

2021 Bill 61

Second Session, 30th Legislature, 70 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 61

VITAL STATISTICS AMENDMENT ACT, 2021

THE MINISTER OF SERVICE ALBERTA

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 61

2021

VITAL STATISTICS AMENDMENT ACT, 2021

(Assented to _____, 2021)

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

Amends SA 2007 cV-4.1

1 The *Vital Statistics Act* is amended by this Act.

2 Section 1(1) is amended

- (a) in clause (b) by striking out “burial permit” and substituting “burial and disposition permit”;**
- (b) by repealing clause (o.1) and substituting the following:**
 - (o.1) “place”, in reference to the place where an event occurred, means the name of
 - (i) the municipality, hamlet, improvement district, provincial park, national park, Indian reserve or Metis settlement in Alberta where the event occurred, or
 - (ii) the municipality, hamlet, improvement district, provincial park, national park, Indian reserve or Metis settlement in Alberta nearest to where the event occurred if the event did not occur in a place referred to in subclause (i);

Explanatory Notes

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

2 Section 1(1) presently reads in part:

1(1) In this Act,

(b) “burial permit” means a permit to bury, cremate, remove to a place outside Alberta or otherwise dispose of a dead human body;

(o.1) “place”, in reference to the place where an event occurred, means the name of the city, town, village or hamlet where the event occurred or the name of the nearest city, town, village or hamlet;

3 Section 11(2)(b) is amended by striking out “a parent” and substituting “a person”.

4 Section 13(1) and (3) are amended by striking out “7 days” and substituting “10 days”.

5 Section 19(3) is amended by striking out “burial permit” and substituting “burial and disposition permit”.

6 Section 22 is amended

(a) in subsection (2)(a) by striking out “and has not been convicted of a designated offence”;

3 Section 11(2) presently reads in part:

(2) An application to amend the particulars of parentage and, if applicable, to change the name shown on the birth record of a child who is under 18 years of age or of a child who died before reaching 18 years of age may be made to the Registrar

(b) by a parent by affidavit, pursuant to a declaration of parentage under section 9 of the Family Law Act or a substantially equivalent order made in Canada, or

4 Section 13 presently reads in part:

13(1) When a newborn child is found deserted, the person who has charge of the child shall provide to the Registrar, within 7 days of taking charge of the child, any information the person has regarding the particulars required to be registered concerning the birth of a child.

(3) The medical officer of health or the physician who examines the child in accordance with subsection (2)(c) shall make an affidavit setting out the facts as determined by the examination, including the sex and the date or probable date of birth of the child, and shall deliver the affidavit to the Registrar within 7 days of examining the child.

5 Section 19(3) presently reads:

(3) If within one year after the date of a stillbirth, the Registrar receives a notice of stillbirth, medical certificate of stillbirth or interim medical certificate of stillbirth, a stillbirth registration document and any other evidence prescribed in the regulations, the Registrar, if satisfied as to the truth and sufficiency of the documents and evidence, shall register the stillbirth, and a burial permit must be issued in accordance with the regulations.

6 Section 22(2) presently reads:

(2) An application under this Part to change a name may be made only by a person who is a resident of Alberta and who

(b) by adding the following after subsection (2):

(3) Despite subsection (2), no person shall make an application under this Part to change the person's own name if

- (a) the person has been convicted of a designated offence,
- (b) the person has, at any time, been designated as a dangerous offender under section 753 of the *Criminal Code* (Canada),
- (c) the person has, at any time, been designated as a long-term offender under section 753.1 of the *Criminal Code* (Canada), or
- (d) the Registrar determines that a public body has disclosed personal information relating to the person under section 32 of the *Freedom of Information and Protection of Privacy Act* due to a risk to the health or safety of the public and the person is considered a high-risk offender in Alberta.

(4) Despite subsection (2), no person shall make an application under this Part to change the name of a person referred to in subsection (3)(a) to (d).

7 Section 23 is amended

- (a) in subsection (2) by striking out** "Subject to subsections (3), (4), (6), (6.1) and (8), any person referred to in section 22(2)" **and substituting** "Subject to subsections (3), (4), (6), (6.1) and (8) and section 22(4), any person referred to in section 22(2)";
- (b) in subsection (5) by striking out** "Any person referred to in section 22(2)" **and substituting** "Subject to section 22(4), any person referred to in section 22(2)".

- (a) is at least 18 years of age and has not been convicted of a designated offence, or*
- (b) is under 18 years of age but is married, divorced, widowed, an adult interdependent partner or the parent or guardian of a minor.*

7 Section 23 presently reads in part:

(2) Subject to subsections (3), (4), (6), (6.1) and (8), any person referred to in section 22(2) may apply to change the first name or last name of

- (a) a child, if the person is a parent or guardian of the child, or*
- (b) a represented adult, if the person is a guardian of the represented adult under Part 2, Division 3 of the Adult Guardianship and Trusteeship Act or under the equivalent legislation of another jurisdiction.*

(5) Any person referred to in section 22(2) may apply to change the first name or last name of that person's spouse or adult interdependent partner, with the consent of the spouse or adult interdependent partner.

8 Section 24(2)(j.1) is repealed and the following is substituted:

- (j.1) if the applicant is applying to change the person's own name, the information required by the regulations to confirm that the applicant is not a person referred to in section 22(3);
- (j.2) if the applicant is applying to change the name of another person, the information required by the regulations to confirm that the person who is the subject of the application is not a person referred to in section 22(3);

9 Sections 39 and 40 are amended by striking out "burial permit" wherever it occurs and substituting "burial and disposition permit".

8 Section 24(2) presently reads in part:

(2) The applicant shall file the following documents with the application:

(j.1) if the person whose name is being changed is 18 years of age or older, the information required by the regulations to confirm that the person has not been convicted of a designated offence;

9 Sections 39 and 40 presently read:

39(1) On receipt of the death registration document and a medical certificate of death or interim medical certificate of death in respect of a deceased person, a burial permit must be issued in accordance with the regulations.

(2) No person may bury, cremate or otherwise dispose of the body of a person who dies in Alberta until a burial permit has been issued in respect of the deceased.

(3) Subject to subsection (6), no cemetery owner may permit the burial, cremation or other disposition of a dead human body in the cemetery without a burial permit.

(4) The person who has possession of a dead human body for the purpose of burial or other disposition shall, at the place of burial or other disposition,

(a) deliver a copy of the burial permit to the person conducting the funeral or religious service, and

(b) deliver a copy of the burial permit to the cemetery owner.

(5) Subsection (4) does not apply where the dead human body is to be removed to a place outside Alberta for burial, cremation or other disposition, but a funeral director or other person in Alberta who has possession of the dead human body may deliver a copy of the burial permit to the person to whom the body is sent.

(6) When a death occurs outside Alberta and the burial, cremation or other disposition of the body is to take place in Alberta, a burial permit or any other document that is prescribed under the law of the

10 Section 43(4) is amended by striking out “burial permit” and substituting “burial and disposition permit”.

11 Section 45 is amended by adding “or other dispositions” after “burials”.

12 Section 51.3(1.1) is repealed and the following is substituted:

(1.1) The Registrar shall refuse to register a name proposed under Part 3 if the person for whom the applicant is requesting the change of name is a person referred to in section 22(3).

13 Section 62(3) is amended by adding the following after clause (h):

jurisdiction in which the death occurred, signed by the proper officer and satisfactory to the Registrar, is sufficient authority for the burial, cremation or other disposition of the body in Alberta.

40(1) Subject to subsection (2) and any other Act, no person may remove a dead human body from Alberta without a burial permit.

(2) When a dead human body is to be removed to a place outside Alberta for burial, cremation or other disposition, the removal shall not take place unless 2 copies of the burial permit have been affixed to the outside of the casket or other container.

(3) If the death occurred outside Alberta and the body is accompanied with a burial permit issued by the jurisdiction in which the death occurred, the burial permit is sufficient to authorize the transportation of the body into or through Alberta.

10 Section 43(4) presently reads:

(4) A reinterment permit is deemed to be a burial permit under sections 39 and 40 for the purpose of reintering or transporting a disinterred human body.

11 Section 45 presently reads:

45 If records of baptisms, marriages or burials kept by any church or religious body in Alberta are on file in the office of the Registrar, the records must be preserved as part of the records of the Registrar's office.

12 Section 51.3 presently reads in part:

(1.1) The Registrar shall refuse to register a name proposed under Part 3 if the person for whom the applicant is requesting the change of name is 18 years of age or older and has been convicted of a designated offence.

13 Section 62(3) presently reads in part:

(3) A decision of the Registrar concerning matters under the following sections is final and conclusive and may not be appealed:

(h.1) fraudulent or improperly made applications or fraudulently or improperly obtained or used certificates or copies under section 56;

14 Section 76(1) is amended by repealing clause (b.11) and substituting the following:

(b.11) respecting the information that is required to confirm that a person is not a person referred to in section 22(3);

15 Sections 2(a), 5, 9 and 10 come into force on Proclamation.

(h) issuing copies of registration records under section 50;

14 Section 76(1) presently reads in part:

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

(b.11) respecting the information that is required to confirm that a person has not been convicted of a designated offence;

15 Coming into force.

