2024 Bill 17

First Session, 31st Legislature, 2 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 17

CANADIAN CENTRE OF RECOVERY EXCELLENCE ACT

THE MINISTER OF MENTAL HEALTH AND ADDICTION

irst Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 17

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CANADIAN CENTRE OF RECOVERY EXCELLENCE ACT

(Assented to

, 2024)

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Preamble

WHEREAS the Government of Alberta recognizes that recovery is possible for Albertans facing mental health and addiction challenges;

WHEREAS recovery in the context of mental health is a process of pursuing and maintaining, where possible, remission or a reduction of negative symptoms from a mental health issue or illness, with an aim to living a satisfying, hopeful and contributing life, even when symptoms may be present;

WHEREAS recovery in the context of addiction is a process of continual growth that addresses the biological, psychosocial, social and spiritual disturbances inherent in addiction and aims to improve quality of life and enhanced wellness, including an individual's consistent pursuit of abstinence, improvement in behavioural control and emotional self-regulation, relief of symptoms, including substance craving, and enrichment of interpersonal skills, relationships and social connectedness;

WHEREAS the Government of Alberta believes that a comprehensive recovery-oriented system of care that includes prevention, intervention, treatment and recovery initiatives will further support Albertans in their pursuit of recovery;

WHEREAS the Government of Alberta has gained international recognition for the work done to improve access to treatment and recovery supports for mental health and addiction issues as part of transforming Alberta's mental health and addiction system to the Alberta Recovery Model;

WHEREAS the Government of Alberta has identified that the creation of a Canadian Centre of Recovery Excellence will support the continued development of the Alberta Recovery Model, which adopts a recovery-oriented approach to mental health and addiction issues, by developing evidence-based practices, conducting research and program evaluations and informing the creation of evidence-based policies; and

WHEREAS the Canadian Centre of Recovery Excellence will provide leadership in Alberta and across Canada as jurisdictions continue to develop recovery-oriented mental health and addiction systems of care;

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

Definitions

1 In this Act,

- (a) "affiliated party" means a party that has been recognized as an affiliated party in accordance with the bylaws of the Centre;
- (b) "aggregate information" means non-identifying health information and non-identifying personal information about a group of individuals;
- (c) "board" means the board of directors appointed under section 5;
- (d) "Centre" means the Canadian Centre of Recovery Excellence established by section 2;
- (e) "Chief Executive Officer" means the Chief Executive Officer appointed under section 10;
- (f) "Chief Scientific Officer" means the Chief Scientific Officer appointed under section 11;
- (g) "director" means a director of the board;
- (h) "health information" means health information as defined in the *Health Information Act*;
- (i) "individually identifying health information" means individually identifying health information within the meaning of the *Health Information Act*;
- (j) "Minister", except in section 13 and section 20(i), means the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (k) "non-identifying", when used to describe health information or personal information, means that the identity of the individual who is the subject of the information cannot be readily ascertained from the information;
- "organization", except in section 17(3)(c), means organization within the meaning of the *Personal Information Protection Act*;

- (m) "personal information", except in clauses (b) and (k), means
 - (i) personal information as defined in the *Freedom of Information and Protection of Privacy Act*, and
 - (ii) personal information as defined in the *Personal Information Protection Act*;
- (n) "public agency" means a public agency as defined in the *Alberta Public Agencies Governance Act*;
- (o) "public body" means a public body as defined in the *Freedom of Information and Protection of Privacy Act.*

Establishment of corporation

2(1) The Canadian Centre of Recovery Excellence is established as a corporation.

(2) The Centre has the capacity and, subject to this Act and the regulations, the rights, powers and privileges of a natural person.

(3) The Centre is for all purposes an agent of the Crown in right of Alberta.

(4) An action or other legal proceeding in respect of a right or obligation acquired or incurred by the Centre on behalf of the Crown in right of Alberta, whether in the name of the Corporation or in the name of the Crown in right of Alberta, may be brought by or taken against the Corporation in the name of the Corporation.

(5) The fiscal year of the Centre is April 1 to the following March 31.

Mandate and activities

3(1) The mandate of the Centre, subject to the regulations, is to support an improved approach to mental health and addiction issues by

- (a) conducting and supporting research, evaluations and innovations related to mental health and addiction issues,
- (b) providing advice, information, reports and the results of research and evaluations to the Minister as directed by the

Minister and, if the Minister directs it, to another Minister or the Government of Alberta in support of the Minister's or Government's powers, duties and functions relating to mental health and addiction,

- (c) supporting the provision of services to individuals in Alberta with mental health and addiction issues, and
- (d) providing provincial, national and international leadership on
 - (i) addressing mental health and addiction issues, and
 - (ii) recovery-oriented systems for providing services to individuals with mental health and addiction issues.

(2) The Centre shall engage in the following activities in accordance with the Centre's mandate, subject to the regulations:

- (a) monitoring and analyzing
 - (i) information and evidence related to mental health and addiction issues,
 - (ii) mental health and addiction services provided to individuals with mental health and addiction issues, and
 - (iii) mental health and addiction programs and systems for providing services to individuals with mental health and addiction issues, including the efficacy of those programs and systems;
- (b) conducting and facilitating research and evaluations with respect to
 - (i) information and evidence related to mental health and addiction issues,
 - (ii) mental health and addiction services provided to individuals with mental health and addiction issues, and
 - (iii) mental health and addiction programs and systems for providing services to individuals with mental health and addiction issues, including with respect to the efficacy of those programs and systems;

- (c) facilitating or evaluating innovations related to the provision of services, and programs and systems for providing services, to individuals with mental health and addiction issues;
- (d) supporting the development of evidence-based clinical practice guidelines and documents for use by persons providing services to individuals with mental health and addiction issues;
- (e) consulting, collaborating or forming partnerships with persons and entities within and outside Canada that have an interest in the provision of services to individuals with mental health and addiction issues;
- (f) communicating with the public, governments, the Canadian and international research community, voluntary entities, private sector entities, persons with or who have been affected by mental health or addiction issues and other stakeholders about issues related to mental health and addiction;
- (g) exchanging and disseminating information and evidence, including the results of research and evaluations, related to
 - (i) mental health and addiction issues, and
 - the provision of services, and programs and systems for providing services, to individuals with mental health and addiction issues;
- (h) other activities prescribed by the Minister in the regulations.

(3) The Centre shall not engage in or carry on any activity that is not directly related to the mandate of the Centre.

(4) The mandate and activities of the Centre may be limited, expanded or clarified by the regulations.

Limits on Centre's powers

4(1) The Centre shall not

(a) accept a gift, bequest or other funding,

- (b) enter into a contract, agreement, memorandum of understanding or other arrangement to receive a gift, bequest or other funding, or
- (c) accept payment for services rendered by the Centre or recover costs incurred by the Centre

from any party other than the Government of Alberta unless the Centre has received the prior written approval of the Minister or the Centre is acting in accordance with an order of the Minister.

(2) The Centre shall not spend money unless the expenditure was accounted for in the Centre's budget as approved by the Minister, the Centre has received the prior written approval of the Minister or the Centre is acting in accordance with an order of the Minister.

(3) The Centre shall not acquire, lease, hold, lend or dispose of real property or immovable property unless the Centre has received the prior written approval of the Minister or the Centre is acting in accordance with an order of the Minister.

(4) The Centre may make a grant or contribution in support of the Centre's mandate and activities but only in accordance with a grant program established by the Centre in the Centre's bylaws.

(5) The Centre shall not borrow money or give guarantees except in accordance with the regulations.

(6) The powers, duties and functions of the Centre may be limited, expanded or clarified by the regulations.

Board

5(1) The Centre shall have a board of directors consisting of no more than 5 members appointed by the Minister.

(2) A director holds office for a term not exceeding 3 years as set out in the appointment.

(3) A director is eligible for reappointment for a 2nd term, but not for a further term until the expiration of a period of one year following the end of the 2nd term.

(4) The Minister shall designate one of the directors as chair.

(5) The Chief Executive Officer may be designated as the chair of the board.

(6) Notwithstanding subsection (3), the chair is eligible for reappointment for a maximum of 3 terms not exceeding 3 years each.

(7) A vice-chair may be selected from among the directors and, if a vice-chair has been selected, the vice-chair may exercise all of the powers and perform all of the duties and functions of the chair in the event of the chair's absence or incapacity, or if the office of the chair is vacant.

(8) Notwithstanding that a director's term has expired, the director continues to hold office until

- (a) a successor is appointed,
- (b) the director is reappointed, or
- (c) 6 months have elapsed since the expiry of the director's term,

whichever occurs first.

Powers, duties and functions of the board

6(1) The board shall manage or supervise the management of the business and affairs of the Centre.

(2) Without limiting the generality of subsection (1), the board shall

- (a) develop an annual budget for the Centre and submit the budget to the Minister for approval,
- (b) approve any funding that the Centre provides to an external party or affiliated party for the purpose of research or evaluation, unless the funding has been approved as part of the Centre's budget,
- (c) establish policies and procedures to ensure that effective mechanisms for protecting the confidentiality of health information and personal information that is in the Centre's custody or under the Centre's control, and the privacy of the individuals who are the subjects of that information, are in place,
- (d) establish policies and procedures to ensure that individually identifying health information and personal

information will only be collected, used and disclosed by the Centre when necessary for purposes that the Centre is authorized, under this or any other enactment, to collect, use and disclose that information for,

- (e) establish policies and procedures respecting research conducted, facilitated or disseminated by the Centre, which must include
 - a peer review process for research proposals made to the Centre by an external party or affiliated party, and
 - (ii) any requirements the board considers necessary with respect to review by a research ethics board in addition to the requirements established under this or any other enactment,
- (f) evaluate the performance of the Centre in respect of the Centre's mandate, the plans developed under section 8 and any other matters identified by the Minister, and
- (g) report to the Minister in respect of the Centre's performance in the form and with the content directed by the Minister and in accordance with any other directions of the Minister.

(3) The Centre must implement the policies and procedures established under subsection (2).

(4) The Centre and its committees, directors, officers and employees shall comply with the policies and procedures established under subsection (2).

(5) The Minister may make an order requiring the board to exercise any other powers or perform any other duties or functions relating to the mandate and activities of the Centre identified by the Minister.

(6) The board may delegate, in writing and on terms and conditions the board considers advisable, any of the board's powers, duties or functions to a director or a committee of the Centre, an officer or employee of the Centre, an affiliated party or an officer or employee of an affiliated party, except the power to make bylaws.

(7) The board, when delegating a power, duty or function, may authorize the further delegation of that power, duty or function subject to any terms and conditions imposed by the board.

Approval of budget

7(1) The Minister may approve the budget of the Centre as submitted by the board or may direct the board to amend and resubmit the Centre's budget in accordance with the Minister's instructions and within a time set by the Minister.

(2) If the Centre does not act in accordance with a direction of the Minister made under subsection (1), the Minister may amend and then approve the budget of the Centre.

(3) The board, at any time, may request the Minister's approval to amend a budget that the Minister has approved.

Plans

8(1) The board must develop and submit a research plan within a time set by the Minister, in the form and with the content directed by the Minister and in accordance with any other directions of the Minister.

(2) The Minister may direct the board to develop and submit any other plan that the Minister considers advisable and the board must develop and submit the plan within a time set by the Minister, in the form and with the content directed by the Minister and in accordance with any other directions of the Minister.

(3) The Minister may approve a plan as submitted by the board or may direct the board to amend and resubmit a plan in accordance with the Minister's instructions and within a time set by the Minister.

(4) If the board does not act in accordance with a direction of the Minister made under subsection (3), the Minister may amend and then approve a plan.

(5) The Centre must comply with any plan approved by the Minister.

(6) The board, at any time, may request the Minister's approval to amend a plan that the Minister has approved.

(7) The board must review and update a plan in accordance with the directions of the Minister.

(8) When reviewing and updating a plan, the board must consider the results of the board's performance evaluation conducted under section 6(2)(f).

Bylaws

- **9(1)** The board may make bylaws
 - (a) establishing rules and procedures for conducting its business, including respecting the calling of meetings and quorum,
 - (b) establishing and prescribing the powers, duties and functions of any committee that the board considers necessary for the efficient conduct of the business and affairs of the Centre,
 - (c) establishing a grant program for the Centre,
 - (d) respecting the recognition of external parties as affiliated parties,
 - (e) governing conflicts of interest of directors, officers, committee members, employees and agents of the Centre and affiliated parties, and other persons and entities with which the Centre has entered into a contract, agreement, memorandum of understanding or other arrangement,
 - (f) respecting the governance and administration of the Centre generally, and
 - (g) respecting any other matters the board considers necessary for carrying out the mandate and activities of the Centre.

(2) A bylaw has no effect until it has been approved by the Minister.

- (3) The Minister may direct the board to
 - (a) amend the Centre's bylaws, or
 - (b) make a bylaw

in accordance with the Minister's instructions and within a time set by the Minister.

(4) If the board does not act in accordance with a direction of the Minister, the Minister may amend the Centre's bylaws or may make a bylaw for the Centre, as the case may be.

Chief Executive Officer

10(1) The Minister, after considering any recommendations of the board, may appoint an individual as the Chief Executive Officer of the Centre.

(2) The Chief Executive Officer shall exercise the powers and perform the duties and functions prescribed by the Minister.

(3) The Chief Executive Officer shall report to the board.

Chief Scientific Officer

11(1) The Minister, after considering any recommendations of the board, may appoint an individual as the Chief Scientific Officer of the Centre.

(2) The Chief Scientific Officer shall exercise the powers and perform the duties and functions prescribed by the Minister.

Responsibility of directors and officers

12 Every director and officer of the Centre, in exercising their powers and performing their duties, shall

- (a) act honestly and in good faith and with a view to the best interests of the Centre, and
- (b) exercise the care, diligence and skill that a reasonable and prudent person would exercise in comparable circumstances.

Confidentiality, collection, use and disclosure of information **13(1)** In this section,

(a) "department" means a department established under section 2 of the *Government Organization Act*;

(b) "Minister" means a member of the Executive Council of Alberta.

(2) The Centre shall implement effective mechanisms to protect the confidentiality of individually identifying health information and personal information that is in the Centre's custody or under the Centre's control, and the privacy of the individuals who are the subjects of that information.

- (3) The Centre shall collect, use or disclose
 - (a) aggregate information if it is adequate for the intended purpose, and
 - (b) non-identifying health information and non-identifying personal information if it is adequate for the intended purpose and the collection, use or disclosure of aggregate information is inadequate for the intended purpose,

and may only collect, use or disclose personal information and individually identifying health information when necessary for purposes that the Centre is authorized, under this or any other enactment, to collect, use or disclose that information for.

(4) The Centre may collect, directly or indirectly, use and disclose information, including personal information and individually identifying health information, for the purposes of fulfilling the Centre's mandate, undertaking the Centre's activities, exercising the Centre's powers and performing the Centre's duties and functions under this Act, and for any other purposes prescribed in the regulations.

(5) For the purposes of fulfilling the Centre's mandate, undertaking the Centre's activities, exercising the Centre's powers and performing the Centre's duties and functions, the Centre may request that any

- (a) custodian as defined in the Health Information Act,
- (b) Minister or department,
- (c) public body prescribed in the regulations,
- (d) public agency prescribed in the regulations,
- (e) organization prescribed in the regulations,

- (f) mental health and addiction service provider prescribed in the regulations, or
- (g) other persons or entities prescribed in the regulations

disclose information, including personal information and individually identifying health information, to the Centre.

(6) If a request is made to a person or entity under subsection (5) and the disclosure of the information is authorized by an enactment of Alberta or Canada, the person or entity must disclose the information to the Centre.

(7) Personal information and individually identifying health information may be disclosed under this section without the consent of the individual who is the subject of the information.

Data repository

14 The Centre may establish and maintain a data repository in accordance with the regulations.

Orders

15(1) The Minister may issue orders that must be followed by the Centre or the board, or both, directing the Centre or the board, or both, to take any steps or to refrain from taking any steps if the Minister considers it necessary for the purposes of

- (a) reviewing and monitoring the operations of the Centre, and
- (b) ensuring that
 - (i) the Centre is fulfilling its mandate, conducting its activities, exercising its powers and performing its duties and functions in accordance with this Act,
 - (ii) the board is exercising its powers and performing its duties and functions in accordance with this Act, and
 - (iii) this Act and the regulations are being complied with and the purpose and intent of this Act and the regulations are being carried out.

(2) Without limiting the generality of subsection (1), the Minister may order the Centre or the board, or both, to

- (a) conduct research, an evaluation or other activities respecting any matter related to the mandate and activities of the Centre,
- (b) provide advice, information, a report or the results of research or an evaluation to the Minister, another Minister or the Government of Alberta in support of the Minister's or Government's powers, duties and functions relating to mental health and addiction, and
- (c) submit to the Minister or any other Minister any records, reports or other information specified by the Minister, including personal information and individually identifying health information, in accordance with the directions of the Minister.

(3) The board shall ensure that any order issued to or required to be followed by the board, and the Centre shall ensure that any order issued to or required to be followed by the Centre, is implemented in a prompt and efficient manner and in accordance with section 12(a).

(4) Compliance by the board or the Centre, as the case may be, with an order in accordance with subsection (3) is deemed to be in compliance with section 12(b).

Inspection and review

16(1) For the purposes of

- (a) reviewing and monitoring the operations of the Centre, and
- (b) ensuring that
 - (i) the Centre is fulfilling its mandate, conducting its activities, exercising its powers and performing its duties and functions in accordance with this Act,
 - (ii) the board is exercising its powers and performing its duties and functions in accordance with this Act, and

(iii) this Act and the regulations are being complied with and the purpose and intent of this Act and the regulations are being carried out,

the Minister or a person authorized by the Minister, at any reasonable time, may do any of the things listed in subsection (2).

- (2) In accordance with subsection (1), the Minister may
 - (a) enter and inspect any place under the jurisdiction of the Centre,
 - (b) require the production for examination of any records, reports or other information in the custody or control of the Centre, and make copies of them or temporarily remove them for the purpose of making copies,
 - (c) access any electronic data held by the Centre and any associated data processing equipment, and make an electronic or paper copy of the data,
 - (d) make inquiries of any person with respect to any matter that the Minister considers necessary, and
 - (e) otherwise review the operations of the Centre as the Minister considers necessary.

(3) Any person who has custody or control of any records, reports or other information, including electronic data, of the Centre shall assist the Minister or person authorized by the Minister with accessing the records, reports or information and making copies of it.

(4) A person who removes a record, report or other information under subsection (2)(b) shall

- (a) give a receipt for the items to the person from whom the items were taken,
- (b) on request, provide a copy of the items removed to the person from whom they were taken or to a person who is entitled to custody of them, and
- (c) forthwith return the items to the person from whom they were taken when they have served the purposes for which they were taken.

Information from inspections and orders

17(1) If a record, report or other information provided or submitted under section 15 or 16 contains personal information or individually identifying health information, the Minister may collect, use and disclose that information

- (a) for the purposes of
 - (i) reviewing and monitoring the operations of the Centre and ensuring the Centre is fulfilling its mandate, conducting its activities, exercising its powers and performing its duties and functions in accordance with this Act,
 - (ii) ensuring that the board is exercising its powers and performing its duties and functions in accordance with this Act, and
 - (iii) ensuring that this Act and the regulations are being complied with and the purpose and intent of this Act and the regulations are being carried out,
- (b) for purposes related to matters under the Minister's administration, and
- (c) for other purposes established in the regulations.

(2) If the Minister has ordered the Centre or the board to provide advice, information, a report or the results of research or an evaluation to another Minister, that other Minister may collect, use and disclose personal information or individually identifying health information disclosed under section 15

- (a) for purposes related to matters under that Minister's administration, and
- (b) for other purposes established in the regulations.

(3) If a record, report or other information provided or submitted under section 15 or 16 would reveal a trade secret of a third party or confidential commercial, financial, labour relations, scientific or technical information of a third party and the disclosure of the record, report or information could reasonably be expected to

- (a) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,
- (b) result in similar information no longer being supplied to the Minister when it is in the public interest that similar information continue to be supplied,
- (c) result in undue financial loss or gain to any person or organization, or
- (d) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute,

the information is to be treated as having been provided in confidence.

Protection from liability

18 No action for damages may be commenced against the Crown, the Centre, the board, a director, a member of a committee, an officer, employee, agent or affiliated party of the Centre, or any person who acts on the instructions of or under the supervision of any of those persons, for anything done or omitted to be done by that person in good faith while exercising that person's powers or carrying out that person's duties or functions under this Act.

Indemnification

19(1) The Centre may, subject to the regulations, indemnify

- (a) a present or former director of the Centre,
- (b) an employee or former employee of the Centre, and
- (c) the heirs and legal representatives of a person referred to in clause (a) or (b)

against all costs, charges and expenses, including any amount paid to settle an action or satisfy a judgment, reasonably incurred by that person with respect to a civil, criminal or administrative action or proceeding to which that person is made a party by reason of holding such a position if that person acted honestly, in good faith and with a view to the best interests of the Centre, and in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, that person had reasonable grounds for believing that the conduct that is the subject of the action or proceeding was lawful.

- (2) An indemnity under subsection (1) must be
 - (a) in writing, and
 - (b) authorized by a resolution of the board.
- (3) The Centre shall not provide indemnities other than those
 - (a) authorized by subsection (1), or
 - (b) provided in accordance with the regulations.

Regulations

- **20** The Minister may make regulations
 - (a) limiting the rights, powers and privileges of the Centre as a natural person;
 - (b) limiting, expanding or clarifying
 - (i) the mandate of the Centre, and
 - (ii) the activities that the Centre shall undertake in accordance with the Centre's mandate;
 - (c) respecting the borrowing of money or the giving of guarantees by the Centre;
 - (d) limiting, expanding or clarifying the powers, duties and functions to be exercised or performed by the Centre;
 - (e) respecting the collection, use and disclosure of information, including personal information and individually identifying health information, by the Centre, including prescribing, for the purposes of section 13(4), other purposes for which the Centre may collect, use and disclose personal information or individually identifying health information;
 - (f) prescribing public bodies, public agencies, organizations, mental health and addiction service providers and other

persons or entities that the Centre may request to disclose information to the Centre under section 13(5);

- (g) respecting the establishment and maintenance of a data repository by the Centre;
- (h) authorizing the Minister to collect, use and disclose personal information or individually identifying health information for other purposes in addition to the purposes referred to in section 17(1)(a) and (b);
- (i) authorizing a Minister to collect, use and disclose personal information or individually identifying health information disclosed under section 15 for other purposes in addition to the purposes referred to in section 17(2)(a);
- (j) respecting the giving of indemnities by the Centre under section 19 and any terms and conditions applicable to those indemnities;
- (k) respecting the operation of the Centre generally;
- (l) respecting the winding up of the affairs of the Centre;
- (m) defining any word or phrase used but not defined in this Act;
- (n) respecting any other matter or thing the Minister considers necessary to carry out the purposes of this Act.

Amends RSA 2000 cF-12

21(1) The *Financial Administration Act* is amended by this section.

(2) Section 2(5) is amended by renumbering clause (f.01) as clause (f.02) and by adding the following after clause (f):

(f.01) the Canadian Centre of Recovery Excellence,

Explanatory Notes

21(1) Amends chapter F-12 of the Revised Statutes of Alberta 2000.

(2) Section 2(5) presently reads in part:

(5) This Act, except this section and sections 1, 5, 6, 7, 13(3), 57.1, 77, 80 and 81, does not apply to the following:

(f.01) the Health Quality Council of Alberta,

Explanatory Notes

Amends RSA 2000 cF-25

22(1) The Freedom of Information and Protection of Privacy Act is amended by this section.

(2) Section 1(g) is amended by striking out "or" at the end of subclause (vi), by adding "or" at the end of subclause (vii) and by adding the following after subclause (vii):

(viii) the Canadian Centre of Recovery Excellence;

Coming into force

23 This Act comes into force on Proclamation.

22(1) Amends chapter F-25 of the Revised Statutes of Alberta 2000.

- (2) Section 1(g) presently reads in part:
 - 1 In this Act,
 - (g) "health care body" means
 - (vii) a subsidiary health corporation as defined in the Regional Health Authorities Act;
- 23 Coming into force.

Explanatory Notes

RECORD OF DEBATE

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