

2023 Bill 8

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First Session, 31st Legislature, 2 Charles III

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 8

**JUSTICE STATUTES AMENDMENT ACT, 2023**

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THE MINISTER OF JUSTICE

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 8*

## **BILL 8**

2023

### **JUSTICE STATUTES AMENDMENT ACT, 2023**

*(Assented to \_\_\_\_\_, 2023)*

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

#### **Conflicts of Interest Act**

**Amends RSA 2000 cC-23**

**1(1) The *Conflicts of Interest Act* is amended by this section.**

**(2) Section 7(3)(a) to (c) are repealed and the following is substituted:**

- (a) if the value of the fee, non-monetary gift or other non-monetary benefit given to the Member or the Member's spouse or adult interdependent partner or minor child does not exceed the prescribed amount,
- (b) in the case of tickets and invitations to events, if the tickets and invitations to events are accepted by the Member or the Member's spouse or adult interdependent partner or minor child in accordance with the regulations,
- (c) in the case of the invitation of a Member to a conference or meeting in respect of which the Member accepts a waiver of the attendance fee and the payment or reimbursement of reasonable travel expenses incurred for the Member's attendance at the conference or meeting, if the Member

## Explanatory Notes

### Conflicts of Interest Act

**1**(1) Amends chapter C-23 of the Revised Statutes of Alberta 2000.

(2) Section 7(3) presently reads in part:

*(3) Subsection (1) does not apply to a fee, gift or other benefit that is accepted by the Member or the Member's spouse or adult interdependent partner or minor child as an incident of protocol or of the social obligations that normally accompany the Member's office*

*(a) if the value of the fee, non-monetary gift or other non-monetary benefit given to the Member, the Member's spouse or adult interdependent partner or minor children does not exceed \$200,*

*(b) in the case of tickets and invitations to events, if the total value of all tickets and invitations to events accepted by the Member and the Member's spouse or adult interdependent partner and minor children from the same source in any calendar year does not exceed \$400;*

accepts the waiver, payment or reimbursement in accordance with the regulations, or

**(3) Section 12(e) is amended by striking out “\$100” and substituting “the prescribed amount”.**

**(4) The following is added after section 25:**

**Suspension of investigations during elections**

**25.1(1)** In this section, “suspension end date” means, in respect of a general election held under the *Election Act*, the latest of the following dates:

- (a) a candidate is declared elected under section 64 or 138 of the *Election Act* in all electoral divisions, other than an electoral division for which a declaration is made under section 148(8)(b) of that Act;
- (b) in respect of any recounts, the returning officer has declared a candidate to be elected under section 147(1)(a) of the *Election Act*;
- (c) in respect of any appeals, the returning officer has made a declaration under section 148(8) of the *Election Act*.

**(2)** This section applies where the subject of an investigation is a Member, former Member, Minister or former Minister.

**(3)** Notwithstanding section 25(1), the Ethics Commissioner shall not commence an investigation during the period commencing on the issue of the writs in respect of a general election held under the *Election Act* and ending on the suspension end date.

(c) *in the case of the invitation of a Member to a conference or meeting in respect of which the Member accepts a waiver of the attendance fee and the payment or reimbursement of reasonable travel expenses incurred for the Member's attendance at the conference or meeting, if the total value of attendance fees waived and travel expenses paid or reimbursed by the same source in any calendar year does not exceed \$400;*

(3) Section 12(e) presently reads:

*12 A disclosure statement*

(e) *shall include a list of all fees, gifts and other benefits accepted under section 7 having a value greater than \$100, including any fees, gifts or other benefits not approved by the Ethics Commissioner under section 7(3)(d);*

(4) Suspension of investigations during elections.

(4) Notwithstanding section 25, the Ethics Commissioner shall suspend an investigation, including the making of any reports referred to in section 25, on and after the issue of the writs in respect of a general election held under the *Election Act*.

(5) Where an investigation has been suspended under subsection (4), the Ethics Commissioner may continue the investigation after the suspension end date if, within 30 days after the suspension end date,

(a) in respect of an investigation initiated by a request under section 24(1), the Ethics Commissioner receives a written request to continue the investigation from

(i) the individual against whom the allegation was made, or

(ii) the person who made the request under section 24,

or

(b) in respect of an investigation initiated by the Ethics Commissioner under section 25(1) without receiving a request under section 24, the Ethics Commissioner determines that the investigation should continue.

(6) Where an investigation referred to in subsection (5)(a) has been suspended under subsection (4) and no written request is received under subsection (5)(a), the Ethics Commissioner shall cease the investigation and shall so inform

(a) the individual against whom the allegation was made,

(b) the Speaker of the Legislative Assembly, and

(c) the person who made the request under section 24.

**(5) Section 28 is amended by adding the following after subsection (2):**

(2.1) Notwithstanding subsection (2), the Speaker shall not make copies of a report available to the public during the period commencing on the issue of the writs in respect of a general

(5) Section 28(2) presently reads:

*(2) If the Legislative Assembly is not sitting when the Ethics Commissioner reports the Ethics Commissioner's findings to the Speaker of the Legislative Assembly under section 25(12), the Speaker shall make copies of the report available to the public.*

election held under the *Election Act* and ending on the suspension end date referred to in section 25.1(1).

**(6) The heading preceding section 48 is repealed and the following is substituted:**

## **Part 8 General**

**(7) The following is added after the heading to Part 8:**

### **Regulations**

**47.1** The Lieutenant Governor in Council may make regulations

- (a) defining any term or phrase used in section 7 but not defined in section 1;
- (b) prescribing the amount referred to in section 7(3)(a);
- (c) respecting the acceptance of tickets and invitations to events referred to in section 7(3)(b);
- (d) respecting the acceptance of waivers, payments and reimbursements referred to in section 7(3)(c);
- (e) prescribing the amount referred to in section 12(e).

**(8) Subsections (2), (3), (6) and (7) come into force on Proclamation.**

## **Court of King's Bench Act**

**Amends RSA 2000 cC-31**

**2(1) The *Court of King's Bench Act* is amended by this section.**

**(2) Section 3(1)(c) is amended by striking out "74" and substituting "80".**



(6) The heading preceding section 48 presently reads:

*Part 8*  
*Review*

(7) Regulations.

(8) Coming into force.

### **Court of King's Bench Act**

**2(1)** Amends chapter C-31 of the Revised Statutes of Alberta 2000.

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

*3(1) The Court consists of*

*(c) 74 other judges, who shall be called justices of the Court of King's Bench of Alberta, and*

## **Estate Administration Act**

### **Amends SA 2014 cE-12.5**

**3(1) The *Estate Administration Act* is amended by this section.**

**(2) Section 5(2) is repealed and the following is substituted:**

(2) Despite section 5 of the *Trustee Act*, sections 33, 35, 36, 51 to 56 and 84 of the *Trustee Act* apply, subject to subsection (2.1), to a personal representative acting in the person's capacity as a personal representative.

(2.1) For the purpose of subsection (2), a reference in sections 33, 35, 36, 51 to 56 and 84 of the *Trustee Act* to

- (a) a "trust" includes an "estate",
- (b) a "trustee" or "co-trustee" includes a "personal representative",
- (c) "trust funds" includes "estate property", and
- (d) a "trust instrument" includes a "will",

under this Act, as applicable.

**(3) The following is added after section 29:**

#### **Disposition of property**

**29.1** Any disposition of property, whether contingent or vested, either defeasibly or indefeasibly, includes the income from that property except to the extent that the income, or any part of it, is otherwise expressly disposed of.

**(4) The Schedule is amended in section 2 by adding the following after clause (f):**

- (f.1) investing estate property carefully to obtain a reasonable return while avoiding undue risk,
- (f.2) appointing an agent to carry out a task, including an administrative function and the investment of estate property, and reasonably and carefully supervising that agent,

## **Estate Administration Act**

**3(1)** Amends chapter E-12.5 of the Statutes of Alberta, 2014.

(2) Section 5(2) presently reads:

*(2) A personal representative is a trustee within the meaning of the Trustee Act.*

(3) Disposition of property.

(4) Section 2(f) of the Schedule presently reads:

*2 Administering and managing the estate may include, but is not limited to,*

*(f) arranging for the proper management of the estate property, including continuing business operations, taking control of property and selling property,*

**(5) This section is deemed to have come into force on February 1, 2023.**

### **Jury Act**

**Amends RSA 2000 cJ-3**

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

**(2) Section 17(1.1) is amended by striking out “summary trial” and substituting “streamlined trial”.**

**(3) This section comes into force on January 1, 2024.**

### **Justice of the Peace Act**

**Amends RSA 2000 cJ-4**

**5(1) The *Justice of the Peace Act* is amended by this section.**

**(2) Section 7.2 is amended**

**(a) in subsection (7) by striking out “subsection (3)” and substituting “subsection (2) or (3)”;**

**(b) by adding the following after subsection (7):**

**(7.1)** Notwithstanding subsection (7), during the period commencing on January 1, 2024 and ending on December 31, 2025, a justice of the peace may, subject to subsection (6), be approved to continue in office under subsection (2) or (3) for a maximum of 7 terms of one year.

**(c) in subsection (8)(b)**

**(i) by striking out “5 terms of one year” and substituting “the maximum number of terms”;**

**(ii) by adding “under subsection (7) or (7.1), as the case may be” after “ad hoc justice of the peace”.**

- (5) Coming into force.

### **Jury Act**

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

- (2) Section 17(1.1) presently reads:

*(1.1) If, on an application made under subsection (1) or on a subsequent application, a judge considers it appropriate, the judge may direct that the proceeding be tried by judge alone pursuant to the summary trial procedure set out in the Alberta Rules of Court.*

- (3) Coming into force.

### **Justice of the Peace Act**

- 5(1)** Amends chapter J-4 of the Revised Statutes of Alberta 2000.

- (2) Section 7.2 presently reads in part:

*(7) A justice of the peace may, subject to subsection (6), be approved to continue in office under subsection (3) for a maximum of 5 terms of one year.*

*(8) Notwithstanding anything in this section, a term of a justice of the peace who is approved to continue in office under this section expires when*

- (b) the justice of the peace has served 5 terms of one year as an ad hoc justice of the peace,*

*whichever occurs first.*

## **Trustee Act**

**Amends SA 2022 cT-8.1**

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

**(2) Section 1(f)(iii) is repealed and the following is substituted:**

- (iii) a person who is unable to make decisions about financial matters by reason of mental disability and has an attorney acting under the *Powers of Attorney Act*;

**(3) This section is deemed to have come into force on February 1, 2023.**

## **Trustee Act**

- 6(1)** Amends chapter T-8.1 of the Statutes of Alberta, 2022.
- (2) Section 1(f)(iii) presently reads:
- 1 In this Act,*
- (f) “incapacitated person” means*
- (iii) a person who has an attorney acting under the Powers of Attorney Act;*
- (3) Coming into force.

**RECORD OF DEBATE**

Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>
Stage	Date	Member	From	To
		<b>Interventions</b>	<b>From</b>	<b>To</b>