minister may recalculate or make additional calculations of any amount referred to in section 38(2) that the Minister considers appropriate.

(5) Section 39.1 presently reads in part:

39.1(1) In this section,

(a) "calculation period" means, in respect of an amount referred to in section 38(2), the applicable period of time under section 38, including any extensions of that period permitted by this Act, to calculate, recalculate or make additional calculations in respect of that amount;

(2) The Limitations Act does not apply to a claim

(a) in respect of an amount referred to in section 38(2) or in respect of an overpayment of that amount;

(4) Subsection (3) does not apply in respect of a claim by the Crown for an amount or an overpayment of an amount referred to in

(c) in subsection (4) by striking out “38(4)(b)” and substituting “38(9)”.

(6) Section 47(3) and (4) are repealed and the following is substituted:

(3) The records must be kept until the expiration of the period referred to in the regulations.

(7) Section 50(5)(c) is amended by striking out “section 38(1)(b)” and substituting “the regulations”.

(8) Section 57(5)(c) is repealed and the following is substituted:

- (c) an agreement issued
 - (i) with the authorization of the Lieutenant Governor in Council, or
 - (ii) under the regulations,

(9) Subject to the regulations, subsections (4), (5) and (6) apply with respect to the 2015 calendar year and subsequent years.

(10) The *Energy Statutes Amendment Act, 2009* is amended by repealing section 5.

subsection (2)(a) where the calculation period for the amount arises under section 38(4)(b).

(6) Section 47 presently reads in part:

(3) The records shall be kept until the expiration of the 6-year period following the end of the year to which the information contained in the records relates unless

(a) in the case of any particular records, the Minister consents in writing to their destruction before the end of the 6-year period, or

(b) the regulations authorize their destruction before the end of the 6-year period.

(7) Section 50(5)(c) presently reads:

(5) In this section,

(c) “royalty” means royalty reserved to the Crown in right of Alberta on a mineral or a product obtained from a mineral, and includes royalty proceeds as defined in section 38(1)(b);

(8) Section 57 presently reads in part:

(5) Where the Crown in right of Alberta owns storage rights in respect of a subsurface reservoir pursuant to subsection (1) or (2), no person has, as against the Crown, any storage rights in respect of that reservoir except under

(a) a unit agreement to which the Crown is a party,

(b) a contract entered into under section 9(a), or

(c) an agreement issued with the authorization of the Lieutenant Governor in Council,

that expressly conveys storage rights in respect of that reservoir.

(9) Application of subsections (4), (5) and (6).

(10) Amends chapter 20 of the Statutes of Alberta, 2009. Section 5 presently reads:

(11) This section comes into force on Proclamation.

Regional Health Authorities Act

Amends RSA 2000 cR-10

7(1) The *Regional Health Authorities Act* is amended by this section.

(2) The following is added after section 9:

Annual budget

9.1(1) A regional health authority shall, as directed under subsection (2), submit its annual budget to the Minister for approval.

(2) The Minister may give directions respecting the form and content of the budget, the time by which the budget must be submitted and any other information that must be submitted.

(3) Section 10 is amended by adding the following after subsection (2):

(2.1) The Minister may, notwithstanding section 9(4)(b) and (c), give directions to a regional health authority to disestablish one or more community health councils.

(2.2) Where the Minister gives a direction to disestablish one or more community health councils, the Minister shall establish one or more bodies to act in an advisory capacity to the

5(1) The Mines and Minerals Act is amended by this section.

(3) Section 38 is amended

(a) in subsection (2) by adding the following after clause (e.1):

(e.2) any consideration or charges instead of consideration referred to in section 16(3) or (5) of the Petroleum Marketing Act that are made subject to this section by the regulations;

(b) in subsection (4)(a)(ii) by adding “, (e.2)” after “(e.1)”.

(5) Subsection (3) comes into force on Proclamation.

(11) Coming into force.

Regional Health Authorities Act

7(1) Amends chapter R-10 of the Revised Statutes of Alberta 2000.

(2) Annual budget.

(3) Section 10 presently reads:

10(1) A community health council shall be established, and the members of it shall be appointed or elected, in accordance with the regulations.

(2) A community health council may be established as a corporation.

Minister as to the provision of health services in the Province or a part of it.

(4) Section 22 is amended by adding “, including an official administrator appointed under section 11,” after “health authority”.

(5) Section 23(1)(g) is amended by striking out “regional health authorities and”.

(6) This section comes into force on Proclamation.

Societies Act

Amends RSA 2000 cS-14

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

(2) Section 1 is amended

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

(a) “body corporate” means a body corporate however or wherever incorporated;

(b) by repealing clause (c) and substituting the following:

(c) “society” means a society incorporated or continued under this Act and not discontinued;

(c) in clause (d) by adding “or special meeting” after “general meeting” wherever it occurs.

(3) Where a community health council is disestablished, the instrument disestablishing the community health council shall contain any provisions that are necessary to protect the interests of creditors and to otherwise provide for the winding-up of the affairs of the community health council, subject to the regulations.

(4) Section 22 presently reads:

22 No action for damages may be commenced against a member of a regional health authority for anything done or not done by that person in good faith while carrying out duties or exercising powers under this or any other enactment.

(5) Section 23(1)(g) presently reads:

23(1) The Lieutenant Governor in Council may make regulations

(g) requiring regional health authorities and community health councils to submit budgets to the Minister and respecting the time in which and the manner in which a budget must be submitted and what it must contain;

(6) Coming into force.

Societies Act

8(1) Amends chapter S-14 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads:

1 In this Act,

(a) “director” means any person occupying the position of director by whatever name called;

(b) “Registrar” means Registrar as defined in the Business Corporations Act;

(c) “society” means a society incorporated under this Act;

(d) “special resolution” means

(i) a resolution passed

(3) Section 24(2)(a) is amended by adding “or the application for continuance, as the case may be” **after** “application for incorporation”.

(4) The following is added after section 36.1:

**Continuance of
Not-for-profit Organizations**

Continuance from other jurisdictions

36.2(1) A body corporate incorporated or continued under the laws of any jurisdiction other than Alberta may apply to the Registrar for a certificate of continuance if

- (a) continuance under this Act is authorized by the laws of that jurisdiction, and
- (b) the body corporate satisfies, or by its application for continuance would satisfy, the requirements for incorporation under this Act.

(2) A body corporate that applies for a certificate under subsection (1) may effect, by its application for continuance,

- (A) at a general meeting of which not less than 21 days' notice specifying the intention to propose the resolution has been duly given, and*
- (B) by the vote of not less than 75% of those members who, if entitled to do so, vote in person or by proxy,*
- (ii) a resolution proposed and passed as a special resolution at a general meeting of which less than 21 days' notice has been given, if all the members entitled to attend and vote at the general meeting so agree, or*
- (iii) a resolution consented to in writing by all the members who would have been entitled at a general meeting to vote on the resolution in person or, where proxies are permitted, by proxy.*

(3) Section 24(2) presently reads:

(2) Notice of the location of the registered office of a society, giving the postal address, shall be filed with the Registrar

(a) with the application for incorporation, and

(b) within 15 days after a change in the location of the registered office.

(4) Continuance from other jurisdictions, continuance to other jurisdictions.

any amendment to its act of incorporation, articles, letters patent or memorandum or articles of association that a society incorporated under this Act may make to its objects, name and bylaws.

(3) If the body corporate is a body corporate with share capital, the body corporate shall establish the terms and conditions on which the body corporate is converted to a society without share capital.

(4) A body corporate that applies for a certificate of continuance under subsection (1) shall file with the Registrar an application for continuance in the prescribed form and include

- (a) a copy of the bylaws of the proposed society,
- (b) the prescribed fee,
- (c) the prescribed documents, if any, and
- (d) any other information requested by the Registrar.

(5) On receipt of the application for continuance under subsection (4), the Registrar may, on the terms and subject to the limitations and conditions that the Registrar considers appropriate, issue a certificate of continuance in the form set by the Registrar.

(6) The Registrar may refuse to issue a certificate of continuance, in which case the Registrar shall advise the body corporate of the refusal.

(7) On the date shown on the certificate of continuance,

- (a) the body corporate becomes a society to which this Act applies as if it had been incorporated under this Act,
- (b) the name of the body corporate provided for in the application for continuance is deemed to be the name of the society,
- (c) the objects of the body corporate provided for in the application for continuance are deemed to be the objects of the society,

- (d) the bylaws a copy of which was included with the application for continuance submitted under subsection (4) are deemed to be the bylaws of the society,
- (e) the certificate of continuance is deemed to be the certificate of incorporation of the society, and
- (f) any shareholders or members of the body corporate cease to be shareholders or members of the body corporate and become members of the society.

(8) The Registrar shall provide a copy of the certificate of continuance to the appropriate official or public body in the jurisdiction in which continuance under this Act is authorized.

(9) On and from the date of continuance of a body corporate as a society under this Act,

- (a) the property of the body corporate continues to be the property of the society,
- (b) the society continues to be liable for the obligations of the body corporate,
- (c) any existing cause of action, claim or liability to prosecution is unaffected,
- (d) any civil, criminal, administrative, investigative or other action or proceeding pending by or against the body corporate may continue to be prosecuted by or against the society, and
- (e) any conviction against or ruling, order or judgment in favour of or against the body corporate may be enforced by or against the society.

(10) A membership in a body corporate issued before the body corporate was continued under this Act is deemed to have been issued in compliance with this Act and the bylaws of the society.

Continuance to other jurisdictions

36.3(1) Subject to this section, a society may apply to the appropriate official or public body of another jurisdiction

requesting that the society be continued as if it had been incorporated under the laws of that other jurisdiction.

(2) An application for continuance may be made under subsection (1) only if

- (a) the application for continuance is authorized by the members of the society by special resolution, and
- (b) the society obtains the approval of the Registrar under subsection (3).

(3) The Registrar may grant a society approval to make an application under subsection (1) if

- (a) the society provides the Registrar with a copy of the special resolution referred to in subsection (2)(a) certified to be a true copy by a director, officer or authorized representative of the society,
- (b) the society establishes, to the satisfaction of the Registrar, that its proposed continuance in the other jurisdiction will not adversely affect creditors or members of the society,
- (c) the Registrar is satisfied that the continuation is not prohibited by subsection (4), and
- (d) the society provides, to the satisfaction of the Registrar, any other documents or information requested by the Registrar.

(4) A society shall not be continued as a body corporate under the laws of another jurisdiction unless those laws provide in effect that

- (a) the property of the society continues to be the property of the body corporate,
- (b) the body corporate continues to be liable for the obligations of the society,
- (c) any existing cause of action, claim or liability to prosecution is unaffected,

(d) any civil, criminal, administrative, investigative or other action or proceeding pending by or against the society may continue to be prosecuted by or against the body corporate, and

(e) any conviction against or ruling, order or judgment in favour of or against the society may be enforced by or against the body corporate.

(5) Each membership in the society carries the right to vote in respect of a continuance whether or not it otherwise carries the right to vote.

(6) The directors and officers of a society may, if authorized by the members at the time of authorizing an application for continuance, abandon the application without further approval of the members.

(7) If the Registrar has granted an approval under subsection (3) and the Registrar has received a notice satisfactory to the Registrar that the society has been continued under the laws of another jurisdiction, the Registrar shall issue a certificate of discontinuance in a form set by the Registrar.

(8) On the date shown on the certificate of discontinuance, the society becomes an extra-provincial body corporate as if it had been incorporated under the laws of the other jurisdiction.

(5) Section 39 is amended

(a) **in clause (b) by adding** “, for applications, for filings” **after** “incorporation”;

(b) **in clause (e) by striking out** “section 9(1)” **and substituting** “sections 9(1), 32(4) and 36.2(4)”.

(6) This section comes into force on Proclamation.

Vital Statistics Act

Amends SA 2007 cV-4.1

9(1) The *Vital Statistics Act* is amended by this section.

(2) Section 30 is amended

(5) Section 39 presently reads in part:

39 The Lieutenant Governor in Council may make regulations

(b) setting the fees payable to the Registrar for incorporation and for services under this Act;

(e) prescribing the documents referred to in section 9(1);

(6) Coming into force.

Vital Statistics Act

9(1) Amends chapter V-4.1 of the Statutes of Alberta, 2007.

(2) Section 30 presently reads:

(a) by adding the following after subsection (1):

(1.1) The Registrar may, in a circumstance provided for in the regulations and subject to any conditions in the regulations, amend the sex on the person's record of birth and may, with the consent of the other party to the marriage, amend the sex on the record of a subsisting marriage, if any, of the person that is registered in Alberta.

(b) in subsection (2) by striking out "subsection (1)" and substituting "subsection (1) or (1.1)".

(3) Section 76(1) is amended by adding the following after clause (c):

(d) respecting the circumstances and any conditions for the purpose of section 30(1.1).

(4) This section comes into force on Proclamation.

30(1) When a person's anatomical sex structure has been changed to the opposite sex from that which appears on the person's birth registration document, the Registrar, on receipt of

- (a) an affidavit from each of 2 physicians, each affidavit stating that the anatomical sex of the person has been changed, and*
- (b) evidence as to the identity of the person as prescribed in the regulations,*

shall amend the sex on the person's record of birth and may, with the consent of the other party to the marriage, amend the sex on the record of a subsisting marriage, if any, of the person that is registered in Alberta.

(2) Every birth or marriage certificate of the person referred to in subsection (1) issued after amending the sex on the record under this section must be issued as if the registration had been made with the sex as changed.

(3) Section 76(1) presently reads:

76(1) The Lieutenant Governor in Council may make regulations

- (a) respecting persons or classes of persons who are authorized to receive information or records under this Act, the purposes for which that information or those records may be used and the conditions under which access to information or records is permitted;*
- (b) respecting information that may or must be contained in a registration of birth, death, marriage, stillbirth, adoption or change of name and the requirements for completing documents for registration;*
- (c) respecting the registration of births, deaths, stillbirths, adoptions, marriages or changes of name in cases not otherwise provided for in this Act.*

(4) Coming into force.

Relationship Statutes Amendments

Adult Interdependent Relationships Act

Amends SA 2002 cA-4.5

10(1) The *Adult Interdependent Relationships Act* is amended by this section.

(2) The preamble is amended by repealing the 2nd recital.

(3) Section 1(1)(g) is repealed.

Dower Act

Amends RSA 2000 cD-15

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

(2) Section 10(4)(a) is amended by striking out “a husband and wife who are living apart” and substituting “spouses who are living apart”.

Relationship Statutes Amendments

Adult Interdependent Relationships Act

10(1) Amends chapter A-4.5 of the Statutes of Alberta, 2002.

(2) The 2nd recital of the preamble presently reads:

WHEREAS it is recognized in Alberta as a fundamental principle that marriage is a union between a man and a woman to the exclusion of all others; and

(3) Section 1(1)(g) presently reads:

1(1) In this Act,

(g) “spouse” means the husband or wife of a married person.

Dower Act

11(1) Amends chapter D-15 of the Revised Statutes of Alberta 2000.

(2) Section 10(4) presently reads:

(4) On the application, the Court may hear any evidence and consider any matters that in its opinion relate to the application, and without restricting the generality of the foregoing, it may consider

(a) in the case of a husband and wife who are living apart, the circumstances of the separation and the financial resources of the parties and their mode of life,

(b) in the case of a married person with 2 or more homesteads, the homestead the spouse of the married person would prefer the married person to retain, and

(c) in the case of a spouse who has executed in writing and for valuable consideration an agreement to release the claim of the spouse to dower, whether the other provisions of the agreement have been performed and whether the consideration has been paid.

Fatality Inquiries Act

Amends RSA 2000 cF-9

12(1) The *Fatality Inquiries Act* is amended by this section.

(2) Section 1(k) is amended by striking out “mother, father,” and substituting “parents,”.

Law of Property Act

Amends RSA 2000 cL-7

13(1) The *Law of Property Act* is amended by this section.

(2) Section 20(3) is amended by striking out “a husband and wife dispenses with consent under the *Dower Act* by those spouses” and substituting “two spouses dispenses with consent under the *Dower Act* by those spouses”.

Marriage Act

Amends RSA 2000 cM-5

14(1) The *Marriage Act* is amended by this section.

(2) The preamble is repealed.

Fatality Inquiries Act

12(1) Amends chapter F-9 of the Revised Statutes of Alberta 2000.

(2) Section 1(k) presently reads:

1 In this Act

(k) “next of kin” means the mother, father, children, brothers, sisters, spouse and adult interdependent partner of a deceased person, or any of them;

Law of Property Act

13(1) Amends chapter L-7 of the Revised Statutes of Alberta 2000.

(2) Section 20(3) presently reads:

(3) An order made under this Part terminating the co-ownership of land by a husband and wife dispenses with consent under the Dower Act by those spouses to a disposition of land that is subject to that order.

Marriage Act

14(1) Amends chapter M-5 of the Revised Statutes of Alberta 2000.

(2) The preamble presently reads:

WHEREAS marriage is an institution the maintenance of which in its purity the public is deeply interested in;

WHEREAS marriage is the foundation of family and society, without which there would be neither civilization nor progress;

WHEREAS marriage between a man and a woman has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long standing philosophical and religious traditions; and

(3) The enacting clause is amended by striking out “THEREFORE HER MAJESTY” and substituting “HER MAJESTY”.

(4) Section 1(c) is repealed.

(5) Section 2 is repealed.

(6) Section 8(2) is amended by striking out “(or husband)” and substituting “(or husband, or spouse)”.

(7) Section 22 is amended

(a) in subsection (1)(c) by striking out “cohabited and lived together as husband and wife” and substituting “cohabited and lived together as spouses”;

WHEREAS these principles are fundamental in considering the solemnization of marriage;

(3) The enacting clause presently reads:

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

(4) Section 1(c) presently reads:

1 In this Act,

(c) "marriage" means a marriage between a man and a woman;

(5) Section 2 as included in the Revised Statutes of Alberta 2000 read as follows:

2 This Act operates notwithstanding

(a) the provisions of sections 2 and 7 to 15 of the Canadian Charter of Rights and Freedoms, and

(b) the Alberta Bill of Rights.

(6) Section 8(2) presently reads:

(2) No particular form of ceremony is required in the solemnization of a marriage by a marriage commissioner except that in some part of the ceremony, in the presence of the marriage commissioner and the witnesses, each of the parties shall declare:

I do solemnly declare that I do not know of any lawful impediment why I, _____, may not be joined in matrimony to _____.

and each of the parties shall say to the other:

I call on those persons present to witness that I, _____, do take you, _____, to be my lawful wedded wife (or husband).

(7) Section 22 presently reads:

22(1) The consents required under section 19 and the medical certificate required under sections 17 and 20 are a condition precedent to the valid marriage of a person under 18 years of age,

(b) in subsection (2)(b)(iii) by striking out “cohabited and lived together as husband and wife” and substituting “cohabited and lived together as spouses”.

and when a form of marriage is solemnized between persons, either of whom is under 18 years of age without a required consent or medical certificate, the marriage is void unless

- (a) carnal intercourse has taken place between the parties prior to the ceremony,*
- (b) the marriage has been consummated, or*
- (c) the parties have, after the ceremony, cohabited and lived together as husband and wife.*

(2) When a marriage is void under subsection (1), the Court of Queen's Bench has jurisdiction and power to entertain an action by the person who was at the time of the ceremony under 18 years of age to declare and adjudge that a valid marriage was not effected and entered into, and the Court shall so declare and adjudge if it is made to appear

- (a) that a consent required under section 19 or a medical certificate required under section 17 or 20 was not obtained prior to the ceremony,*
- (b) that*
 - (i) carnal intercourse did not take place between the parties prior to the ceremony,*
 - (ii) the marriage has not been consummated, and*
 - (iii) the parties have not, after the ceremony, cohabited and lived together as husband and wife,*

and

- (c) that the action was brought before the person bringing it attained the age of 19 years.*

Metis Settlements Act

Amends RSA 2000 cM-14

15(1) The *Metis Settlements Act* is amended by this section.

(2) Section 1(u) is repealed and the following is substituted:

- (u) “spouse” means the spouse of a married settlement member, but does not include, for the purposes of section 16(1)(b), a spouse who is living separate and apart from the settlement member if the settlement member and the spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

Related Amendments to Regulations

Related amendments to regulations

16(1) The Lieutenant Governor in Council may make regulations for the purpose of amending terminology, definitions or references in regulations for purposes of gender neutrality in respect of a spousal or family relationship or for consistency with the law governing spousal relationships.

(2) An amendment under subsection (1) may be made notwithstanding that the regulation being amended was made by a member of the Executive Council or some other person or body.

Definition of Spouse

Definition of spouse

17 The following enactments are amended by striking out “husband or wife of a married person” and substituting “spouse of a married person”:

Act	Section
Alberta Treasury Branches Act	1(j)
Business Corporations Act	1(ii.1)
Companies Act	1(aa)
Conflicts of Interest Act	1(1)(l)

Metis Settlements Act

15(1) Amends chapter M-14 of the Revised Statutes of Alberta 2000.

(2) Section 1(u) presently reads:

1 In this Act,

(u) “spouse” means the husband or wife of a married settlement member, but does not include, for the purposes of section 16(1)(b), a spouse who is living separate and apart from the settlement member if the member and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

Related Amendments to Regulations

16 Amendments to regulations for purposes of gender neutrality.

Definition of Spouse

17 References to “husband or wife” replaced with “spouse”.

Cooperatives Act	1(1)(ww.1)
Credit Union Act	2(5)(c)
Education Act	85(1)(c)
Insurance Act	1(mmm.1)
Interpretation Act	28(1)(zz.1)
Irrigation Districts Act	33(c)
Loan and Trust Corporations Act	1(1)(oo)
Local Authorities Election Act	1(z.1)
Municipal Government Act	169(c)
School Act	80(1)(c)

RECORD OF DEBATE

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