

2024 Bill 16

First Session, 31st Legislature, 2 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 16

RED TAPE REDUCTION STATUTES AMENDMENT ACT, 2024

THE MINISTER OF SERVICE ALBERTA AND RED TAPE REDUCTION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 16

BILL 16

2024

RED TAPE REDUCTION STATUTES AMENDMENT ACT, 2024

(Assented to , 2024)

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

Alberta Investment Attraction Act

Amends SA 2020 cA-26.4

**1(1) The *Alberta Investment Attraction Act* is amended by this
section.**

(2) Section 1(c) is repealed.

(3) Section 5 is amended

- (a) in subsection (4) by striking out “Chair” and substituting
“Minister”;**
- (b) by repealing subsections (5) and (6);**
- (c) by repealing subsection (8).**

Explanatory Notes

Alberta Investment Attraction Act

1(1) Amends chapter A-26.4 of the Statutes of Alberta, 2020.

(2) Section 1(c) presently reads:

1 In this Act,

(c) “Deputy Minister” means the Deputy Minister of Executive Council;

(3) Section 5 presently reads in part:

(4) A director’s resignation is effective when it is received by the Chair in writing or at the time specified in the resignation, whichever is later.

(5) Despite subsection (4), in the case of a resignation by the Chair, the resignation is effective when the resignation is received by the Minister in writing or at the time specified in the resignation, whichever is later.

(4) Subsections (2) and (3)(c) come into force on Proclamation.

Commercial Tenancies Protection Act

Repeals SA 2020 cC-19.5

2 The *Commercial Tenancies Protection Act* is repealed.

Freedom of Information and Protection of Privacy Act

Amends RSA 2000 cF-25

3(1) The *Freedom of Information and Protection of Privacy Act* is amended by this section.

(2) Section 1(i)(xi) is amended by striking out “, federation board”.

Gaming, Liquor and Cannabis Act

Amends RSA 2000 cG-1

4(1) The *Gaming, Liquor and Cannabis Act* is amended by this section.

(6) The Chair shall send a copy of a director's resignation to the Minister forthwith.

(8) The Deputy Minister or the Deputy Minister's designate

(a) shall receive notice of all meetings of the board and have the right to attend such meetings, but shall have no vote on any matter, and

(b) shall receive all meeting materials provided to the board.

(4) Coming into force.

Commercial Tenancies Protection Act

2 Repeals chapter C-19.5 of the Statutes of Alberta, 2020.

Freedom of Information and Protection of Privacy Act

3(1) Amends chapter F-25 of the Revised Statutes of Alberta 2000.

(2) Section 1(i)(xi) presently reads:

1 In this Act,

(i) "local government body" means

(xi) any municipal library board, library system board, federation board or intermunicipal library board continued or established under the Libraries Act, or

Gaming, Liquor and Cannabis Act

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

(2) Section 1(1)(ee) is repealed.

(3) Section 3(b) is amended by adding “, except provincial lotteries conducted and managed by the Minister” after “Government of Alberta”.

(4) Section 12(1)(b) is amended by adding “, subject to section 12.1” after “the Commission”.

(5) The following is added after section 12:

Limitations on policies

12.1 The Minister may determine, by order, categories of policies that the board must not establish or that the board must submit to the Minister for approval prior to being established under section 12(1)(b).

(6) Section 26(2)(e) is amended by striking out “President of Treasury Board, Minister of Finance” and substituting “Minister”.

(7) Section 32 is amended by adding “the Crown or a Minister of the Crown,” after “No action lies against”.

(2) Section 1(1)(ee) presently reads:

1(1) In this Act,

(ee) “stadium bylaws” means bylaws passed by a municipality that are referred to in section 129(1)(r);

(3) Section 3(b) presently reads:

3 The objects of the Commission are

(b) to conduct and manage provincial lotteries for the Government of Alberta;

(4) Section 12(1)(b) presently reads:

12(1) The board is responsible for

(b) establishing the policies of the Commission;

(5) Limitations on policies.

(6) Section 26(2)(e) presently reads:

(2) The Commission may pay from the revenue deposited into its accounts under subsection (1)

(e) the Commission’s operating expenses, including the portion of the operating expenses of the Western Canada Lottery Corporation that is attributable to the Province of Alberta and expenses that result from business decisions by the Commission that require additional expenditures, together with any allowance for capital expenditures approved by the President of Treasury Board, Minister of Finance, and

(7) Section 32 presently reads:

32 No action lies against the Commission, the board or its members, the chief executive officer, employees of the Commission or inspectors for anything done or not done, in good faith, in

(8) Section 37.1 is repealed and the following is substituted:

Minors in licensed facility

37.1(1) No minor may enter or be in a licensed facility, and no facility licensee may permit a minor to enter or be in a licensed facility, unless the facility licence permits minors to enter or be in the licensed facility.

(2) If a facility licence does not permit a minor to be in the licensed facility and a person who appears to be a minor enters the licensed facility, the facility licensee must demand that the person who appears to be a minor produce proof of date of birth.

(3) If a facility licence permits a minor to be in the licensed facility and a person who appears to be a minor attempts to engage in a gaming activity or provincial lottery activity in the licensed facility, the facility licensee must demand that the person who appears to be a minor produce proof of date of birth.

(4) If a facility licensee makes a request for proof of date of birth under subsection (2) or (3) and the person who appears to be a minor fails to produce proof of date of birth that is satisfactory to the facility licensee making the request, the facility licensee must

- (a) not permit the person who appears to be a minor to engage in a gaming activity or provincial lottery activity in the licensed facility, and
- (b) refuse the person entry or ask the person to leave if the licence prohibits a minor from entering and being in the licensed facility.

Prohibition on minors gaming

37.11 No person may permit a minor to engage in a gaming activity or provincial lottery activity in a licensed facility.

(9) Section 43 is amended by adding “, in accordance with the regulations, if any,” after “The Commission may”.

relation to the exercise of their powers or to the performance of their duties under this Act.

(8) Section 37.1 presently reads:

37.1(1) No minor may enter or be in and no facility licensee may permit a minor to enter or be in the following licensed facilities:

(a) a casino;

(b) a racing entertainment centre.

(2) With respect to a licensed facility other than a casino or a racing entertainment centre, no minor may enter or be in the facility and no facility licensee may permit a minor to enter or be in the facility if the facility licence prohibits minors from entering or being in the facility.

(3) If a person who appears to be a minor enters a casino, a racing entertainment centre or another licensed facility whose facility licence prohibits minors from entering or being in the facility, the facility licensee must demand that the person who appears to be a minor produce proof of age.

(4) If a person makes a request for identification under subsection (3) and the person who appears to be a minor fails to produce identification that is satisfactory to the person making the request, the facility licensee must refuse the person entry or ask the person to leave.

(9) Section 43 presently reads:

43 The Commission may conduct and manage provincial lotteries on behalf of the Government of Alberta either alone or in conjunction with the government of another province or territory.

(10) The following is added after section 43:

Minister's authority

43.1 The Minister may, in accordance with the regulations, if any, conduct and manage provincial lotteries on behalf of the Government of Alberta either alone or in conjunction with the government of another province or territory.

(11) Section 44(1) is amended by striking out “The Commission may, on behalf of the Government of Alberta” **and substituting** “The Commission or the Minister may, on behalf of the Government of Alberta and in accordance with the regulations, if any”.

(12) Section 68(1)(b) is amended by striking out “stadium bylaws” **and substituting** “bylaws referred to in section 129(1)(r)”.

(13) Section 69.2(1) and (2) are amended by striking out “age” **and substituting** “date of birth”.

(14) Section 71 is amended by striking out “stadium bylaws” **wherever it occurs and substituting** “bylaws referred to in section 129(1)(r)”.

(10) Minister's authority.

(11) Section 44(1) presently reads:

44(1) The Commission may, on behalf of the Government of Alberta, enter into agreements with the governments of any other provinces or territories or their agents regarding the conduct and management of a provincial lottery within Alberta and those other provinces or territories.

(12) Section 68(1)(b) presently reads:

68(1) No liquor licensee or employee or agent of a liquor licensee whose licence authorizes the sale or provision of liquor at licensed premises may sell, offer to sell or provide liquor at the licensed premises

(b) except during the hours and on the days when the liquor may be sold or provided under the regulations or stadium bylaws.

(13) Updates terminology.

(14) Section 71 presently reads:

71(1) Except in those licensed premises prescribed in the regulations, every person other than the liquor licensee and the liquor licensee's employees or agents must leave licensed premises when the sale and consumption of liquor in those premises are required to cease under the regulations or stadium bylaws.

(2) Except as provided in the regulations, no liquor licensee or employee or agent of a liquor licensee may permit any person to be in licensed premises when the sale and consumption of liquor in those premises are prohibited under the regulations or stadium bylaws.

(3) No person may consume and no liquor licensee or employee or agent of a liquor licensee may permit a person to consume liquor on

(15) Section 74(1) and (4) are amended by striking out “age” and substituting “date of birth”.

(16) Section 80 is amended

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

Sales to liquor licensees

80(1) The Minister may determine the price at which the Commission must sell liquor to liquor licensees.

(1.1) The Minister must determine any mark-up on liquor that the Commission sells to liquor licensees.

(1.2) The Commission must charge any price and impose any mark-up determined by the Minister under subsections (1) and (1.1).

(b) in subsection (4) by striking out “In subsection (1)” and substituting “In subsections (1.1) and (1.2)”.

(17) Section 90.03 is amended by striking out “age” wherever it occurs and substituting “date of birth”.

(18) Section 90.071(3) is repealed and the following is substituted:

(3) A cannabis licensee must ensure that an individual employed to work in a licensed premises meets the qualifications and conditions for employees of cannabis licensees set out in the regulations and the policies of the Commission.

(19) Section 90.12 is amended

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

Sales to cannabis licensees

90.12(1) The Minister may determine the price at which the Commission must sell cannabis to cannabis licensees.

licensed premises when the sale and consumption of liquor in those premises are prohibited under the regulations or stadium bylaws.

(15) Updates terminology.

(16) Section 80 presently reads in part:

(1) The Commission may impose a mark-up as determined by the Commission on liquor that it sells to liquor licensees.

(4) In subsection (1), “mark-up” means the profit generated by the Commission on the sale of liquor.

(17) Updates terminology.

(18) Section 90.071(3) presently reads:

(3) Before employing an individual to work in a premises that is the subject of a cannabis licence, the cannabis licensee must confirm that the individual is in good standing on the list referred to in subsection (1).

(19) Section 90.12 presently reads in part:

90.12(1) In selling cannabis to a cannabis licensee or other purchaser, the Commission may charge whatever price, including any mark-up, that it considers appropriate.

(4) In subsection (1), “mark-up” means the profit generated by the Commission on the sale of cannabis.

(1.1) The Minister must determine any mark-up on cannabis that the Commission sells to cannabis licensees.

(1.2) The Commission must charge any price and impose any mark-up determined by the Minister under subsections (1) and (1.1).

(b) in subsection (4) by striking out “In subsection (1)” and substituting “In subsections (1.1) and (1.2)”.

(20) Section 91(1) is amended

(a) in clause (b) by striking out “stadium bylaws” and substituting “bylaws referred to in section 129(1)(r)”;

(b) in clause (d) by striking out “federal legislation, stadium bylaws or a municipal bylaw referred to in section 90.21” and substituting “federal legislation, a municipal bylaw referred to in section 90.21 or a bylaw referred to in section 129(1)(r)”.

(21) Section 116 is amended by adding “37.11,” after “37.1,”.

(22) Section 129(1) is amended

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

(m.01) respecting provincial lotteries managed and conducted under section 43 or 43.1 or under an agreement referred to in section 44;

(b) by repealing clauses (n) and (o) and substituting the following:

(20) Section 91(1) presently reads in part:

91(1) The board may do any one or more of the things referred to in subsection (2) if the board is of the opinion that

(b) a liquor licensee has failed to comply with stadium bylaws;

(d) an owner of licensed premises or facilities or a manager of licensed premises or facilities or, if the licensee is a corporation, an employee or agent of the corporation who is in charge of the licensed premises or facilities has been charged with or convicted of an offence under this Act, the Criminal Code (Canada) or other federal legislation, stadium bylaws or a municipal bylaw referred to in section 90.21;

(21) Section 116 presently reads:

116 A person who contravenes section 36, 37.1, 37.2, 39, 40, 41, 45, 46, 50, 64, 65(1), 66, 68, 69, 69.1(6), 70, 71, 72(1), 73, 74, 75, 75.1, 77, 79, 81, 84, 86(2), 87, 89, 90, 90.03, 90.04, 90.05, 90.06, 90.08, 90.14, 90.15, 90.16, 90.18, 90.19, 90.2, 90.21, 90.22, 90.23, 90.24, 90.25, 90.26, 90.27, 90.28, 90.29, 99, 100, 101, 101.1 or 115(1) or a section in the regulations the contravention of which is designated by the regulations to be an offence is guilty of an offence.

(22) Section 129(1) presently reads in part:

129(1) The Lieutenant Governor in Council may make regulations

(n) respecting relationships and activities between

(i) liquor suppliers, their officers, directors and employees and liquor agencies and representatives that are required to be registered under Part 3,

- (n) respecting relationships and activities between any combination of the following:
 - (i) liquor suppliers;
 - (ii) officers, directors and employees of liquor suppliers;
 - (iii) liquor agencies that are required to be registered under Part 3;
 - (iv) representatives of liquor agencies that are required to be registered under Part 3;
 - (v) liquor licensees;
 - (vi) officers, directors, employees, agents, businesses and property of liquor licensees;
 - (vii) the board;
 - (viii) the Commission;
 - (ix) the Commission's employees and agents and persons who provide services for or on behalf of the Commission;
- (o) respecting relationships and activities between any combination of the following:
 - (i) cannabis suppliers;
 - (ii) officers, directors and employees of cannabis suppliers;
 - (iii) representatives of cannabis suppliers that are required to be registered under Part 3.1;
 - (iv) cannabis licensees;
 - (v) officers, directors, employees, agents, businesses and property of cannabis licensees;
 - (vi) the board;
 - (vii) the Commission;

- (ii) *liquor licensees and their businesses and property, and the board, the Commission and its employees or agents,*
 - (iii) *cannabis suppliers, their officers, directors and employees and representatives that are required to be registered under Part 3.1, and*
 - (iv) *cannabis licensees and their businesses and property, and the board, the Commission and its employees or agents;*
- (o) *respecting relationships and activities between*
 - (i) *liquor licensees and their officers, directors and employees,*
 - (ii) *the board, the Commission, its employees and persons who provide services for or on behalf of the Commission,*
 - (iii) *cannabis licensees and their officers, directors and employees, and*
 - (iv) *the board, the Commission, its employees and persons who provide services for or on behalf of the Commission;*
- (x.2) *respecting prices that may be charged for cannabis or specified classes of cannabis;*

(viii) the Commission's employees and agents and persons who provide services for or on behalf of the Commission;

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

(x.01) respecting prices, other than the price of liquor referred to in section 80(1), that may be charged for liquor or specified classes of liquor;

(d) in clause (x.2) by adding “, other than the price of cannabis referred to in section 90.12(1),” **after** “respecting prices”.

(23) The following is added after section 129:

Transitional regulations

129.1(1) The Lieutenant Governor in Council may make regulations respecting the transition from the Commission's authority under sections 80 and 90.12 as they read immediately before the coming into force of this section to the Minister's authority under those sections as they read after the coming into force of this section.

(2) A regulation made under subsection (1) is repealed 2 years after the regulation comes into force or on the date specified in the regulation, whichever is earlier.

(24) This section, except subsections (3), (7), (9), (10), (11) and (22)(a), comes into force on Proclamation.

(23) Transitional regulations.

(24) Coming into force.

Health Statutes Amendment Act, 2020 (No. 2)

Amends SA 2020 c35

5(1) The *Health Statutes Amendment Act, 2020 (No. 2)* is amended by this section.

(2) Section 122 is repealed.

Health Statutes Amendment Act, 2020 (No. 2)

5(1) Amends chapter 35 of the Statutes of Alberta, 2020.

(2) Section 122 presently reads:

122 The Mental Health Services Protection Act is amended by repealing section 29 and substituting the following:

Amends RSA 2000 cH-7

29(1) The Health Professions Act is amended by this section.

(2) Section 128 is amended by adding the following before the end of the section:

(12) No person shall use the word “psychotherapist” alone or in combination with other words in connection with providing a health service unless the person is authorized to use the word pursuant to the schedules to this Act or pursuant to another enactment.

(3) The Schedules are amended by adding the following after Schedule 3:

Schedule 3.1

*Profession of Counselling Therapists,
Addiction Counsellors and Child and
Youth Care Counsellors*

Continuation of corporation

1 On the coming into force of this Schedule, the society incorporated under the Societies Act known as the Association of Counselling Therapy of Alberta is continued as a corporation under the name College of Counselling Therapy of Alberta.

Use of titles, etc.

2 A regulated member of the College of Counselling Therapy of Alberta may, in accordance with standards of practice, use any of the following titles, abbreviations and initials:

- (a) *counselling therapist;*
- (b) *psychotherapist;*
- (c) *addiction counsellor;*
- (d) *drug and alcohol counsellor;*
- (e) *child and youth care counsellor;*
- (f) *CT;*
- (g) *AC;*
- (h) *CYCC.*

Practice

3(1) In their practice, counselling therapists do one or more of the following:

- (a) *within a counselling relationship, assess, guide, support and treat individuals or groups of individuals to enhance, maintain and promote health and wellness;*
- (b) *engage in education with respect to the practice of counselling therapy;*
- (c) *engage in research related to the practice of counselling therapy;*
- (d) *provide restricted activities authorized by the regulations.*

(2) In their practice, addiction counsellors do one or more of the following:

- (a) *within a counselling relationship, assess, guide, support and treat individuals or groups of individuals with addictions to enhance, maintain and promote health and wellness;*
- (b) *engage in education with respect to the practice of addiction counselling;*
- (c) *engage in research related to the practice of addiction counselling;*
- (d) *provide restricted activities authorized by the regulations.*

Income and Employment Supports Act

Amends SA 2003 cl-0.5

6(1) The *Income and Employment Supports Act* is amended by this section.

(2) The Schedule is amended in section 6

(a) by repealing clause (a)(iii) and substituting the following:

(3) In their practice, child and youth care counsellors do one or more of the following:

- (a) within a counselling relationship, assess, guide, support and treat children, youth and their families to enhance, maintain and promote health and wellness;*
- (b) engage in education with respect to the practice of child and youth care counselling;*
- (c) engage in research related to the practice of child and youth care counselling;*
- (d) provide restricted activities authorized by the regulations.*

(4) For greater certainty, in this section, “counselling relationship” does not include providing emotional, social or practical support between individuals who share a common lived experience.

Fines

4 Column 2 of the unprofessional conduct fines table applies to proceedings of the College of Counselling Therapy of Alberta under Part 4.

(4) Schedule 21 is amended in section 2 by adding the following after clause (vvv):

(www) psychotherapist.

(5) Schedule 22 is amended in section 2 by adding the following after clause (a):

(a.1) psychotherapist;

Income and Employment Supports Act

6(1) Amends chapter I-0.5 of the Statutes of Alberta, 2003.

(2) The Schedule presently reads in part:

- (iii) if an adult member of the household unit is living in a hospital or a type A continuing care home or an institution similar to a hospital or a type A continuing care home that is designated by the Minister, \$322 for each adult member, and

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

- (iii) if an adult member of the household unit is living in a hospital or a type A continuing care home or an institution similar to a hospital or a type A continuing care home that is designated by the Minister, an amount for each adult member, adjusted in accordance with section 2, and

(3) This section comes into force on Proclamation.

Libraries Act

Amends RSA 2000 cL-11

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

6 *The maximum monthly core essential payment that may be provided to a barriers to full employment household unit or an expected to work or working household unit is*

(a) *under section 5.1(2)(a) of this Act,*

(iii) *if an adult member of the household unit is living in one of the following, \$322 for each adult member:*

(A) *a hospital or a type A continuing care home;*

(B) *the McCullough Centre;*

(C) *a recognized emergency shelter for persons escaping abuse;*

(D) *an institution similar to the institutions in paragraphs (A) to (C) that is designated by the Minister under the regulations, and*

(b) *under section 5.1(2)(b) of this Act,*

(iii) *if an adult member of the household unit is living in one of the following, an amount for each adult member, adjusted in accordance with section 2:*

(A) *a hospital or a type A continuing care home;*

(B) *the McCullough Centre;*

(C) *a recognized emergency shelter for persons escaping abuse;*

(D) *an institution similar to the institutions in paragraphs (A) to (C) that is designated by the Minister, and*

(3) Coming into force.

Libraries Act

7(1) Amends chapter L-11 of the Revised Statutes of Alberta 2000.

(2) Section 1 is amended

(a) by repealing clauses (b), (c) and (d) and substituting the following:

(b) “board” means a municipal library board, intermunicipal library board or library system board;

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

(e.1) “intermunicipal agreement” means an agreement described in section 10;

(c) by repealing clause (f);

(d) in clause (f.1) by striking out “under Part 1.1” and substituting “or continued under Part 1, Division 2”;

(e) in clause (h) by adding “established or continued” after “a library system board”;

(f) by repealing clause (j);

(g) by adding the following after clause (k):

(k.1) “municipal library board” means a municipal library board established or continued under Part 1, Division 1;

(h) in clause (m) by striking out “, library system or community library” and substituting “or library system”;

(i) by repealing clause (n).

(3) Parts 1 and 1.1 are repealed and the following is substituted:

(2) Section 1 presently reads in part:

1 In this Act,

(b) “board” means a municipal board, intermunicipal library board, library system board, community board or federation board;

(c) “community board” means a community library board established or continued under Part 3;

(d) “community library” means a library established or continued under Part 3;

(f) “federation board” means a federation board established under Part 4;

(f.1) “intermunicipal library board” means an intermunicipal library board established under Part 1.1;

(h) “library system board” means a library system board under Part 2;

(j) “municipal board” means a municipal library board;

(m) “public library” means a municipal library, library system or community library;

(n) “Public Library Rate” means the rate assessed and levied pursuant to section 11;

(3) Parts 1 and 1.1 presently read:

**Part 1
Municipal and
Intermunicipal Library
Boards**

**Division 1
Municipal Library
Boards**

Application

2 This Division applies to every municipal library board maintained in whole or in part by property taxes and

- (a) established under this Division, or
- (b) established or continued under section 3 as it read before the coming into force of this Division.

Establishment and name

3(1) The council of a municipality may, by bylaw, establish a municipal library board.

(2) The council shall forward a copy of a bylaw made under subsection (1) to the Minister.

(3) On being established, the municipal library board is a corporation and shall be known as the “(Name of municipality) Library Board”.

(4) A municipal library board established under this Act prior to the coming into force of this section is continued with the name “(Name of municipality) Library Board”.

Members

4(1) A municipal library board shall consist of not fewer than 5 and not more than 10 members appointed by the council of the municipality.

(2) A person who is an employee of a municipal library board is not eligible to be a member of that board.

(3) Not more than 2 members of the council of the municipality may be members of the municipal library board at the same time.

Part 1
Municipal Libraries

2 This Part applies to every municipal library board maintained in whole or in part by property taxes and

(a) established under this Part, or

(b) continued under this Part.

3(1) The council of a municipality may, by bylaw, establish a municipal library board.

(2) The council shall forward a copy of a bylaw made under subsection (1) to the Minister.

(4) On being established, the municipal library board is a corporation and shall be known as "The (name of municipality) Library Board".

(5) The boards of management of all public libraries to which Part 3 of the Libraries Act, RSA 1980 cL-12, applies are continued as municipal library boards under this Act.

4(1) A municipal board shall consist of not fewer than 5 and not more than 10 members appointed by council.

(2) A person who is an employee of the municipal board is not eligible to be a member of that board.

(3) Not more than 2 members of council may be members of the municipal board.

(4) A member of the municipal board is eligible to be reappointed for only 2 additional consecutive terms of office, unless at least 2/3 of the whole council passes a resolution stating that the member may be reappointed as a member for more than 3 consecutive terms.

(5) Subject to subsection (6), appointments to the municipal board shall be for a term of up to 3 years.

(6) When appointments are made in respect of a first municipal board, council shall, as nearly as may be possible, appoint 1/3 of the members for a term of one year, 1/3 of the members for a term of 2 years and the remaining members for a term of 3 years.

(4) A member of a municipal library board is eligible to be reappointed for only 2 additional consecutive terms of office, unless at least 2/3 of the whole council of the municipality passes a resolution stating that the member may be appointed as a member for more than 3 consecutive terms.

(5) Appointments to a municipal library board shall be for a term of up to 3 years.

(6) Notwithstanding subsection (5), the term of office of a member continues until a successor is appointed or the member is reappointed in accordance with subsection (4).

(7) Any vacancy on a municipal library board that reduces or will reduce the number of members of the board to a number less than 5 shall be filled by the council of the municipality as soon as reasonably possible.

Budget

5(1) Each year a municipal library board shall prepare a budget and an estimate of the money required during the next fiscal year to provide library services to the public.

(2) The budget and estimate shall be submitted to the council of the municipality by the date specified by the council.

(3) The council of the municipality may approve the estimate under subsection (1) in whole or in part.

Financial records

6 A municipal library board shall

- (a) create and maintain complete and accurate financial records of the board's operations,
- (b) have a person who is not a member of the board and whose qualifications are satisfactory to the council of the municipality review the financial records each calendar year and prepare a financial report in a form satisfactory to the council, and
- (c) submit the financial report to the council of the municipality immediately after the report is completed.

(7) Notwithstanding this section, the term of office of a member continues until a member is appointed in that member's place.

5(1) The appointments of the members of the municipal board shall be made on the date fixed by council.

(2) Any vacancy arising from any cause must be filled by council as soon as reasonably possible for council to do so.

6 No resolution, bylaw, proceeding or action of any kind of the municipal board may be held invalid or set aside for the reason that any person whose election to council has been judged invalid acted as a member of the board.

7 The municipal board, subject to any enactment that limits its authority, has full management and control of the municipal library and shall, in accordance with the regulations, organize, promote and maintain comprehensive and efficient library services in the municipality and may co-operate with other boards and libraries in the provision of those services.

8(1) The municipal board shall before December 1 in each year prepare a budget and an estimate of the money required during the ensuing fiscal year to operate and manage the municipal library.

(2) The budget and the estimate of money shall be forthwith submitted to the council of the municipality.

(3) Council may approve the estimate under subsection (1) in whole or in part.

9 The municipal board shall

- (a) keep accounts of its receipts, payments, credits and liabilities,*
- (b) have a person who is not a member of the municipal board and whose qualifications are satisfactory to council review the accounts each calendar year and prepare a financial report in a form satisfactory to council, and*
- (c) submit the financial report to council immediately after its completion.*

10(1) When money is required for the purpose of acquiring real property for the purposes of a building to be used as a municipal library or for erecting, repairing, furnishing and equipping a building to be used as a municipal library, the council may, at the

Library building and equipment

7(1) When money is required for the purpose of acquiring real property for the purposes of a building to be used for the provision of public library services or for erecting, repairing, furnishing or equipping a building to be used for the provision of public library services, the council of the municipality may, at the request of the municipal library board, take all necessary steps to furnish the money requested or the portion of it that the council considers expedient.

(2) Money approved by the council under subsection (1) may be borrowed by the council under the authority of a bylaw and on the security of debentures.

(3) The provisions of the *Municipal Government Act* or the *Education Act*, as the case may be, governing

- (a) the passing of bylaws for borrowing money,
- (b) the issue and form of debentures, and
- (c) the assessment, levy and collection of money necessary to meet the indebtedness incurred by the issue of debentures

apply to the borrowing of money under subsection (2).

Dissolution

8(1) If a municipal library board fails to provide library services in accordance with the regulations for a period of 2 years, the council of the municipality may make an ex parte application to the Court of King's Bench for an order declaring the municipal library board dissolved.

(2) An order dissolving a municipal library board vests in the municipality all the property of the municipal library board, and the council through its proper officers may take possession of the vested property and dispose of it in any manner the council considers advisable.

request of the municipal board, take all necessary steps to furnish the money requested or the portion of it that the council considers expedient.

(2) Money approved by the council under subsection (1) may be borrowed by the council under the authority of a bylaw and on the security of debentures, which shall be termed "Public Library Debentures".

(3) The provisions of the Municipal Government Act or the Education Act, as the case may be, governing

(a) the passing of bylaws for borrowing money,

(b) the issue and form of debentures, and

(c) the assessment, levy and collection of money necessary to meet the indebtedness incurred by the issue of debentures,

apply to the borrowing of money under subsection (2).

10.1(1) If the Lieutenant Governor in Council makes an order under the Municipal Government Act dissolving a municipality, that order is deemed to dissolve any municipal library board established by that municipality and to pass to the municipality, immediately prior to the dissolution of the municipality, all the rights, assets and liabilities of the municipal library board.

(2) When an amalgamation of municipal authorities has been initiated under Part 4 of the Municipal Government Act and no agreement can be reached among those municipal authorities regarding the rights, assets and liabilities of a municipal library board, the Lieutenant Governor in Council may, by order, dissolve the municipal library board and may make any order the Lieutenant Governor in Council considers appropriate in respect of the disposition of the rights, assets and liabilities of the municipal library board.

(3) When an annexation of land from one municipal authority to another municipal authority has been initiated under Part 4 of the Municipal Government Act and no agreement can be reached between the municipal authorities regarding the rights, assets and liabilities of a municipal library board established by the municipal authority from which the land is to be annexed, the Lieutenant Governor in Council may, by order, dissolve the municipal library board and may make any order the Lieutenant Governor in Council

Division 2 Intermunicipal Library Boards

Application

9 This Division applies to every intermunicipal library board maintained in whole or in part by property taxes and

- (a) established under this Division, or
- (b) continued under this Division.

Establishment

10(1) The council of a municipality may, by bylaw, authorize the municipality to enter into an agreement that meets the requirements of the regulations with up to 3 other municipalities respecting the establishment of an intermunicipal library board to provide library services to the residents of the municipalities.

(2) Notwithstanding subsection (1), the number of municipalities with which a municipality may enter into an agreement may exceed 3 where each of the municipalities is located within the existing boundaries of the same municipal district.

(3) The council of each municipality that is a party to the agreement shall forward a copy of the bylaw passed by that council and the agreement described in subsection (1) to the Minister.

(4) On receipt of the bylaws and the agreement under subsection (3), the Minister may, by order, establish an intermunicipal library board.

(5) An intermunicipal library board established under subsection (4) is a corporation with the name set out in the ministerial order.

(6) An intermunicipal library board established under this Act before the coming into force of this section is continued as an intermunicipal library board under this Division.

Joining and withdrawing from intermunicipal agreements

11(1) After an intermunicipal library board has been established under section 10, the council of a municipality may, by bylaw, subject to the regulations and the terms of the intermunicipal agreement in respect of that board, authorize the municipality to be

considers appropriate in respect of the disposition of the rights, assets and liabilities of the municipal library board.

12(1) If a municipal board fails to open a library to the public for a period of 2 years, the council may make an ex parte application to the Court of Queen's Bench for an order declaring the municipal board dissolved.

(2) The order dissolving the municipal board vests in the municipality all the property of the municipal board, and the council through its proper officers may take possession of the vested property and dispose of it in any manner it considers advisable.

Part 1.1

Intermunicipal

Library Boards

12.1 In this Part, "intermunicipal agreement" means an agreement under section 12.2.

12.2(1) The council of a municipality may, by bylaw, authorize the municipality to enter into an agreement that meets the requirements of the regulations with one or two other municipalities respecting the establishment of an intermunicipal library board to provide library services to the residents of the municipalities.

(2) The council of each municipality that is a party to the agreement shall forward a copy of the bylaw and the agreement under subsection (1) to the Minister.

(3) On receipt of the bylaws and the agreement under subsection (2) the Minister may, by order, establish an intermunicipal library board.

(4) An intermunicipal library board established under subsection (3) is a corporation with the name set out in the Ministerial order.

12.3(1) An intermunicipal library board consists of the members appointed to the board in accordance with the intermunicipal agreement.

(2) A person who is an employee of an intermunicipal library board is not eligible to be a member of that board.

12.4 Where a person has acted as a member of an intermunicipal library board, no resolution, bylaw, proceeding or action of any

- (a) added as a party to the intermunicipal agreement if the agreement is between
 - (i) no more than 3 municipalities, or
 - (ii) any number of municipalities located within the existing boundaries of the same municipal district as the municipality,
- or
- (b) removed as a party to the intermunicipal agreement.

(2) If the Minister is satisfied that the council of a municipality has met the requirements of the regulations and the agreement, the Minister may, by order, add or remove the municipality as a party to the intermunicipal agreement.

Members

12(1) An intermunicipal library board consists of the members appointed to the board by the council of each municipality that is a party to the intermunicipal agreement respecting that board in accordance with the intermunicipal agreement.

(2) A person who is an employee of an intermunicipal library board is not eligible to be a member of that board.

(3) A member of the intermunicipal library board is eligible to be reappointed for only 2 additional consecutive terms of office, unless at least 2/3 of the whole council that appointed the member passes a resolution stating that the member may be appointed as a member for more than 3 consecutive terms.

(4) Appointments to an intermunicipal library board shall be for a term of up to 3 years.

(5) Notwithstanding subsection (4), the term of office of a member continues until a successor is appointed or the member is reappointed in accordance with subsection (3).

(6) Any vacancy on an intermunicipal library board that reduces or will reduce the number of members of the board to a number less than 7 shall be filled in accordance with the intermunicipal agreement as soon as reasonably possible.

kind of the intermunicipal library board may be held invalid or set aside for the reason that that person's election to the council of a municipality is invalid.

12.5 An intermunicipal library board, subject to any enactment that limits its authority, has full management and control of the municipal library established by the board and shall, in accordance with the regulations, organize, promote and maintain comprehensive and efficient library services in the municipalities that are the parties to the intermunicipal agreement respecting that board and may co-operate with other boards and libraries in the provision of those services.

12.6 Each year an intermunicipal library board shall, before the date specified in the intermunicipal agreement respecting that board, submit to each municipality that is a party to the agreement a budget and an estimate of the money required during the ensuing fiscal year to operate and manage the intermunicipal library board, including the amounts to be paid by each municipality in accordance with the agreement.

12.7 An intermunicipal library board shall

- (a) keep accounts of its receipts, payments, credits and liabilities,*
- (b) have a person who is not a member of the intermunicipal library board and whose qualifications are approved in accordance with the intermunicipal agreement respecting that board review the accounts each calendar year and prepare a financial report in the form required by the intermunicipal agreement, and*
- (c) submit the financial report to the council of each municipality that is a party to the intermunicipal agreement immediately after its completion.*

Budget

12.1 Each year an intermunicipal library board shall, before the date specified in the intermunicipal agreement respecting that board, submit to each municipality that is a party to the agreement a budget and an estimate of the money required during the next fiscal year to provide library services to the public, including the amounts to be paid by each municipality in accordance with the agreement.

Financial records

12.2 An intermunicipal library board shall

- (a) create and maintain complete and accurate financial records of the board's operations,
- (b) have a person who is not a member of the intermunicipal library board and whose qualifications are approved in accordance with the intermunicipal agreement review the financial records each calendar year and prepare a financial report in the form required by the intermunicipal agreement, and
- (c) submit the financial report to the council of each municipality that is a party to the intermunicipal agreement immediately after the report is completed.

**Division 3
General****Validity of proceedings**

12.3 No resolution, bylaw, proceeding or action of any kind of a municipal library board or intermunicipal library board may be held invalid or set aside for the reason that any person whose election to council has been judged invalid acted as a member of the board.

Board duties

12.4 A municipal library board or an intermunicipal library board, subject to any enactment that limits its authority, has full management and control of the municipal library established by the board and shall, in accordance with the regulations, organize, promote and maintain comprehensive and efficient library services

in the municipality or municipalities it serves and may cooperate with other boards and libraries in the provision of those services.

Dissolution, amalgamation or annexation of municipality

12.5(1) If the Lieutenant Governor in Council makes an order under the *Municipal Government Act* dissolving a municipality, that order is deemed to dissolve any municipal library board established by that municipality and to pass to the municipality, immediately prior to the dissolution of the municipality, all the rights, assets and liabilities of the municipal library board.

(2) If the Lieutenant Governor in Council makes an order under the *Municipal Government Act* dissolving a municipality that is a party to an intermunicipal agreement respecting an intermunicipal library board, that order is deemed to remove the municipality from the agreement and, where no agreement regarding the rights, assets and liabilities of the board can be reached among the municipalities remaining party to the intermunicipal agreement, the Lieutenant Governor in Council may make any order the Lieutenant Governor in Council considers appropriate in respect of the disposition of the rights, assets and liabilities of the board.

(3) When under subsection (2) a municipality is removed from an intermunicipal agreement respecting an intermunicipal library board that is between no more than 2 municipalities, the Lieutenant Governor in Council may, by order, dissolve the board and may make any order the Lieutenant Governor in Council considers appropriate in respect of the disposition of the rights, assets and liabilities of the board.

(4) When an amalgamation of municipal authorities has been initiated under Part 4 of the *Municipal Government Act* and no agreement can be reached among those municipal authorities regarding the rights, assets and liabilities of a municipal library board or an intermunicipal library board, the Lieutenant Governor in Council may, by order, dissolve the municipal library board or intermunicipal library board and may make any order the Lieutenant Governor in Council considers appropriate in respect of the disposition of the rights, assets and liabilities of the municipal library board or intermunicipal library board.

(5) When an annexation of land from one municipal authority to another municipal authority has been initiated under Part 4 of the *Municipal Government Act* and no agreement can be reached

between the municipal authorities regarding the rights, assets and liabilities of

- (a) a municipal library board established by the municipal authority from which the land is to be annexed, or
- (b) an intermunicipal library board that is the subject of an intermunicipal agreement to which the municipal authority from which the land is to be annexed is a party,

the Lieutenant Governor in Council may, by order, dissolve the municipal library board or intermunicipal library board and may make any order the Lieutenant Governor in Council considers appropriate in respect of the disposition of the rights, assets and liabilities of the municipal library board or intermunicipal library board.

(4) Section 14 is amended

- (a) **in subsection (2) by striking out** “ “The (name of region) Library Board” ” **and substituting** “the “(Name of region) Library Board” ”;
- (b) **by adding the following after subsection (2):**
 - (2.1) A library system board established or continued under this section prior to the coming into force of this subsection is continued with the name “(Name of region) Library Board”.
- (c) **by repealing subsection (3).**

(5) Section 16 is amended by striking out “shall consist of” and substituting “consists of”.

(6) Section 17 is amended by striking out “co-operation” and substituting “cooperation”.

(4) Section 14 presently reads in part:

(2) On being established, the library system board is a corporation and shall be known as "The (name of region) Library Board".

(3) All boards of management of regional libraries under the Libraries Act, RSA 1980 cL-12, are continued as library system boards under this Act.

(5) Section 16 presently reads in part:

16 A library system board shall consist of

(6) Section 17 presently reads in part:

17 The library system board, subject to any enactment that limits its authority and the agreement described in section 13, has full management and control of the library system and shall, in accordance with the regulations and in co-operation with other boards, organize, promote and maintain comprehensive and efficient library services and may

(7) Section 19 is amended by striking out “section 12.2” and substituting “section 10”.

(8) Section 20 is repealed.

(9) Section 24 is amended by striking out “section 10(2) and (3)” and substituting “section 7(2) and (3)”.

(10) Parts 3 and 4 are repealed.

(7) Section 19 presently reads:

19 Notwithstanding this Part, if a municipal library has been established in a municipality and is receiving library services from the library system board, the authority of the library system board and the municipal library board or intermunicipal library board is limited by the terms of any agreement described in section 12.2 or 13.

(8) Section 20 presently reads:

20 A municipality, improvement district, special area or school authority may grant money for capital works requirements and grant money to establish a library system.

(9) Section 24 presently reads:

24 A municipality or a school authority that is a party to an agreement described in section 13 may, with the approval of the Minister, borrow money to acquire real property for the purposes of a building to be used as the headquarters of a library system or for erecting, repairing, furnishing and equipping a building to be used as the headquarters of a library system, and section 10(2) and (3) apply to the borrowing of the money.

(10) Parts 3 and 4 presently read:

*Part 3
Community Libraries*

25 In any area, other than a municipality, where library services are not provided by a library system board, any association of persons, whether incorporated or not, may apply to the Minister to be established as a community library board and to be authorized to provide library services to the public in that area.

26(1) The Minister may establish a community library board and prescribe the boundaries of the community library.

(2) On being established, a community library board is a corporation and shall be known as "The (name of the library) Community Library Board".

(3) All community library boards under the Libraries Act, RSA 1980 cL-12, are continued as community library boards under this Act.

(4) The members of the community board shall be appointed in the manner and on the conditions prescribed by the Minister.

27 The community board, subject to any enactment that limits its authority, has full management and control of the community library and may

- (a) provide library services within the boundaries of the community library in accordance with the regulations, and*
- (b) raise funds for the support of the community library, including the fixing of an annual membership fee.*

28 On the formation of a library system board, a municipal library board or an intermunicipal library board in an area where a community board is authorized to provide library services, the Minister may order that a community board be dissolved and dispose of its property in consultation with the persons who were the members of the dissolved community board.

Part 4 Federations

29(1) Two or more municipal boards, on entering into an agreement that meets the requirements of this Act and the regulations, may request the Minister to establish a federation board.

(2) An agreement described in subsection (1) must include

- (a) either The City of Calgary Library Board or The City of Edmonton Library Board as a party to the agreement;*
- (b) provisions on establishing a plan for the co-operative provision of library services among the parties to the agreement;*
- (c) provisions respecting the amount or portion of federation board expenses that each party to the agreement is responsible for.*

(3) On receipt of a request under subsection (1), the Minister may

- (a) establish a federation board, and*
 - (b) name the federation board.*
- (4) On being established, a federation board is a corporation that consists of one person selected by each of the parties to the agreement described in subsection (1).*
- (5) A municipal board may join an existing federation board if*
- (a) that municipal board applies for membership in the federation board,*
 - (b) that municipal board meets the requirements of this Act and the regulations,*
 - (c) that municipal board enters into an agreement with the federation board for membership and becomes a party to the agreement described in subsection (1),*
 - (d) the members of the federation board make any necessary amendments to the agreement described in subsection (1), and*
 - (e) the Minister approves the agreement referred to in clause (c), the amendments referred to in clause (d) and the municipal board's becoming a party to the agreement described in subsection (1).*
- (6) The Minister may order that a federation board be dissolved and dispose of its property in consultation with the members of the federation board when it is dissolved.*
- 30(1) A federation board must*
- (a) facilitate the enhancement of library services offered by its members to the public, and*
 - (b) encourage its members to co-operate with each other in the provision of library services to the public.*
- (2) A federation board may not borrow money for payment of its operating expenses in an amount that exceeds 50% of the money it spent on its operating expenses in the immediately preceding fiscal year.*

(11) Section 34 is repealed and the following is substituted:

Record of meetings

34(1) All minutes, resolutions and bylaws of a board shall be signed by the chair or a person acting for the chair.

(2) Minutes, resolutions and bylaws signed under subsection (1) shall be admitted in evidence as proof, in the absence of evidence to the contrary, of their contents without proof of the signature or official character of the person appearing to have signed them.

(3) A board shall store all minutes, resolutions and bylaws of the board in a secure physical or electronic location.

(12) Section 35 is repealed.

(13) Section 36(1)(b)(iii) is amended by adding “and printing services” after “photocopying”.

(3) Each municipal board that is a party to an agreement referred to in section 29(1) must appoint one of its members to represent it at meetings of the federation board.

(4) A representative under subsection (3) may serve a term of up to 3 years.

(5) A federation board must prepare a budget prior to December 1 of each year for the next fiscal year.

(6) The fiscal year of a federation board is the same as the fiscal year of a municipality under the Municipal Government Act.

(11) Section 34 presently reads:

34(1) All minutes, resolutions and bylaws of a board shall be entered in books to be kept by it for that purpose and the books shall be signed by the chair or acting chair.

(2) The minutes, resolutions and bylaws entered in books and purporting to be signed under subsection (1) are deemed to be original minutes, resolutions and bylaws, and the books shall be admitted in evidence as proof in all judicial and other proceedings without proof of the signature or official character of the person purporting to have signed them.

(12) Section 35 presently reads:

35 With the consent in writing of the Minister, a board in a municipal district may enter into agreements with any other municipal board or intermunicipal library board relating to the provision of library services to the residents of that municipal district.

(13) Section 36(1)(b)(iii) presently reads:

36(1) A board may pass bylaws for the safety and use of the library, including

(b) notwithstanding subsection (3), fees to be paid by members of the public for

(iii) photocopying.

(14) Section 38 is amended by adding “library” after “municipal”.

(15) Section 39 is amended

- (a) in subsection (1) by striking out “books, records and accounts” and substituting “records”;**
- (b) in subsection (2) by striking out “books, records or accounts” and substituting “records”.**

(16) Section 40 is amended

- (a) in clause (g.1) by striking out “section 12.2” and substituting “section 10”;**
- (b) in clause (j) by striking out “municipal boards” and substituting “municipal library boards”;**
- (c) by repealing clause (l).**

Mental Health Services Protection Act

Amends SA 2018 cM-13.2

8(1) The *Mental Health Services Protection Act* is amended by this section.

(2) Section 29 is repealed.

(14) Section 38 presently reads:

38 The council of a municipality may disallow a bylaw passed by a municipal board it has appointed.

(15) Section 39 presently reads:

39(1) The Minister or a person authorized in writing by the Minister may, during regular business hours, inspect the books, records and accounts of a board.

(2) A person authorized under subsection (1) shall, while inspecting the books, records or accounts of a board, carry identification in the prescribed form and present it on request.

(16) Section 40 presently reads in part:

40 The Minister may make regulations

(g.1) governing the matters required to be dealt with in agreements described in section 12.2;

(j) respecting the disposition and transfer of library assets by municipal boards desirous of disposing of them to library system boards on entering into agreements described in section 13;

(l) respecting requirements for establishing a federation board and for membership in a federation board;

Mental Health Services Protection Act

8(1) Amends chapter M-13.2 of the Statutes of Alberta, 2018.

(2) Section 29 presently reads:

29(1) The Health Professions Act is amended by this section.

(2) Section 128 is amended by adding the following after subsection (11):

(12) No person shall use the word “psychotherapist” alone or in combination with other words in connection with providing a health service unless the person is authorized to use the word pursuant to Schedule 3.1, 21 or 22.

(3) The Schedules are amended by adding the following after Schedule 3:

Schedule 3.1

*Profession of Counselling Therapists,
Addiction Counsellors and Child
and Youth Care Counsellors*

Continuation of corporation

1 On the coming into force of this Schedule, the society incorporated under the Societies Act known as the Association of Counselling Therapy of Alberta is continued as a corporation under the name College of Counselling Therapy of Alberta.

Use of titles, etc.

2 A regulated member of the College of Counselling Therapy of Alberta may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) counselling therapist;*
- (b) psychotherapist;*
- (c) addiction counsellor;*
- (d) drug and alcohol counsellor;*
- (e) child and youth care counsellor;*
- (f) provisional counselling therapist;*
- (g) provisional addiction counsellor;*
- (h) provisional child and youth care counsellor;*
- (i) CT;*
- (j) CT(P);*

- (k) AC;
- (l) AC(P);
- (m) CYCC;
- (n) CYCC(P).

Practice

3(1) In their practice, counselling therapists do one or more of the following:

- (a) within a counselling relationship, assess, guide, support and treat individuals or groups of individuals to enhance, maintain and promote health and wellness;*
- (b) engage in education with respect to the practice of counselling therapy;*
- (c) engage in research related to the practice of counselling therapy;*
- (d) provide restricted activities authorized by the regulations.*

(2) In their practice, addiction counsellors do one or more of the following:

- (a) within a counselling relationship, assess, guide, support and treat individuals or groups of individuals with addictions to enhance, maintain and promote health and wellness;*
- (b) engage in education with respect to the practice of addiction counselling;*
- (c) engage in research related to the practice of addiction counselling;*
- (d) provide restricted activities authorized by the regulations.*

(3) In their practice, child and youth care counsellors do one or more of the following:

- (a) within a counselling relationship, assess, guide, support and treat children, youth and their families to enhance, maintain and promote health and wellness;*

Motor Vehicle Accident Claims Act

Amends RSA 2000 cM-22

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

(2) Section 3.2 is amended by striking out “this Act or the regulations” and substituting “this Act, the regulations or sections 21(1) and 22(1) of the *Vehicle Seizure and Removal Regulation* (AR 251/2006)”.

- (b) *engage in education with respect to the practice of child and youth care counselling;*
- (c) *engage in research related to the practice of child and youth care counselling;*
- (d) *provide restricted activities authorized by the regulations.*

(4) *For greater certainty, in this section, “counselling relationship” does not include providing emotional, social or practical support between individuals who share a common lived experience.*

Fines

4 *Column 2 of the unprofessional conduct fines table applies to proceedings of the College of Counselling Therapy of Alberta under Part 4.*

(4) *Schedule 21 is amended in section 2 by adding the following after clause (vvv):*

(www) *psychotherapist.*

(5) *Schedule 22 is amended in section 2 by adding the following after clause (a):*

(a.1) *psychotherapist;*

Motor Vehicle Accident Claims Act

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

(2) Section 3.2 presently reads:

3.2 The Administrator may delegate to any person or persons all or any of the powers, duties or functions conferred or imposed on the Administrator by this Act or the regulations.

Provincial Offences Procedure Act

Amends RSA 2000 cP-34

10(1) The *Provincial Offences Procedure Act* is amended by this section.

(2) Section 1 is amended

(a) in clause (a) by striking out “for the purposes of Parts 2 and 3”;

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

(d.01) “digital service” means a digital service approved by the Minister under section 23.5;

(d.02) “electronic address” means an email address or other electronic means of communication with a particular person, including through a digital service;

(c) by repealing clause (f);

(d) by adding the following after clause (k):

(k.1) “response time and date” means the time and date indicated on a violation ticket at or before which a defendant is required to respond to the violation ticket in the manner provided for in the violation ticket;

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

(n.1) “virtual proceeding” means a proceeding where a defendant or other person appears remotely by telephone, audioconference, videoconference, digital service or other electronic means that enables all persons participating in a proceeding to hear and communicate with each other instantaneously;

(f) by repealing clause (o) and substituting the following:

(o) “voluntary payment” means a payment, in part or in full, of a specified penalty and the applicable surcharge, if any, pursuant to section 26 or 36.

Provincial Offences Procedure Act

10(1) Amends chapter P-34 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

- (a) “address for service” for the purposes of Parts 2 and 3 means an address determined in accordance with section 21;*
- (f) “initial appearance date” means, in the case of proceedings under Part 2, the date referred to in section 27(1) and, in the case of proceedings under Part 3, the date indicated on the offence notice, on or before which a defendant is required to respond to the offence notice;*
- (o) “voluntary payment” means payment pursuant to section 26 or 36.*

(3) Section 4(1) and (2) are amended by striking out “6 months” and substituting “12 months”.

(4) Section 16 is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following after clause (b):

- (c) no document is invalid by reason only that it is an electronic document provided through a digital service.

(5) Section 20 is amended

(a) by renumbering it as section 20(1);

(b) in subsection (1) by adding the following after clause (b):

- (c) the National Safety Code issued by the Canadian Council of Motor Transport Administrators or any of the standards that are part of that Code, as amended from time to time;
- (d) a fire code declared to be in force in Alberta under the *Safety Codes Act* or a regulation made under that Act.

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

(2) Where the Court or a clerk uses a digital service to carry out a function of the Court, the following shall be judicially noted:

(3) Section 4 presently reads:

4(1) Subject to any express provision in another Act, no proceedings to which this Act applies may be instituted more than 6 months after the time when the alleged offence occurred.

(2) In the case of an offence that is of a continuing nature, each day or part of a day on which it continues constitutes a separate offence and no proceedings may be instituted more than 6 months after the last occurrence of the alleged offence.

(4) Section 16 presently reads:

16 In any proceeding under an enactment,

(a) it is not necessary for the justice to affix a seal of a justice of the peace to a document, and

(b) no document is invalid by reason only of the lack of a seal even if the document purports to be sealed.

(5) Section 20 presently reads:

20 The following shall be judicially noted:

(a) any rule, order or bylaw made pursuant to an Act;

(b) the publication or promulgation of a rule, order or bylaw as required to be published or promulgated by an Act.

- (a) the identity of a person using a digital service and the electronic address used to gain access to a digital service;
- (b) the time a person accessed a digital service and any actions taken on the digital service by that person;
- (c) an action performed by a digital service and the time the action was performed;
- (d) any information displayed by a digital service to a person, including
 - (i) the layout of any webpage,
 - (ii) the standard wording of a webpage or resource, and
 - (iii) the functions allowed by the digital service,
 but not including the content of any electronic document.

(6) Section 21 is amended

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

Address for service

21(1) In this Act, the address for service, in the case of a defendant who is an individual,

- (a) is the address indicated on the defendant’s operator’s licence unless the defendant, on being served with a summons under Part 2 or with an offence notice under Part 3, states another residential address, or
 - (b) in a provision that refers to or authorizes an electronic address, is the defendant’s electronic address.
- (b) in subsection (2) by striking out “subsection (1)” and substituting “subsection (1)(a)”;**
 - (c) in subsection (3) by striking out “Under Part 2 and Part 3” and substituting “In this Act,”;**

(6) Section 21 presently reads in part:

21(1) Under Part 2 and Part 3 the address for service, in the case of a defendant who is an individual, is the address indicated on the defendant's operator's licence unless the defendant, on being served with a summons under Part 2 or with an offence notice under Part 3, states another address.

(2) If a defendant is not in possession of an operator's licence when the defendant is served as described in subsection (1) or the defendant's address for service is not the address indicated on the operator's licence of the defendant, the defendant shall provide an address for service to the person serving the defendant.

(3) Under Part 2 and Part 3 the address for service, in the case of a defendant that is

(4) A defendant, after being served with a summons, may provide a clerk with a new address for service for the purpose of subsequent proceedings related to the summons.

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

(4) After a defendant is served with a summons or offence notice, for the purpose of subsequent proceedings related to the summons or offence notice,

- (a) where the defendant's address for service otherwise set out in this section changes, the defendant must provide a clerk or a digital service with a new address for service not more than 14 days after the change is effective, or
- (b) where the defendant wishes to be served at an address other than that set out in this section, the defendant may provide a clerk or a digital service with a new address for service.

(7) Section 23 is repealed and the following is substituted:

Service, giving and sending documents

23(1) Service of a summons, an offence notice or any other document may be made on a holiday.

(2) Unless otherwise provided in this Act, a notice or any other document may be served on or given or sent to a defendant by

- (a) sending it to the defendant's electronic address,
- (b) notifying the defendant at the defendant's electronic address that the notice or other document is available through a digital service and the website or application where the digital service may be accessed, or
- (c) ordinary mail to the defendant's address for service referred to in section 21, other than section 21(1)(b).

(3) The Court or a clerk may send a notice or other document in the manner set out in subsection (2)(c) notwithstanding that a defendant has provided an electronic address.

(4) The service of any document and the giving or sending of any notice may be proved by

- (a) oral evidence given under oath by, or by the affidavit of, the person claiming to have served, given or sent it,

(7) Section 23 presently reads:

23(1) Service of a summons and of an offence notice may be made on a holiday.

(2) An affidavit signed by the person effecting service attesting to the fact that service was effected on the defendant shall be received in evidence in all legal proceedings as proof of that service without the necessity of proof of the signature of the person making the affidavit.

- (b) a statement in writing made by a peace officer, including through a digital service, certifying that a document was served or a notice was given or sent by the peace officer, including a statement that a complaint part of a violation ticket referred to in section 25 or a certificate of service referred to in section 32 was completed and signed, or
- (c) an electronic document on a digital service showing the notice was sent to a person's electronic address.

(5) A statement referred to in subsection (4)(b) is deemed to be made under oath.

(6) A notice sent

- (a) to an electronic address, in the absence of evidence to the contrary, is deemed to have been received on the day it was sent,
- (b) by ordinary mail to an address in Alberta, in the absence of evidence to the contrary, is deemed to have been received on the 7th day after the day it was mailed, and
- (c) by ordinary mail to an address outside Alberta, in the absence of evidence to the contrary, is deemed to have been received on the 14th day after the day it was mailed.

(8) The following is added after section 23:

Power to amend

23.01(1) At any stage of a proceeding, the Court may amend a violation ticket as may be necessary if it appears that the violation ticket

- (a) fails to state or states defectively anything that is requisite to charge the offence,
- (b) does not negative an exception that should be negated, or
- (c) is in any way defective in substance or in form.

(8) Power to amend; objection for defect.

(2) During a trial, the Court may amend a violation ticket as may be necessary if the matters to be alleged in the proposed amendment are disclosed by the evidence taken at the trial.

(3) A variance between a violation ticket and the evidence taken at a trial is not material with respect to

- (a) the time or date when the offence is alleged to have been committed, if it is proved that the violation ticket was issued within the applicable limitation period, or
- (b) the place where the subject-matter of the proceeding is alleged to have arisen, except in an issue as to the jurisdiction of the Court.

(4) The Court, in considering whether or not an amendment should be made, shall consider

- (a) the evidence taken at the trial, if any,
- (b) the circumstances of the case,
- (c) whether the defendant has been misled or prejudiced in the defendant's defence by a variance, error or omission, and
- (d) whether, having regard to the merits of the case, the proposed amendment would be contrary to the interests of justice.

(5) The question of whether a violation ticket should be amended is a question of law.

(6) An amendment to a violation ticket shall be endorsed as part of the record and a trial shall proceed as if the violation ticket had been originally laid as amended.

Objection for defect

23.02(1) An objection to a violation ticket for a defect apparent on its face shall be taken by motion to quash the violation ticket before the defendant has pleaded, and thereafter only by leave of the Court.

(2) The Court shall not quash a violation ticket unless an amendment under section 23.01 would be contrary to the interests of justice.

(9) The following is added after section 23.02:

**Part 1.1
Virtual Proceedings, Electronic
Communications and
Digital Services**

(10) Section 23.1 is amended by adding “and in addition to the authority to use a digital service” after “other enactment”.

(11) Section 23.2 is repealed and the following is substituted:

Signatures

23.2 Where a document used under this Act is to be signed, that document, whether in electronic or non-electronic form,

- (a) may be signed electronically or, instead of being signed, may be marked, subscribed, endorsed, acknowledged or given any other form of signification on a digital service as provided for in the digital service, or
- (b) instead of being signed, may be marked, subscribed, endorsed, acknowledged or given any other form of signification or be otherwise dealt with if so provided for under the regulations.

(12) Section 23.3 is repealed and the following is substituted:

(9) Part 1.1 Virtual Proceedings, Electronic Communications and Digital Services.

(10) Section 23.1 presently reads:

23.1 Notwithstanding anything in this or any other enactment, the Court may, with respect to any matter coming under this Act,

(a) if permitted to do so by the regulations, and

(b) subject to any directions, conditions or terms provided for in the regulations,

use electronic documents in carrying out the Court's functions.

(11) Section 23.2 presently reads:

23.2 Where a document used under this Act is to be signed, that document, whether in electronic or non-electronic form, may, instead of being signed, be marked, subscribed, endorsed, acknowledged or given any other form of signification or be otherwise dealt with if so provided for under the regulations.

(12) Section 23.3 presently reads:

23.3(1) In this section,

Virtual proceedings

23.3(1) Subject to subsections (2) and (3), a justice may

- (a) conduct a proceeding by a virtual proceeding,
- (b) permit a party or other person to participate in the virtual proceeding through a digital service, and
- (c) preside over the virtual proceeding through a digital service.

(2) The Minister, by order, may prohibit any matter or proceeding or any type of matter or proceeding from being conducted by a virtual proceeding.

(3) A virtual proceeding shall not be used in a particular case where

- (a) a defendant establishes that the defendant is incapable of participating in a virtual proceeding or that a virtual proceeding is contrary to the interests of justice, or
- (b) a prosecutor determines that a virtual proceeding is impractical or contrary to the interests of justice or may negatively impact the conduct of a trial.

(13) Section 23.4(2) is repealed and the following is substituted:

(2) Notwithstanding anything in this Act, the Court may deal with and dispose of routine court matters by telephone, email, digital service, virtual proceeding or any other electronic means it determines appropriate, and any notice required to be given or sent by the clerk may be given or sent in a manner set out in section 23(2).

(14) The following is added after section 23.4:

Digital service

23.5 The Minister, by order, may approve a digital or electronic platform, system, process or other means as a digital service to be used for the purposes of this Act.

(a) *“audioconferencing” means any method of telecommunication that allows the justice and any individual to communicate orally in a proceeding;*

(b) *“two-way videoconferencing” means any means of telecommunication that allows the justice and any individual to engage in simultaneous visual and oral communication in a proceeding.*

(2) *Notwithstanding any provision in this Act, a justice may permit any party to participate in proceedings by two-way videoconferencing or audioconferencing.*

(3) *Notwithstanding any provision in this Act, a justice may preside at a proceeding by two-way videoconferencing or audioconferencing.*

(13) Section 23.4(2) presently reads:

(2) Notwithstanding any provision in this Act, the Court may deal with and dispose of routine court matters by telephone, email or any other electronic means it determines appropriate and any notice required to be given or sent by the clerk may be given or sent in the same manner by which the application was dealt.

(14) Digital service; presumption of integrity; electronic address; appearance through digital service; ministerial regulations.

Presumption of integrity

23.6(1) A digital service, in the absence of evidence to the contrary, is deemed at all material times to be operating properly or, if it is not operating properly, the fact of its not operating properly does not affect the integrity of any information or electronic document contained in or transmitted by it.

(2) Where an electronic document is uploaded to a digital service, the electronic document, in the absence of evidence to the contrary, is deemed to be a true copy of the electronic document that was uploaded.

(3) Where an electronic document purports to be generated by a digital service, the electronic document and any printout of the document, in the absence of evidence to the contrary, are deemed to be an official copy of the electronic document on the digital service without the need to prove the authenticity of the electronic document or integrity of the digital service.

(4) Where an original document is uploaded to a digital service, the resulting electronic document satisfies the best evidence rule unless the Court is satisfied that

- (a) the authenticity of the record cannot be determined without an examination of the original, or
- (b) the original record is required to determine an issue before the Court.

(5) Where an electronic document is generated by a digital service, the electronic document or any printout of the document satisfies the best evidence rule.

(6) Where an enactment requires a record or information to be in writing, the requirement is satisfied if the information is recorded on a digital service.

(7) Information or an electronic document on a digital service shall not be denied legal effect or enforceability solely by reason that it is on a digital service.

(8) Where a person seeks to challenge the proper operation of a digital service, notice in writing must be provided at least 60 days before the proceedings setting out a reasonable basis for the

application, and if no reasonable basis has been provided, the justice shall deny the application.

(9) Where a person seeks to challenge the deeming of a true copy referred to in subsection (2), the Court may order the production of the original of the electronic document that was uploaded for inspection.

Electronic address

23.7 A person using a digital service must provide an electronic address as required by the digital service.

Appearance through digital service

23.8 Where a justice authorizes a virtual proceeding under section 23.3(1), a defendant or other person may appear through a digital service notwithstanding that a provision of this Act requires a defendant or other person to

- (a) appear in Court in person,
- (b) appear in person before a justice,
- (c) appear at a specified time and place for a trial or other proceeding, or
- (d) attend Court.

Ministerial regulations

23.9 The Minister may make regulations

- (a) respecting digital services, including their approval;
- (b) respecting virtual proceedings.

(15) Section 25 is amended

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

- (b) must be filed with the clerk prior to the date indicated on the violation ticket on or before which the defendant is required to respond to the violation ticket,

(b) in subsection (4)

(15) Section 25 presently reads in part:

(2) The complaint part of the violation ticket

(b) must be filed with the clerk prior to the initial appearance date indicated on the violation ticket,

(4) A summons shall be served on a defendant,

(a) in the case of a defendant who is an individual, by delivering it personally to the defendant or, if the defendant cannot conveniently be found, by leaving it for the defendant at the

- (i) by repealing clause (a) and substituting the following:**
 - (a) in the case of a defendant who is an individual,
 - (i) by delivering it personally to the defendant,
 - (ii) if the defendant cannot conveniently be found, by leaving it for the defendant at the defendant's residence with a person on the premises who appears to be at least 18 years of age, or
 - (iii) if the defendant provides an electronic address for that purpose, by sending it to the defendant in a manner set out in section 23(2)(a) or (b),
- (ii) in clause (d) by striking out "or" at the end of subclause (i), by adding "or" at the end of subclause (ii) and by adding the following after subclause (ii):**
 - (iii) if the defendant provides an electronic address for that purpose, by sending a notice to the defendant in a manner set out in section 23(2)(a) or (b).

(16) Section 26 is amended

- (a) in subsection (1) by striking out "online as instructed in the summons or by delivering on or before the initial appearance date" and substituting "at or before the response time and date as instructed in the summons through a digital service or by delivering";**
- (b) in subsection (2) by adding "and the applicable surcharge, if any" after "specified penalty";**
- (c) in subsection (3)**
 - (i) by repealing clause (b) and substituting the following:**
 - (b) the clerk shall give notice to the defendant in a manner set out in section 23(2) that the cheque has been dishonoured, the conviction continues and the fine and any applicable surcharge remain outstanding,

defendant's residence with a person on the premises who appears to be at least 18 years of age,

- (d) in the case of a defendant that is a corporation other than a municipality or Metis settlement,*
 - (i) by sending it by single registered mail to the registered office of the corporation, or*
 - (ii) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address.*

(16) Section 26 presently reads in part:

26(1) When authorized by the regulations or a bylaw or ministerial order under section 44 and by a summons served on a defendant, the defendant who wishes to plead guilty may make a voluntary payment in respect of a summons online as instructed in the summons or by delivering on or before the initial appearance date the summons together with

- (a) an amount equal to the combined amounts of the specified penalty for the offence as provided for in the regulations and the applicable surcharge, if any, or*
- (b) if the defendant is charged with an offence under a bylaw or ministerial order, an amount equal to the specified penalty for the offence as provided in the relevant bylaw or ministerial order,*

to a Court office or, where permitted by regulation, to a person acting as an agent of the Court for the purpose of receiving voluntary payments.

- (ii) **by striking out** “15 days after the notice has been sent by ordinary mail” **and substituting** “15 days after the notice has been sent”.

(17) Section 27 is amended

- (a) **in subsection (1) by striking out** “on the date and at the place and time stated on the summons to answer that summons” **and substituting** “at the time, date and Court location stated on that summons to respond to that summons”;
- (b) **in subsection (2)**
 - (i) **by striking out** “on the initial appearance date to answer a summons if” **and substituting** “at the time, date and Court location stated on the summons to respond to that summons if, prior to the response time and date,”;
 - (ii) **in clauses (a) and (b) by striking out** “prior to the initial appearance date”;
 - (iii) **in clause (b.1) by striking out** “delivering” **and substituting** “delivers”;
 - (iv) **in clause (c) by striking out** “prior to the initial appearance date”;

(2) When a clerk records in the Court records the receipt of a voluntary payment under subsection (1) in cash or by cheque, that act of recording constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

(3) If a voluntary payment is made by cheque and the cheque is dishonoured on the grounds that no funds or insufficient funds were on deposit to the credit of the defendant in the institution on which the cheque was drawn

(b) the clerk shall give notice to the defendant by ordinary mail at the defendant's address for service that the cheque has been dishonoured, the conviction continues and the fine and any applicable surcharge remain outstanding,

but a warrant of committal in respect of the defendant shall not issue until 15 days after the notice has been sent by ordinary mail.

(17) Section 27 presently reads in part:

27(1) Subject to subsection (2), a defendant shall appear, either personally or by an agent, before a justice on the date and at the place and time stated on the summons to answer that summons.

(2) A defendant is not required to appear before a justice on the initial appearance date to answer a summons if

(a) the defendant enters a plea of guilty before a justice prior to the initial appearance date in the manner and during the time period stated in the summons for doing so,

(b) the defendant enters a plea of not guilty prior to the initial appearance date in the manner and during the time period stated in the summons for doing so,

(b.1) the defendant enters a plea of not guilty by signing the not guilty plea on the summons and delivering it by registered mail to the Court office indicated on the summons for that purpose,

(c) the defendant obtains an adjournment of the proceedings prior to the initial appearance date, or

(v) **in clause (d) by adding** “of an amount equal to the specified penalty and the applicable surcharge, if any” **after** “the defendant makes a voluntary payment”;

(c) **by repealing subsections (2.1) and (2.2) and substituting the following:**

(2.1) If a defendant enters a plea of not guilty in accordance with the instructions on the summons, the Court shall notify the defendant of the time fixed for trial in a manner set out in section 23(2).

(2.2) If a defendant does not receive notice under subsection (2.1) by the response time and date,

(a) where the defendant entered a plea through a digital service, the defendant shall ascertain the time fixed for trial through the digital service, or

(b) in all other cases or if the digital service does not show a time fixed for trial, the defendant shall contact the Court office indicated on the summons.

(d) **in subsection (3) by striking out** “requiring the defendant to appear before a justice on the initial appearance date without the alternative” **and substituting** “that does not give the defendant the alternative”.

(18) Section 28 is amended

(a) **in subsection (1) by striking out** “on or before the initial appearance date” **and substituting** “at or before the response time and date”;

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

(2) When a time is set for a trial under subsection (1)(a), the justice shall direct that the defendant be notified of the time fixed for trial in a manner set out in section 23(2).

(c) **in subsection (3)**

(i) **by striking out** “shall” **and substituting** “shall,”;

(d) if authorized by the regulations or a bylaw or ministerial order under section 44 and the summons states that the defendant can make a voluntary payment, the defendant makes a voluntary payment.

(2.1) If a defendant enters a plea of not guilty in accordance with subsection (2)(b.1), the Court shall notify the defendant by ordinary mail at the defendant's address for service of the time fixed for the trial.

(2.2) If a defendant does not receive notice under subsection (2.1) by the initial appearance date, the defendant shall contact the Court office indicated on the summons to ascertain the time fixed for the trial.

(3) Notwithstanding anything in the regulations or in a bylaw or ministerial order referred to in section 44 that authorizes a voluntary payment to be made in respect of an offence, if it is in the public interest to compel the defendant to appear before a justice in proceedings under this Part, a peace officer shall issue a summons requiring the defendant to appear before a justice on the initial appearance date without the alternative of making a voluntary payment.

(18) Section 28 presently reads in part:

28(1) If a defendant fails to enter a plea or make a voluntary payment in the manner provided for on the summons on or before the initial appearance date, the justice may

(2) When a time is set for a trial pursuant to subsection (1)(a), the justice shall direct that the defendant be notified by ordinary mail at the defendant's address for service of the time fixed for the trial.

(3) If a defendant fails to appear in Court in person or by an agent at the time fixed for the trial, a justice, on proof of service of the summons, shall

(a) on application by a prosecutor, adjourn the proceedings, set a new trial date and direct that the defendant be notified of the new trial date by ordinary mail at the defendant's address for service,

(ii) by repealing clause (a) and substituting the following:

- (a) on application by a prosecutor, adjourn the proceedings, set a new trial date and direct that the defendant be notified of the new trial date in a manner set out in section 23(2),

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

- (c) with the consent of a prosecutor, proceed to conduct the trial ex parte.

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

(4) If the proceedings are adjourned under subsection (3) and the defendant fails to appear at the new trial date, a justice, with the consent of a prosecutor, shall proceed to conduct the trial ex parte and if the defendant is convicted the clerk shall give the defendant notice of the conviction and of the time allowed for payment of the fine in a manner set out in section 23(2).

(5) If the proceedings are adjourned under subsection (3) and a prosecutor does not consent to an ex parte trial, the Court shall issue a warrant for the arrest of the defendant.

(19) Section 29 is amended

- (a) in subsection (1) by striking out** “voluntary payment is tendered after the initial appearance date” **and substituting** “voluntary payment of the full amount of the specified penalty and the applicable surcharge, if any, is tendered after the response time and date”;
- (b) in subsection (2) by striking out** “a voluntary payment” **and substituting** “a voluntary payment of the full amount of the specified penalty and the applicable surcharge, if any,”.

(20) Section 31 is amended

(c) proceed to conduct the trial ex parte.

(4) If the proceedings are adjourned under subsection (3) and the defendant fails to appear at the new trial date a justice shall proceed to conduct the trial ex parte and if the defendant is convicted the clerk shall give the defendant notice by ordinary mail at the defendant's address for service of the conviction and of the time allowed for payment of the fine.

(19) Section 29 presently reads:

29(1) If a voluntary payment is tendered after the initial appearance date, a justice may, without a hearing and notwithstanding any action taken under section 28, direct that the voluntary payment be accepted as if it had been made in the time allowed.

(2) Acceptance of a voluntary payment with respect to a summons under this section constitutes cancellation of a warrant issued under section 28(1)(b) in respect of the defendant for failure to respond to that summons.

(20) Section 31 presently reads in part:

- (a) **in subsection (2)(b) by striking out** “the initial appearance date indicated on the violation ticket” **and substituting** “the date indicated on the violation ticket on or before which the defendant is required to respond to the violation ticket”;
- (b) **in subsection (3)(b)(ii) by striking out** “by the initial appearance date indicated on the offence notice” **and substituting** “at or before the response time and date indicated on the offence notice”;
- (c) **by repealing subsection (4)(a) and substituting the following:**
 - (a) in the case of a defendant who is an individual,
 - (i) by delivering it personally to the defendant,
 - (ii) if the defendant cannot conveniently be found, by leaving it for the defendant at the defendant’s residence with a person on the premises who appears to be at least 18 years of age, or
 - (iii) if the defendant provides an electronic address for that purpose, by sending it to the defendant in a manner set out in section 23(2)(a) or (b),

(21) Section 32(4) is repealed and the following is substituted:

- (4) A certificate of service or an affidavit of service, in the absence of evidence to the contrary, is proof of personal service where
- (a) the certificate of service or affidavit of service is filed with a clerk, or
 - (b) a peace officer makes a statement referred to in section 23(4)(b).

(22) Section 33 is repealed and the following is substituted:

Plea of not guilty

33(1) If an offence notice is served on a defendant, the defendant may plead not guilty in the manner indicated on the offence notice for that purpose.

(2) *A certificate of offence*

(b) *shall be filed with a clerk prior to the initial appearance date indicated on the violation ticket, and*

(3) *An offence notice shall*

(b) *indicate*

(ii) *that the defendant may be convicted in the defendant's absence without a hearing if the defendant fails to respond to the violation ticket by the initial appearance date indicated on the offence notice or if the defendant pleads not guilty and fails to appear in Court in person or by an agent on the defendant's trial date.*

(4) *An offence notice shall be served on a defendant*

(a) *in the case of a defendant who is an individual, by delivering it personally to the defendant,*

(21) *Section 32(4) presently reads:*

(4) *A certificate of service or an affidavit of service may be filed with a clerk and in the absence of evidence to the contrary is proof of personal service.*

(22) *Section 33 presently reads:*

33(1) *If an offence notice is served on a defendant, the defendant may plead not guilty by signing the not guilty plea on the offence notice and delivering it to the Court office indicated on the offence notice for that purpose.*

(2) On receipt of a plea of not guilty under subsection (1), the clerk, as soon as is practicable, shall give notice to the defendant of the time and place of the trial in a manner set out in section 23(2).

(23) Section 34 is amended

(a) in subsection (1)

(i) **by striking out** “the justice shall, if the certificate of offence is complete and regular on its face,” **and substituting** “and the certificate of offence is complete and regular on its face, the justice shall”;

(ii) **by repealing clause (c) and substituting the following:**

(c) on application by a prosecutor, adjourn the proceedings, set a new trial date and direct that the defendant be notified of the new trial date in a manner set out in section 23(2).

(b) in subsection (2) by adding “and the applicable surcharge, if any” **after** “impose the specified penalty”;

(c) by repealing subsections (3) and (4) and substituting the following:

(3) If a defendant is convicted under this section, the defendant shall be notified of the conviction, the combined amount of the specified penalty and the applicable surcharge, if any, and the time allowed for payment in a manner set out in section 23(2).

(4) If section 31(5)(a) or (b) applies, the notice referred to in subsection (3) may be sent in a manner set out in section 23(2)(a) or (b) or by ordinary mail to the defendant’s address to which the offence notice referred to in section 31(5) was sent.

(24) Section 35 is repealed and the following is substituted:

(2) On receipt of an offence notice under subsection (1) the clerk shall, as soon as is practicable, give notice to the defendant of the time and place of the trial by ordinary mail at the defendant's address for service.

(23) Section 34 presently reads in part:

34(1) If a defendant pleads not guilty but fails to appear in Court in person or by an agent on the defendant's trial date the justice shall, if the certificate of offence is complete and regular on its face,

(c) on application by a prosecutor, adjourn the proceedings, set a new trial date and direct that the defendant be notified of the new trial date by ordinary mail at the defendant's address for service.

(2) If a defendant fails to appear in Court for the defendant's trial set pursuant to subsection (1)(c) the justice shall enter a conviction in the defendant's absence and without a hearing and impose the specified penalty.

(3) If a defendant is convicted under this section the defendant shall be notified, by ordinary mail at the defendant's address for service, of the conviction, the combined amount of the specified penalty and the applicable surcharge, if any, and the time allowed for payment.

(4) If section 31(5)(a) or (b) applies, the notice referred to in subsection (3) may be sent by ordinary mail to the defendant's address to which the offence notice referred to in section 31(5) was sent.

(24) Section 35 presently reads:

35(1) If an offence notice is served on a defendant and the defendant does not wish to dispute the charge but wishes to make submissions as to the penalty, including the extension of time for

Plea of guilty with representations

35(1) If an offence notice is served on a defendant and the defendant does not wish to dispute the charge but wishes to make submissions as to the penalty, including the extension of time for payment, the defendant

- (a) may request a hearing before a justice and appear at the time and place specified by the clerk for the purpose of pleading guilty to the offence and making submissions as to the penalty, or
- (b) may, subject to subsection (2), waive the right to appear before a justice, enter a guilty plea and make submissions as to the penalty in writing in the manner allowed by the Court.

(2) Subsection (1)(b) does not apply to a charge under section 160 of the *Traffic Safety Act* as the owner of a vehicle involved in a contravention of section 115(2)(p), (p.1), (p.2) or (r) of the *Traffic Safety Act* or section 37 or 54(1) of the *Use of Highway and Rules of the Road Regulation* (AR 304/2002).

(3) The justice may require submissions under subsection (1)(a) to be made under oath, either orally or by affidavit.

(4) A written submission made under subsection (1)(b) shall be deemed to have been made under oath.

(5) Where the defendant makes written submissions under subsection (1)(b), a justice may direct the defendant or the defendant's agent to appear before the justice if the justice determines it necessary.

(6) On accepting a guilty plea made under subsection (1), the justice shall enter a conviction and impose a fine equal to the specified penalty or a lesser fine permitted by law and indicate the amount of any applicable surcharge and, where the defendant did not appear before the justice, the justice shall cause notice of the conviction, the imposition of the fine and of any applicable surcharge payable and the time allowed for payment to be given to the defendant in a manner set out in section 23(2).

(25) Section 36(1) is repealed and the following is substituted:

payment, the defendant may attend at the time and the place specified in the notice for that purpose and may appear before a justice for the purpose of pleading guilty to the offence and making submissions as to the penalty.

(2) The justice may require submissions under subsection (1) to be made under oath, either orally or by affidavit.

(3) On accepting a guilty plea under subsection (1), the justice shall enter a conviction and impose a fine equal to the specified penalty or a lesser fine permitted by law and indicate the amount of any applicable surcharge.

(25) Section 36(1) presently reads:

Payment, charges not disputed

36(1) If an offence notice is served on a defendant and the defendant wishes to plead guilty to the charge, the defendant may make a voluntary payment as instructed in the offence notice through a digital service or by delivering the offence notice together with an amount equal to the specified penalty and the applicable surcharge, if any, to a Court office or, where permitted by regulation, to a person acting as an agent of the Court for the purposes of receiving payment in the amount of the specified penalty.

(26) Section 37 is amended

(a) in subsection (1)

(i) by striking out “an offence notice has not been delivered in accordance with section 33 or 36 and a plea of guilty has not been accepted under section 35” **and substituting** “a defendant has not responded to an offence notice at or before the response time and date in the manner provided for on the offence notice”;

(ii) in clause (c) by adding “and any applicable surcharge” **after** “for the offence”;

(b) by repealing subsections (2) and (3) and substituting the following:

(2) The clerk shall cause notice of the conviction and the imposition of the specified penalty and of any applicable surcharge payable to be given to the defendant in a manner set out in section 23(2).

(3) If section 31(5)(a) or (b) applies, the notice referred to in subsection (2) may be sent in a manner set out in section 23(2)(a) or (b) or by ordinary mail to the defendant’s address to which the offence notice referred to in section 31(5) was sent.

(c) in subsection (4) by striking out “6 months” **and substituting** “12 months”.

(27) Section 39 is amended

36(1) If an offence notice is served on a defendant and the defendant wishes to plead guilty to the charge, the defendant may make a voluntary payment online as instructed in the offence notice or by delivering the offence notice together with an amount equal to the specified penalty and the applicable surcharge, if any, to a court office or, where permitted by regulation, to a person acting as an agent of the Court for the purposes of receiving payment in the amount of the specified penalty.

(26) Section 37 presently reads in part:

37(1) If an offence notice has not been delivered in accordance with section 33 or 36 and a plea of guilty has not been accepted under section 35,

(c) the specified penalty for the offence shall be imposed on the defendant.

(2) The clerk shall cause notice of the conviction and the imposition of the specified penalty and of any applicable surcharge payable to be given to the defendant by ordinary mail at the defendant's address for service.

(3) If section 31(5)(a) or (b) applies, the notice referred to in subsection (2) may be sent by ordinary mail to the defendant's address to which the offence notice referred to in section 31(5) was sent.

(4) If an offence notice is quashed by reason of a defect, a new offence notice in respect of the alleged offence may be issued under this Part if not more than 6 months has elapsed since the alleged offence occurred.

(27) Section 39 presently reads in part:

(a) by repealing subsection (3) and substituting the following:

(3) A copy of an affidavit referred to in subsection (1) must be served on the defendant at least 14 days before the date of the hearing in a manner set out in section 23(2).

(3.1) A copy of an affidavit referred to in section 163(3)(c)(i) of the *Traffic Safety Act* may be served on the defendant by ordinary mail at the defendant's address for service or, if the defendant has provided an electronic address for that purpose, to the defendant in a manner set out in section 23(2)(a) or (b).

(b) in subsection (4) by striking out “the court” and substituting “the Court”.

(28) Section 42(i) is repealed and the following is substituted:

(i) respecting the response time and date, including the manner in which a response time and date is determined;

(29) Section 44 is amended by striking out “A local authority” and substituting “A First Nation band may make bylaws, a local authority”.

(30) This section comes into force on Proclamation.

(3) A copy of an affidavit referred to in subsection (1) must be served on the defendant by ordinary mail at the defendant's address for service at least 14 days before the date of the hearing.

(4) The defendant may, with the permission of the court, require the attendance of any person giving evidence by affidavit pursuant to subsection (1) for the purpose of cross-examination.

(28) Section 42(i) presently reads:

42 The Lieutenant Governor in Council may make regulations

(i) respecting the manner in which an initial appearance date is determined;

(29) Section 44 presently reads:

44 A local authority may make bylaws and, in the case of an improvement district or a special area, the Minister responsible for the Municipal Government Act or the Special Areas Act, as the case may be, may make orders,

(a) respecting the offences under a bylaw or ministerial order, as the case may be, in respect of which a voluntary payment may be made;

(b) prescribing the amounts of the specified penalties payable in respect of offences referred to in clause (a).

(30) Coming into force.

Public Lands Act

Amends RSA 2000 cP-40

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

(2) Section 7(c)(i) is amended by striking out “forest recreation area,”.

(3) Section 104(3) is amended by striking out “A cow of average weight with calf at foot” and substituting “A cow weighing 1000 pounds with or without an unweaned calf up to 6 months of age”.

(4) This section comes into force on Proclamation.

Red Tape Reduction Act

Amends SA 2019 cR-8.2

12(1) The *Red Tape Reduction Act* is amended by this section.

(2) The preamble is amended

(a) in the first recital

(i) by striking out “and administrative”;

Public Lands Act

11(1) Amends chapter P-40 of the Revised Statutes of Alberta 2000.

(2) Section 7(c)(i) presently reads:

7 The Lieutenant Governor in Council may

(c) set aside public land

(i) for use as a provincial park, historical site, natural area, ecological reserve, wilderness area, heritage rangeland, forest reserve, forest recreation area, wildlife sanctuary, habitat conservation area, public shooting ground or public resort or for the development of any natural resource, or

(3) Section 104(3) presently reads:

(3) A cow of average weight with calf at foot shall be considered as one animal unit for the purpose of establishing the grazing capacity of grazing land, and any variations in the proportions of an animal unit due to age, weight and type of livestock shall be determined by the Minister.

(4) Coming into force.

Red Tape Reduction Act

12(1) Amends chapter R-8.2 of the Statutes of Alberta, 2019.

(2) The preamble presently reads:

WHEREAS the Government of Alberta recognizes that a consistent, transparent and efficient system of regulatory and administrative requirements is necessary to protect the public interest, including health, safety, the environment and fiscal accountability;

- (ii) **by striking out** “public interest, including health, safety, the environment and fiscal accountability” **and substituting** “health and safety of Albertans, support consumer protection, protect the environment and promote fiscal accountability”;

(b) in the 2nd recital

- (i) **by striking out** “and administrative”;
- (ii) **by striking out** “businesses and non-profit and public sector organizations and threatening jobs” **and substituting** “individuals, businesses, non-profit organizations and public sector organizations”;

(c) in the 3rd recital

- (i) **by adding** “regulatory” **before** “requirements”;
- (ii) **by striking out** “getting Albertans back to work and making life better for Albertans;” **and substituting** “supporting job creation and improving service delivery for Albertans; and”;

(d) by repealing the 4th and 5th recitals and substituting the following:

WHEREAS the Government of Alberta is committed to ensuring that regulatory requirements are reduced over time and that there is no increase in the total number of regulatory requirements applicable to stakeholders;

(3) Sections 1 and 2 are repealed and the following is substituted:

Definitions

1 In this Act,

- (a) “Minister” means a member of the Executive Council;
- (b) “ministry” means a department administered by a Minister and any public agency for which that Minister is responsible;
- (c) “public agency” means a public agency as defined in the *Alberta Public Agencies Governance Act*;

WHEREAS some regulatory and administrative requirements result in unnecessary costs for Albertans in terms of time, money or other resources, putting burdens on businesses and non-profit and public sector organizations and threatening jobs;

WHEREAS addressing the requirements that cause these burdens will enable economic growth, innovation and competitiveness and facilitate a strong investment climate in Alberta, getting Albertans back to work and making life better for Albertans;

WHEREAS the Government of Alberta is committed to acting deliberately and expeditiously to eliminate and prevent unnecessary regulatory and administrative requirements by establishing strategies and initiatives based on the principles of necessity, effectiveness, efficiency and proportionality, including moving from a process-based to an outcome-based regulatory approach; and

WHEREAS the Government of Alberta will strive to ensure that these strategies and initiatives meet a standard of excellence that citizens can rely on and taxpayers can afford, with no net increase in regulatory or administrative burdens;

(3) Sections 1 and 2 presently read:

1 In this Act, “Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act.

2(1) Beginning in 2020, the Minister shall, subject to the regulations, prepare a report respecting the Government’s strategies and initiatives to eliminate and prevent unnecessary regulatory and administrative requirements.

(2) The Minister shall

(a) make the report available to the public, and

- (d) “Red Tape Reduction Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (e) “regulation” means a regulation to which the *Regulations Act* applies;
- (f) “regulatory instrument” means
 - (i) an Act,
 - (ii) a regulation, or
 - (iii) a policy or form made by a ministry,

but does not include a regulatory instrument prescribed by the regulations;
- (g) “regulatory requirement” means a requirement in a regulatory instrument that must be met in order for a stakeholder to access a program or service provided by a ministry, carry on business or participate in a regulated activity but does not include a regulatory requirement prescribed by the regulations;
- (h) “stakeholder” means a person or entity, including an individual, business, non-profit organization or public sector organization, that is required to comply with a regulatory requirement.

Reduction of regulatory requirements

1.1(1) Where the making or enactment of a regulatory instrument results in an increase in the total number of regulatory requirements, as determined by the baseline count, a corresponding reduction in the number of regulatory requirements must be made in accordance with the regulations.

(2) The Lieutenant Governor in Council may, by regulation, require reductions in the number of regulatory requirements in addition to those described in subsection (1), which must be carried out in accordance with the regulations.

(b) lay a copy of the report before the Legislative Assembly as soon as practicable if it is sitting or, if it is not sitting, within 15 days after the commencement of the next sitting.

Information relating to regulatory requirements

1.2 Each Minister shall ensure that the information prescribed by the regulations is compiled with respect to the Minister's ministry for each year and provided to the Red Tape Reduction Minister for the purposes of the annual report.

Annual report

2(1) The Red Tape Reduction Minister shall prepare an annual report in accordance with the regulations with respect to the previous year.

(2) By the date prescribed by the regulations, the Red Tape Reduction Minister shall publish the annual report on the Government of Alberta website or in any other manner the Minister considers advisable.

Immunity

2.1 No action or other proceeding lies against the Crown or its Ministers, agents, appointees or employees in respect of anything done or omitted to be done in good faith under this Act.

(4) Section 3(2) is amended

- (a)** by striking out "eliminate or prevent unnecessary regulatory or administrative" and substituting "reduce regulatory";
- (b)** by striking out "member of the Executive Council" and substituting "Minister".

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

Regulations

4(1) The Lieutenant Governor in Council may make regulations

- (a)** prescribing regulatory instruments for the purposes of section 1(g);
- (b)** prescribing regulatory requirements for the purposes of section 1(h);
- (c)** respecting reductions in the number of regulatory requirements for the purposes of section 1.1(1), including regulations

(4) Section 3(2) presently reads:

(2) Where multiple regulations are to be amended at the same time to eliminate or prevent unnecessary regulatory or administrative requirements, the Lieutenant Governor in Council may amend those regulations notwithstanding that one or more of the regulations was made by a member of the Executive Council.

(5) Section 4 presently reads:

4 The Lieutenant Governor in Council may make regulations

- (a) respecting the contents of a report under section 2 and when the report is to be prepared;*
- (b) respecting the Government's strategies and initiatives to eliminate and prevent unnecessary regulatory and administrative requirements, including regulations respecting the methods used to assess the effectiveness of those strategies and initiatives;*
- (c) respecting any matter or thing the Lieutenant Governor in Council considers necessary or advisable to eliminate or prevent unnecessary regulatory or administrative requirements.*

- (i) respecting the manner of determining the baseline count of regulatory requirements,
 - (ii) respecting the manner of determining or calculating the number of required reductions, and
 - (iii) establishing processes and procedures relating to reductions;
- (d) respecting reductions in the number of regulatory requirements for the purposes of section 1.1(2), including regulations
- (i) requiring reductions in addition to those described in section 1.1(1),
 - (ii) respecting the manner of determining or calculating the number of required reductions, and
 - (iii) establishing processes and procedures relating to reductions;
- (e) respecting the information required to be compiled under section 1.2, including regulations
- (i) prescribing the information to be compiled, and
 - (ii) respecting the form and manner in which the information is to be compiled;
- (f) respecting annual reports, including regulations
- (i) prescribing the information to be included in annual reports, and
 - (ii) prescribing a date for the purposes of section 2(2);
- (g) respecting principles and standards applicable to the development and review of regulatory requirements;
- (h) defining any word or expression that is used but not defined in this Act.

(2) A regulation made under subsection (1)(c), (d), (e), (f) or (g) may be made in respect of all ministries or one or more ministries.

(6) This section comes into force on Proclamation.

Rural Electrification Loan Act

Repeals RSA 2000 cR-19

13 The *Rural Electrification Loan Act* is repealed.

Rural Electrification Long-term Financing Act

Repeals RSA 2000 cR-20

14 The *Rural Electrification Long-term Financing Act* is repealed.

Surface Rights Act

Amends RSA 2000 cS-24

15(1) The *Surface Rights Act* is amended by this section.

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

- (b) an association as defined in the *Rural Utilities Act* that has as a principal object the supplying of electricity to its members and that constructs or operates poles, lines, conduits and structures for the distribution, transmission, carrying, measuring, supplying or conveying of electricity, or

Traffic Safety Act

Amends RSA 2000 cT-6

16(1) The *Traffic Safety Act* is amended by this section.

(2) The following is added after section 18:

Regulations — pilot projects

18.1(1) The Minister may make regulations respecting projects to research, test or evaluate matters related to this Act or related to highway or vehicle use, including

- (a) prescribing terms or conditions in respect of

(6) Coming into force.

Rural Electrification Loan Act

13 Repeals chapter R-19 of the Revised Statutes of Alberta 2000.

Rural Electrification Long-term Financing Act

14 Repeals chapter R-20 of the Revised Statutes of Alberta 2000.

Surface Rights Act

15(1) Amends chapter S-24 of the Revised Statutes of Alberta 2000.

(2) Section 21(b) presently reads:

21 Sections 19 and 20 do not apply to an operator that is

*(b) an association as defined in the Rural Electrification Loan Act that constructs or operates works as defined in that Act,
or*

Traffic Safety Act

16(1) Amends chapter T-6 of the Revised Statutes of Alberta 2000.

(2) Regulations — pilot projects.

- (i) persons or highways, or classes of persons, vehicles, equipment, devices or highways,
 - (ii) geographic areas,
 - (iii) times of year or day, and
 - (iv) any uses, matters, purposes or other things;
- (b) prohibiting or allowing the doing or use of anything;
- (c) authorizing or requiring the Registrar or any person or class of persons to do or use anything or perform any function not authorized or required by this Act, or to do or use anything or perform any function in a different manner than authorized or required by this Act;
- (d) exempting persons or vehicles or classes of persons or vehicles from any provision of this Act;
- (e) requiring that a person or class of persons hold insurance policies or provide financial security and specifying the type and amount of insurance or financial security required.

(2) The Minister may by order suspend, reinstate or terminate a project created by a regulation under subsection (1) and set terms or conditions in respect of suspensions and reinstatements.

(3) A regulation made under subsection (1) is repealed 5 years after the regulation comes into force or on the date specified in the regulation, whichever is earlier.

(4) The Minister may, by regulation, extend the 5-year period set out in subsection (3) by a further period not to exceed 5 years.

(5) The repeal of a regulation under subsection (3) does not affect anything done or incurred under the authority of the regulation before the repeal of the regulation.

(6) Where there is a conflict between a regulation made under this section and any enactment that the Minister is responsible for under section 16 of the *Government Organization Act*, including this Act, the regulation made under this section prevails.

(3) Section 19 is amended by striking out “Where” and substituting “Subject to section 18.1(6), where”.

Youth Justice Act

Amends RSA 2000 cY-1

17(1) The *Youth Justice Act* is amended by this section.

(2) Section 11(1) is amended in the portion preceding clause (a) by striking out “on or before the initial appearance date” and substituting “at or before the response time and date”.

(3) This section comes into force on Proclamation.

(3) Section 19 presently reads:

19 Where there is a conflict between this statute and a regulation or bylaw made under this statute, this statute prevails.

Youth Justice Act

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

(2) Section 11(1) presently reads in part:

11(1) If proceedings have been commenced against a young person under Part 2 of the Provincial Offences Procedure Act and the young person fails to enter a plea or fails to make a voluntary payment in the manner provided for on the summons on or before the initial appearance date, a youth justice court judge or justice may

(a) enter a plea of not guilty on behalf of the young person and set a time for a trial,

(3) Coming into force.

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