

2022 Bill 20

Third Session, 30th Legislature, 71 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 20

JUSTICE STATUTES AMENDMENT ACT, 2022

THE MINISTER OF JUSTICE AND SOLICITOR GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 20

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2022

JUSTICE STATUTES AMENDMENT ACT, 2022

(Assented to , 2022)

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

Corrections Act

Amends RSA 2000 cC-29

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

(2) Section 27.2 is amended

(a) by repealing subsection (4) and substituting the following:

(4) A member of the Parole Board must be paid

(a) fees or remuneration, and

(b) expenses for subsistence and travelling while absent from the member's ordinary place of residence in the course of duty as a member

Explanatory Notes

1(1) Amends chapter C-29 of the Revised Statutes of Alberta 2000.

(2) Section 27.2(4) and (5) presently read:

(4) A member of the Parole Board must be paid such

(a) fees or remuneration, and

(b) expenses for subsistence and travelling while absent from the member's ordinary place of residence in the course of duty as a member

as are prescribed by the regulations in accordance with any applicable regulations under the Alberta Public Agencies Governance Act.

(5) If regulations under the Alberta Public Agencies Governance Act apply in respect of fees, remuneration or expenses to be paid to

set by the Lieutenant Governor in Council in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.

(b) in subsection (5) by striking out “any regulations prescribing fees, remuneration or expenses made under section 33(y.1)” **and substituting** “an order of the Lieutenant Governor in Council under subsection (4)”.

(3) Section 33(y.1) is repealed.

(4) This section comes into force on Proclamation.

Justice of the Peace Act

Amends RSA 2000 cJ-4

2(1) The *Justice of the Peace Act* is amended by this section.

(2) Section 4 is amended

(a) in subsection (3) by striking out “subsection (4)” **and substituting** “subsections (4) and (4.1)”;

(b) by repealing subsections (4) and (4.1) and substituting the following:

(4) A person whose appointment has been designated as a full-time justice of the peace and whose term of appointment has not yet expired may apply in writing to the Chief Judge to have the appointment designated as a part-time justice of the peace for the remaining term of the appointment.

(4.01) The Chief Judge may designate an appointment referred to in subsection (4) as part time if

members of the Parole Board, those regulations prevail, to the extent of any conflict or inconsistency, over any regulations prescribing fees, remuneration or expenses made under section 33(y.1).

(3) Section 33(y.1) presently reads:

33 The Lieutenant Governor in Council may make regulations

(y.1) prescribing the rates of fees, remuneration and subsistence and travel expenses payable to a member of the Parole Board;

(4) Coming into force.

Justice of the Peace Act

2(1) Amends chapter J-4 of the Revised Statutes of Alberta 2000.

(2) Section 4 presently reads in part:

(3) Subject to subsection (4), a designation under subsection (2) may not be changed except with the consent of the Judicial Council and the justice of the peace.

(4) A person whose appointment has been designated as a full-time justice of the peace may apply, in accordance with the regulations, to have the appointment designated as a part-time justice of the peace.

(4.1) A person whose appointment has been designated as a part-time justice of the peace may apply, in accordance with the regulations, to have the appointment designated as a full-time justice of the peace.

- (a) the justice of the peace consents to have the remaining term of the appointment designated as part time,
- (b) the Chief Judge determines that the designation will enhance the efficient and effective administration of the Court, and
- (c) the designation is made in accordance with and subject to the criteria established by the Chief Judge and approved by the Judicial Council.

(4.1) A person whose appointment has been designated as a part-time justice of the peace and whose term of appointment has not yet expired may apply in writing to the Chief Judge to be designated as a full-time justice of the peace for the remaining term of the appointment.

(4.11) The Chief Judge may designate an appointment referred to in subsection (4.1) as full time if

- (a) the justice of the peace consents to have the remaining term of the appointment designated as full time,
- (b) the Chief Judge determines that the designation will enhance the efficient and effective administration of the Court, and
- (c) the designation is made in accordance with and subject to criteria established by the Chief Judge and approved by the Judicial Council.

(4.2) The Chief Judge shall provide notice, in the form approved by the Minister of Justice and Solicitor General, of a designation under subsection (4.01) or (4.11) to the person designated by the Minister at least 20 days before the effective date of the designation by the Chief Judge.

(3) Section 15(1)(f) is repealed.

(3) Section 15(1)(f) presently reads:

15(1) The Lieutenant Governor in Council may make regulations

(4) This section comes into force on Proclamation.

Missing Persons Act

Amends SA 2011 cM-18.5

3(1) The *Missing Persons Act* is amended by this section.

(2) Section 1 is amended

(a) by adding the following after clause (a):

(a.1) “health information” means

- (i) health information as defined in the *Health Information Act* with respect to a missing person, including, without limitation,
 - (A) dental records,
 - (B) information recorded by a custodian concerning diagnostic, treatment or other services received by a missing person with or without formal admission,
 - (C) records concerning benefits paid or payable by the Alberta Health Care Insurance Plan,
 - (D) mental or physical conditions diagnosed by a custodian,
 - (E) medications prescribed by a custodian or issued by a pharmacist, and
 - (F) information recorded by a custodian where the missing person was found deceased,

and

(f) respecting the application of a justice of the peace for a change in designation from full time to part time and from part time to full time;

(4) Coming into force.

Missing Persons Act

3(1) Amends chapter M-18.5 of the Statutes of Alberta, 2011.

(2) Adds definitions.

(ii) health-related information with respect to a missing person, including

(A) information relating to admission, release, transfer or other contact with a health-related program or service or social program or service and any related records,

(B) next of kin,

(C) information recorded where the missing person was found deceased in a context to which subclause (i)(F) does not apply, and

(D) the records of a medical examiner or coroner;

(a.2) “identification information” includes, without limitation, records or information relating to First Nations, Metis or Inuit registration, membership, status, services or rights of a person held by a person or organization, including the Registrar under the *Indian Act* (Canada), the settlement council of a Metis settlement or a federal or provincial official responsible for providing benefits to persons of Inuit ancestry;

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

(f) “records” means

(i) records as defined in the *Freedom of Information and Protection of Privacy Act*, the *Health Information Act* or the *Personal Information Protection Act*, as applicable, or

(ii) a record of information in the custody of an organization to which subclause (i) does not apply, in any form or in any medium, whether in written, printed, photographic or electronic form or any other form, but does not include a computer program or other mechanism that can produce a record;

(g) “telephone, internet and other electronic communication records” includes with respect to a missing person or, if applicable, with respect to another individual in whose

company the missing person may be or may have been, but otherwise without limitation,

- (i) records related to signals from a wireless device that may indicate the location of the wireless device,
- (ii) cellular telephone records, including information about incoming and outgoing calls and usage,
- (iii) inbound and outbound text records, and
- (iv) browsing history records.

(3) Section 3 is amended

(a) in subsection (1)(b) by adding “and search” after “to enter”;

(b) in subsection (2)

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

(b) telephone, internet and other electronic communication records;

(ii) in clause (d) by striking out “closed caption” and substituting “closed-circuit”.

(4) Section 4 is amended

(3) Section 3 presently reads in part:

3(1) For the purposes of investigating the whereabouts of a missing person, a police service may apply ex parte to a justice of the peace for an order

(b) in the case of a missing person who is a minor or a represented adult under the Adult Guardianship and Trusteeship Act, authorizing a member of a police service or any other person to enter, by force if necessary, a private dwelling or other place if there is a reasonable belief that the missing person may be located there.

(2) The records to be provided under subsection (1)(a) are as follows:

(b) telephone and other electronic communication records, including, without limitation,

(i) records related to signals from a wireless device that may indicate the location of the wireless device,

(ii) cellular telephone records,

(iii) inbound and outbound text messaging records, and

(iv) browsing history records;

(d) video records, including closed caption television footage;

(4) Section 4 presently reads in part:

(a) in subsection (1) by adding “or the destruction of the records” **after** “imminent bodily harm to or the death of a missing person”;

(b) in subsection (2)

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

(b) telephone, internet and other electronic communication records;

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

(c.1) video records, including closed-circuit television footage;

(5) The following is added after section 7:

Order sealing court records

7.1(1) If a justice of the peace is satisfied that public access to the court records relating to an application or an order made under this Act may interfere with the related investigation concerning the whereabouts of a missing person or endanger the safety of any person, the justice of the peace may order that the court records, or any part of them, be sealed and kept in a location to which the public has no access.

(2) If the investigation into the whereabouts of a missing person becomes a criminal investigation, this section does not apply to the use of information and records collected under this Act for the purposes of the criminal investigation.

(6) Section 13 is repealed and the following is substituted:

4(1) Despite section 3(1), if there are reasonable grounds to believe that immediate access to records is necessary to prevent imminent bodily harm to or the death of a missing person, a police service may serve a written demand on any person requiring the person, within a reasonable period of time stipulated in the demand, to make available to the police service, or to provide the police service with copies of, any of the records referred to in subsection (2) in respect of the missing person that are in the possession or under the control of the person.

(2) The records to be provided under subsection (1) are as follows:

- (b) telephone and other electronic communication records, including, without limitation,
 - (i) records related to signals from a wireless device that may indicate the location of the wireless device,*
 - (ii) cellular telephone records,*
 - (iii) inbound and outbound text messaging records, and*
 - (iv) browsing history records;**
- (c) global positioning system tracking records;*

(5) Order sealing court records.

(6) Section 13 presently reads:

Review of Act

13(1) A special committee of the Legislative Assembly must begin a comprehensive review of this Act and the regulations made under it

- (a) not later than 2027, and
- (b) thereafter, within 5 years after the date on which the previous special committee submits its final report under subsection (2).

(2) The special committee must submit to the Legislative Assembly, within one year after beginning a review under this section, a report that includes any amendments recommended by the committee.

(7) Section 14 is amended by adding the following after clause (g):

- (g.1) further defining words or expressions defined in this Act;

Victims of Crime and Public Safety Act

Amends RSA 2000 cV-3

4(1) The *Victims of Crime and Public Safety Act* is amended by this section.

(2) Section 1 is amended

- (a) by repealing clauses (c.1) and (k.3);
- (b) in clause (l)(i.1) by striking out “death benefit” and substituting “funeral expense reimbursement”.

13 A special committee of the Legislative Assembly must begin a comprehensive review of this Act within 5 years of the coming into force of this Act and must submit to the Legislative Assembly, within one year after beginning the review, a report that includes any amendments recommended by the committee.

(7) Adds regulation-making authority.

Victims of Crime and Public Safety Act

4(1) Amends chapter V-3 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(c.1) “Class Action Settlement Agreement” means the Settlement Agreement approved by the Court of Queen’s Bench in Action #0403 12898;

(k.3) “Review Board” means the Criminal Injuries Review Board referred to in section 7;

(l) “victim” means

(i.1) with respect to a death benefit, a person who dies as a direct result of an act or an omission described in section 12.1, and

(3) Section 2(1)(d) is amended by adding “and reimbursements” after “benefits”.

(4) Section 3(2)(c.1) is amended by striking out “death benefits” and substituting “funeral expense reimbursements”.

(5) Section 6 is amended

(a) in clause (a) by striking out “benefit” and substituting “assist or support”;

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

(b) provide information with respect to programs and services that assist or support victims or promote public safety, and

(6) Sections 7 and 7.1 are repealed.

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

2(1) The following principles apply to the treatment of victims:

(d) victims should receive benefits promptly in accordance with this Act and the regulations;

(4) Section 3(2)(c.1) presently reads:

(2) The duties and functions of the Director include

(c.1) in accordance with section 13.01, evaluating applications for and making decisions respecting eligibility for death benefits, and

(5) Section 6 presently reads in part:

6 At the request of the Director, the Committee is to

(a) evaluate applications for grants relating to programs or initiatives intended to benefit victims of crime or to promote public safety, and provide recommendations to the Minister based on those evaluations,

(b) provide information with respect to programs and services that assist victims and promote public safety, and

(6) Sections 7 and 7.1 presently read:

7(1) The Criminal Injuries Appeal Board is continued under the name "Criminal Injuries Review Board".

(2) The Review Board is to consist of not more than 6 members appointed by the Lieutenant Governor in Council, one of whom must be a physician.

(3) The Lieutenant Governor in Council may designate one of the members of the Review Board to act as chair and another to act as vice-chair of the Review Board.

(4) In the absence or incapacity of the chair, the vice-chair of the Review Board may act and exercise all of the powers of the chair.

(5) Members of the Review Board who hold that office other than as employees of the Government may, in accordance with any applicable regulations under the Alberta Public Agencies Governance Act, be paid remuneration and reasonable travelling and living expenses incurred while away from their ordinary places of residence in the course of their duties as members.

(5.1) The Lieutenant Governor in Council shall determine the rates of remuneration and expenses referred to in subsection (5) in accordance with any applicable regulations under the Alberta Public Agencies Governance Act.

7.1(1) The Review Board shall, subject to and in accordance with this Act and the regulations, review decisions of the Director made under section 13 or 15 of the former Act that relate to a member of the class described in the Class Action Settlement Agreement until there is an order of the Court of Queen's Bench winding up the proceedings that gave rise to the Class Action Settlement Agreement.

(2) Where a review is required under this Act, the chair must designate up to 3 members of the Review Board, who may include the chair, to sit as a panel to conduct the review.

(2.1) A member of the Review Board, including the chair, is not eligible to sit as a member of a panel to conduct a review of the same matter in respect of which that member has evaluated a request under section 14(3).

(3) A decision or action made or taken by a panel is a decision or action of the Review Board.

(4) A panel of the Review Board may exercise and perform all the powers and duties of the Review Board under this Act.

(5) For the purposes referred to in subsection (4), any reference in this Act to the Review Board is a reference to a panel of the Review Board.

(6) If the chair is not a member of a panel, the chair must designate one of the members of the panel to preside over the panel.

(7) When a review is conducted by a panel and one of the members of the panel for any reason does not attend on any day or part of a day, the remaining member or members present may exercise the powers and perform the duties of the panel with respect to that review.

(7) Section 9(2) is amended

- (a) in clause (e) by adding “or reimbursement” after “benefit”;**
- (b) in clause (g) by striking out “death benefit” and substituting “funeral expense reimbursement”.**

(8) Section 10 is amended

- (a) by repealing clause (a) and substituting the following:**
 - (a) grants relating to programs that assist or support victims of crime or promote public safety;
- (b) by repealing clause (c) and substituting the following:**
 - (c) programs and initiatives that benefit or reimburse victims of crime or promote public safety;
- (c) in clauses (d) and (e) by striking out “and the Review Board”;**

(8) Panels may sit simultaneously or at different times.

(9) The Review Board may, subject to the approval of the Lieutenant Governor in Council, make rules governing the Board's and a panel's procedure and reviews.

(10) A panel and each member of a panel have all the powers of a commissioner under the Public Inquiries Act.

(11) A panel may

- (a) request persons with special technical knowledge to advise the panel on matters relevant to a review, and*
- (b) identify further medical information that is required for the review and request that a victim consent to undergo a medical examination by a physician named or approved by the panel.*

(7) Section 9(2) presently reads in part:

(2) The following must be deposited into the Fund:

- (e) money received as repayment of a financial benefit under this Act;*
- (g) money received as repayment of financial benefits or a death benefit that is a debt due to the Crown pursuant to section 16(3);*

(8) Section 10 presently reads in part:

10 The Minister may, in accordance with this Act and the regulations, make payments from the Fund with respect to the following:

- (a) grants relating to programs that benefit victims of crime and promote public safety;*
- (c) programs and initiatives that benefit victims of crime and promote public safety;*
- (d) costs incurred by the Committee and the Review Board in carrying out its duties under this Act;*

(d) in clause (g) by striking out “death benefits” and substituting “funeral expense reimbursements”.

(9) Section 12(2)(d) and (3) are repealed.

(10) Section 12.1 is amended by striking out “death benefit” and substituting “funeral expense reimbursement”.

(11) Section 13.01 is amended by striking out “death benefit” wherever it occurs and substituting “funeral expense reimbursement”.

(12) Section 13.1 is amended by adding “or reimbursement” after “benefit” wherever it occurs.

(e) remuneration and expenses payable to the members of the Committee and the Review Board;

(g) death benefits payable pursuant to section 13.01;

(9) Section 12(2)(d) and (3) presently read:

12(2) A victim is eligible for the following financial benefits only:

(d) subject to subsection (3), a financial benefit in respect of which a person may submit a request for reconsideration under section 20(1), concerning a member of the class described in the Class Action Settlement Agreement.

(3) If the Court of Queen's Bench issues an order winding up the proceedings that gave rise to the Class Action Settlement Agreement, subsection (2)(d) has no effect.

(10) Section 12.1 presently reads:

12.1 The persons prescribed in the regulations may apply for a death benefit in respect of the death of a victim for the purposes of funeral costs and any other purposes prescribed in the regulations if the death of the victim was the direct result of an act or omission that occurred in Alberta and that is one of the offences under the Criminal Code (Canada) specified in the regulations.

(11) Section 13.01 presently reads:

13.01 On receipt of an application for a death benefit, the Director must determine, in accordance with the regulations, whether the applicant is eligible for a death benefit and if so, the amount of the death benefit.

(12) Section 13.1 presently reads:

13.1(1) The Director is authorized to collect information, including personal information that the Director reasonably believes is necessary, for the purpose of determining whether a person is eligible for a benefit under this Act or the amount of that benefit.

(13) Sections 14 and 14.01 are repealed.

(2) The Director is authorized for the purposes of subsection (1) to collect and use information, including personal information, from

- (a) a police service relating to the event to which the benefit relates or to determine previous conduct of the victim,*
- (b) a person who provided diagnostic services, treatment or care or other similar medical services to the victim, or*
- (c) a public body as defined in the Freedom of Information and Protection of Privacy Act to determine or verify whether a person is eligible for a benefit under this Act.*

(3) The persons, bodies and agencies referred to in subsection (2) are authorized to provide information, including personal information, to the Director for the purpose of determining whether a person is eligible for a benefit under this Act.

(4) The Director may disclose information, including personal information, collected under this Act

- (a) to any person for the purpose of determining whether a person is eligible for a benefit under this Act or the amount of that benefit, or*
- (b) to a parent, spouse or adult interdependent partner, child or other family member of an applicant or victim or to a recognized victim services agency for the purpose of
 - (i) confirming the existence or status of an application received from an applicant or victim, or*
 - (ii) disclosing the amount of any award if, in the Director's opinion, to do so would not be an unreasonable invasion of the applicant's or victim's personal privacy.**

(13) Sections 14 and 14.01 presently read:

14(1) The chair or a member designated by the chair must consider requests for review of a benefit concerning a member of the class described in the Class Action Settlement Agreement until there is an order of the Court of Queen's Bench winding up the proceedings that gave rise to the Class Action Settlement Agreement.

(2) The Director, on being notified of the request for review, must provide the chair or member designated by the chair with a copy of all information collected or generated by the Director in respect of the application for financial benefits, the Director's decision and reasons for the decision.

(3) The chair or member designated by the chair must evaluate the request and information provided by the Director and determine whether the request

(a) is frivolous, vexatious or made in bad faith, or

(b) has no grounds.

(4) If the chair or member designated by the chair determines under subsection (3)(a) that the request is frivolous, vexatious or made in bad faith, or determines under subsection (3)(b) that the request has no grounds, the chair or member designated by the chair may dismiss the request and notify the applicant and the Director of the decision.

(5) The Review Board, chair or member designated by the chair, as the case may be, may refer an application for financial benefits back to the Director for reconsideration of the Director's decision if at any time before the Review Board makes a decision under section 14.01(1) it is determined that significant new information exists respecting the application.

(6) The Review Board, chair or member designated by the chair, as the case may be, must notify the applicant of a referral made under subsection (5).

(7) If a request is not dismissed under subsection (4) and the application is not referred back to the Director under subsection (5), the chair or member designated by the chair must refer the matter to the Review Board for review in accordance with section 7.1 and must

(a) notify the Director of the referral, and

(b) notify the applicant of

(i) the referral, and

(ii) the applicant's right to choose whether the review will be conducted orally or in writing.

(8) Prior to providing the applicant with a copy of or access to the information collected or generated by the Director in respect of the application for financial benefits or a death benefit, the Review Board must consult with the source from which the information was collected.

(9) After consultation under subsection (8), the Review Board may remove any information that the source from which the information was collected has identified as confidential.

(10) If information is removed under subsection (9), the Review Board must inform the applicant

- (a) that the information has been removed,*
- (b) of the reason for the removal, and*
- (c) that the information removed will not be used or considered by the Review Board.*

14.01(1) The Review Board, after conducting a review, may

- (a) rescind, confirm or vary an order made under the former Act,*
 - (b) rescind or confirm a decision of the Director respecting the eligibility of the applicant to receive financial benefits or a death benefit,*
 - (c) rescind or confirm a decision of the Director made under section 13(3)(b) or (c), or*
 - (d) confirm the determination of the Director or vary the determination of the Director as to the amounts of financial benefits or the amount of the death benefit determined in accordance with the regulations by increasing or decreasing the amounts to be paid.*
- (2) If, under subsection (1), the Review Board rescinds a decision of the Director, the Review Board must refer the matter back to the Director for reconsideration.*
- (3) The Review Board must notify the applicant and the Director of the Review Board's decision under subsection (1).*
- (4) A decision of the Review Board under subsection (1) is final.*

(14) Section 15.1 is amended

- (a) by striking out “section 13, 13.01, 15 or 21(4)(a)” and substituting “section 13, 13.01 or 15”;**
- (b) by repealing clause (b) and substituting the following:**
 - (b) advise the applicant that the applicant may, within 30 days, apply for judicial review of the decision.

(15) Section 16 is amended

- (a) in subsection (1) by adding “, a reimbursement” after “benefit”;**
- (b) in subsection (3) by adding “, reimbursement” after “benefit”.**

(16) Section 17 is amended

- (a) in clause (g.1) by adding “or reimbursement” after “benefit”;**
- (b) in clause (j) by adding “applied for under section 12 of the former Act” after “benefits”;**
- (c) in clauses (p) and (q) by striking out “death benefit” wherever it occurs and substituting “funeral expense reimbursement”;**
- (d) in clause (r) by adding “or reimbursement” after “benefit” wherever it occurs;**
- (e) by repealing clauses (s) and (t).**

(14) Section 15.1 presently reads in part:

15.1 After making a decision under section 13, 13.01, 15 or 21(4)(a), the Director must

(b) advise the applicant

(i) that the applicant may request that the Review Board review the Director's decision under section 13 or 15 of the former Act, if the decision relates to a member of the class described in the Class Action Settlement Agreement, or

(ii) that the applicant may, within 30 days, apply for judicial review of the decision.

(15) Section 16 presently reads in part:

16(1) No person shall make a false or misleading statement in an application for a benefit or a grant.

(3) If a person is convicted of an offence under this section, any benefit or grant paid to that person under this Act may be recovered by the Minister as a debt due to the Crown.

(16) Section 17 presently reads in part:

17 The Lieutenant Governor in Council may make regulations

(g.1) governing the operation of a program or initiative referred to in section 10(c) for the benefit of victims of crime or the promotion of public safety;

(j) respecting the evaluation of applications for financial benefits;

(p) respecting applications for a death benefit under section 12.1, including prescribing the persons who may apply for a death benefit, the time period within which an application for a death benefit must be made and the evaluation of those applications;

(q) prescribing the amount of a death benefit and the purposes for which a death benefit may be used;

(17) Section 18 is amended by striking out “sections 14(7) and 16(2) and (3)” and substituting “section 16(2) and (3)”.

(18) Sections 20 and 21 are repealed.

- (r) *respecting terms and conditions to be imposed on the payment of a benefit and how and when the payments of a benefit are to be made;*
- (s) *respecting a reconsideration referred to in section 20(1);*
- (t) *respecting reviews by the Review Board.*

(17) Section 18 presently reads:

18 Subject to sections 14(7) and 16(2) and (3), no cause of action, right of appeal, claim for damages or other remedy in law exists because of this Act or anything done or omitted to be done under this Act.

(18) Sections 20 and 21 presently read:

20(1) A person entitled to submit a request for reconsideration under the former Act and the regulations under that Act concerning a member of the class described in the Class Action Settlement Agreement may submit the application under this section and the application must be dealt with in accordance with this Act and the regulations under this Act.

(2) If the Court of Queen's Bench issues an order winding up the proceedings that gave rise to the Class Action Settlement Agreement, this section has no effect.

21(1) If a person has applied to the Review Board for a review of a decision of the Director and the review has not been concluded or dismissed before the coming into force of this section, the review must continue to be dealt with in accordance with this Act and the regulations if the benefit was applied for under the former Act or section 20 and concerns a member of the class described in the Class Action Settlement Agreement.

(2) If the Court of Queen's Bench issues an order winding up the proceedings that gave rise to the Class Action Settlement Agreement, subsection (1) has no effect.

(3) Where a person has applied to the Review Board for a review of a decision of the Director, the review has not been dismissed nor a decision rendered under section 14.01 before the coming into force of this section and the benefit under review is not referred to in

(19) Sections 22 and 23 are repealed and the following is substituted:

Criminal Injuries Review Board disestablished

22 The Criminal Injuries Review Board is disestablished, effective on the date this section comes into force.

subsection (1), the review is terminated and the Review Board, chair or member designated by the chair, as the case may be, must refer the review to the Director.

(4) Where the Director receives a referral under subsection (3), the Director may, as the Director considers appropriate,

(a) reconsider the matter, or

(b) notify the applicant in writing that the applicant may, within 30 days from the date of the notice, apply for judicial review of the decision.

(19) Sections 22 and 23 presently read:

22(1) The Criminal Injuries Review Board is disestablished.

(2) This section comes into force on Proclamation, which may not be made until the Court of Queen's Bench has issued an order winding up the proceedings that gave rise to the Class Action Settlement Agreement.

23(1) This section amends the Victims of Crime and Public Safety Act.

(2) Section 10(f) is amended by striking out "sections 13 and 15" and substituting "section 15".

(3) Section 15.1 is amended by striking out "section 13, 13.01, 15 or 21(4)(a)" and substituting "section 13.01".

(4) Section 18 is amended by striking out "sections 14(7) and 16(2) and (3)" and substituting "section 16(2) and (3)".

(5) The following provisions are repealed:

*section 1(k.3);
section 3(2)(c);
section 7;
section 7.1;
section 10(e);
section 12;
section 13;
section 14;
section 14.01;*

(20) This section comes into force on Proclamation.

Youth Justice Act

Amends RSA 2000 cY-1

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

(2) Section 10 is amended

(a) in subsection (1) by striking out “the officer in charge at the time the young person is detained” **and substituting** “a peace officer”;

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

(2) Subject to subsections (4) and (5),

(a) where a summons or an appearance notice is issued in respect of a young person, the person who issued the summons or appearance notice, or

(b) if a young person is released on an undertaking, a peace officer

shall, as soon as practicable, give or cause to be given in writing to a parent of the young person notice of the summons, appearance notice or undertaking.

(c) in subsection (4)(c) by striking out “giving the young person’s promise to appear, giving an undertaking or entering into a recognizance,” **and substituting** “an undertaking”.

*section 17(h) to (n), (s) and (t);
section 20;
section 21.*

(6) This section comes into force on Proclamation, which may not be made until the Court of Queen's Bench has issued an order winding up the proceedings that gave rise to the Class Action Settlement Agreement.

(20) Coming into force.

Youth Justice Act

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

(2) Section 10 presently reads in part:

10(1) Subject to subsections (4) and (5), if a young person is arrested and detained pending the young person's appearance in court, the officer in charge at the time the young person is detained shall, as soon as practicable, give or cause to be given, orally or in writing, to a parent of the young person notice of the arrest including the place of detention and the reason for the arrest.

(2) Subject to subsections (4) and (5),

(a) where a summons or an appearance notice is issued in respect of a young person, the person who issued the summons or appearance notice, or

(b) if a young person is released on giving the young person's promise to appear, giving an undertaking or entering into a recognizance, the officer in charge,

shall, as soon as practicable, give or cause to be given in writing to a parent of the young person notice of the summons, appearance notice, promise to appear, undertaking or recognizance.

(4) If the whereabouts of the parents of a young person,

(3) Section 27 is repealed and the following is substituted:

Application for forfeiture

27 An application for the forfeiture of an amount set out in an undertaking, release order or recognizance of a young person is to be made to the youth justice court.

(4) Section 28 is amended

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

Proceedings in case of default

28(1) If an undertaking, release order or recognizance binding a young person has been endorsed with a certificate pursuant to subsection 770(1) of the *Criminal Code* (Canada), the youth justice court shall,

- (a) on the application of the Minister or the Minister's agent, fix a time and place for the hearing of an application for the forfeiture of the amount set out in the undertaking, release order or recognizance, and
- (b) after fixing a time and place for the hearing, cause to be sent by registered mail, not less than 10 days before the time so fixed, to each principal and surety named in the undertaking, release order or recognizance, directed to the principal or surety at the principal's or surety's last known address, a notice requiring the principal or surety to appear at the time and place fixed by the youth justice court to show cause why the amount set out in the undertaking, release order or recognizance should not be forfeited.

- (b) in subsection (2) by striking out "recognizance" and substituting "amount set out in the undertaking, release order or recognizance";**

- (c) *who is released on giving the young person's promise to appear, giving an undertaking or entering into a recognizance,*

(3) Section 27 presently reads:

27 An application for the forfeiture of the recognizance of a young person is to be made to the youth justice court.

(4) Section 28 presently reads in part:

28(1) If a recognizance binding a young person has been endorsed with a certificate pursuant to subsection 770(1) of the Criminal Code (Canada), the youth justice court shall,

- (a) *on the application of the Minister or the Minister's agent, fix a time and place for the hearing of an application for the forfeiture of the recognizance, and*
 - (b) *after fixing a time and place for the hearing, cause to be sent by registered mail, not less than 10 days before the time so fixed, to each principal and surety named in the recognizance, directed to the principal or surety at the principal's or surety's last known address, a notice requiring the principal or surety to appear at the time and place fixed by the youth justice court to show cause why the recognizance should not be forfeited.*
- (2) When subsection (1) is complied with, the youth justice court may, after giving the parties an opportunity to be heard, grant or refuse the application and make any order with respect to the forfeiture of the recognizance that it considers proper.*
- (3) If, pursuant to subsection (2), the youth justice court orders forfeiture of a recognizance, the principal and the principal's sureties become judgment debtors of the Crown, each in the amount that the youth justice court orders him or her to pay.*
- (5) If a deposit has been made by a person against whom an order for forfeiture of a recognizance has been made, no writ of fieri facias shall issue, and the amount of the deposit shall be transferred*

- (c) **in subsection (3) by striking out** “a recognizance” **and substituting** “an amount set out in an undertaking, release order or recognizance”;
- (d) **in subsection (5) by striking out** “of a recognizance” **and substituting** “under subsection (2)”.

by the person who has custody of it to the person who is entitled by law to receive it.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To