

2024 Bill 24

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First Session, 31st Legislature, 3 Charles III

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 24

**ALBERTA BILL OF RIGHTS  
AMENDMENT ACT, 2024**

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THE MINISTER OF JUSTICE

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 24

2024

### ALBERTA BILL OF RIGHTS AMENDMENT ACT, 2024

(Assented to \_\_\_\_\_, 2024)

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

**Amends RSA 2000 cA-14**

**1 The *Alberta Bill of Rights* is amended by this Act.**

**2 The preamble is amended by repealing the 1st recital and substituting the following:**

WHEREAS the free and democratic society existing in Alberta is founded on principles that acknowledge the supremacy of God and the rule of law and on principles, fostered by tradition, that honour and respect human rights and fundamental freedoms, the dignity and worth of the human person and the position of the family in a society of free people and free institutions;

WHEREAS human rights and fundamental freedoms are of foundational importance to Albertan society, including during times of emergency;

**3 The following is added before section 1:**

**Definitions**

**0.1** In this Act,

## Explanatory Notes

**1** Amends chapter A-14 of the Revised Statutes of Alberta 2000.

**2** The preamble presently reads:

*WHEREAS the free and democratic society existing in Alberta is founded on principles that acknowledge the supremacy of God and on principles, fostered by tradition, that honour and respect human rights and fundamental freedoms and the dignity and worth of the human person;*

*WHEREAS the Parliament of Canada, being desirous of enshrining certain principles and the human rights and fundamental freedoms derived from them, enacted the Canadian Bill of Rights in order to ensure the protection of those rights and freedoms in Canada in matters coming within its legislative authority; and*

*WHEREAS the Legislature of Alberta, affirming those principles and recognizing the need to ensure the protection of those rights and freedoms in Alberta in matters coming within its legislative authority, desires to enact an Alberta Bill of Rights;*

**3** Definitions; application.

- (a) “law of Alberta” means an Act enacted before or after the commencement of this Act, any order, rule or regulation made thereunder, and any law in force in Alberta at the commencement of this Act that is subject to be repealed, abolished or altered by the Legislature;
- (b) “taking of property” means, in respect of real or personal property,
  - (i) a transfer of ownership of the property without the consent of the owner, or
  - (ii) an owner of property being deprived of all reasonable uses of that property.

#### **Application**

**0.2** This Act applies to the Legislature and government of Alberta in respect of all matters within the authority of the Legislature of Alberta.

#### **4 Section 1 is amended**

- (a) by renumbering it as section 1(1);**
- (b) in subsection (1)**
  - (i) in clause (a) by striking out** “liberty, security of the person and enjoyment of property” **and substituting** “liberty and security of the person”;
  - (ii) by adding the following after clause (a):**
    - (a.1) the right to the enjoyment of property and the right not to be deprived thereof except to the extent authorized by law and except by due process of law;
    - (a.2) the right not to be subject to a taking of property except to the extent authorized by law and where just compensation is provided;
  - (iii) in clause (d) by adding** “and expression” **after** “freedom of speech”;
  - (iv) by adding the following after clause (g):**

**4** Section 1 presently reads in part:

*1 It is hereby recognized and declared that in Alberta there exist without discrimination by reason of race, national origin, colour, religion, sexual orientation, sex, gender identity or gender expression, the following human rights and fundamental freedoms, namely:*

- (a) the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;*
- (d) freedom of speech;*
- (g) the right of parents to make informed decisions respecting the education of their children.*

- (h) the right of the individual with capacity not to be subjected to, or coerced into receiving, medical care, medical treatment or a medical procedure without the consent of that individual, unless that individual is likely to cause substantial harm to that individual or to others;
- (i) notwithstanding clause (h), the right of the individual with capacity not to be subjected to, or coerced into receiving, a vaccine without the consent of that individual;
- (j) the right to acquire, keep and use firearms in accordance with the law.

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

**(2)** The rights and freedoms recognized and declared by this Act are subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic Alberta.

**(3)** For greater certainty, a reasonable limit on the rights and freedoms recognized and declared by this Act that is prescribed by law and demonstrably justified under subsection (2) is not an infringement or denial of those rights and freedoms.

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

**Paramountcy**

**2** Any law of Alberta that is inconsistent with the provisions of this Act is, to the extent of the inconsistency, of no force or effect.

**Parliamentary supremacy**

**2.1** The Legislature may expressly declare in an Act that a law of Alberta operates notwithstanding this Act.

**6 Section 3(2) and (3) are repealed.**

**5** Section 2 presently reads:

*2 Every law of Alberta shall, unless it is expressly declared by an Act of the Legislature that it operates notwithstanding the Alberta Bill of Rights, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared.*

**6** Section 3(2) and (3) presently read:

**7 The following is added after section 3:**

**Enforcement of rights and freedoms**

**3.1(1)** Anyone whose rights or freedoms, as recognized and declared by this Act, have been infringed or denied may apply to a court of competent jurisdiction to obtain, subject to subsection (2), such remedy as the court considers appropriate and just in the circumstances.

(2) An application under subsection (1) may not include a claim for damages in respect of an infringement or denial of rights and freedoms caused by the enactment of an Act, including this Act.

**8 Section 4 is repealed and the following is substituted:**

**Notice to Minister of Justice**

**4(1)** If in a proceeding a question arises as to whether any law of Alberta is inconsistent with a provision of this Act, the law shall not be held to be invalid unless 14 days' written notice has been given to the Minister of Justice.

(2) The notice shall include what law of Alberta or part of a law of Alberta is in question and give reasonable particulars of the proposed argument.

(3) The Minister of Justice is entitled as of right to be heard, either in person or by counsel, notwithstanding that the Crown is not a party to the proceeding.

(4) No person other than the Minister of Justice or counsel designated by the Minister of Justice shall, on behalf of His Majesty in right of Alberta or on behalf of an agent of His Majesty in right of Alberta, appear and participate in any proceeding in respect of a question referred to in subsection (1).



*(2) In this Act, “law of Alberta” means an Act of the Legislature of Alberta enacted before or after the commencement of this Act, any order, rule or regulation made thereunder, and any law in force in Alberta at the commencement of this Act that is subject to be repealed, abolished or altered by the Legislature of Alberta.*

*(3) The provisions of this Act shall be construed as extending only to matters coming within the legislative authority of the Legislature of Alberta.*

**7** Enforcement of rights and freedoms.

**8** Section 4 presently reads:

*4(1) If in any action or other proceeding a question arises as to whether any law of Alberta abrogates, abridges or infringes, or authorizes the abrogation, abridgment or infringement, of any of the rights and freedoms herein recognized and declared, no adjudication on that question is valid unless notice has been given to the Minister of Justice.*

*(2) When the Minister of Justice has notice under subsection (1), the Minister may, in person or by counsel, appear and participate in that action or proceeding on such terms and conditions as the court, person or body conducting the proceeding may consider just.*

(5) If the Minister of Justice or counsel designated by the Minister of Justice appears in a proceeding in respect of a question referred to in subsection (1), the Minister of Justice is deemed to be a party to the proceeding for the purpose of an appeal from an adjudication in respect of that question and has the same rights with respect to an appeal as any other party to the proceeding.

**Transitional**

**5(1)** This Act, as it reads immediately after the coming into force of this section, does not apply to an abrogation, abridgment or infringement of any of the rights or freedoms recognized and declared in this Act as it read immediately before the coming into force of this section that occurred before the coming into force of this section.

(2) This Act, as it reads immediately after the coming into force of this section, applies only to an infringement or denial of any of the rights or freedoms recognized and declared in this Act that occurs after the coming into force of this section.

(3) Notwithstanding subsection (2), this Act, as it reads immediately after the coming into force of this section, does not apply to an infringement or denial of the rights referred to in section 1(1)(a.1) and (a.2) that

- (a) occurred before the coming into force of this section,
- (b) continues to occur after the coming into force of this section, and
- (c) is the subject of any action, matter or proceeding before a court that was commenced against the Crown before the coming into force of this section.

**Amends RSA 2000 cE-13**

**9(1)** The *Expropriation Act* is amended by this section.

**(2)** The Schedule is amended by adding the following after item 1:

**9(1)** Amends chapter E-13 of the Revised Statutes of Alberta 2000.

(2) The Schedule presently reads in part:

1.01 Alberta Bill of Rights The whole

**Amends RSA 2000 cP-25**

**10(1)** The *Proceedings Against the Crown Act* is amended by this section.

**(2)** Section 17 is amended by adding the following after subsection (2):

**(3)** This section does not apply to relief sought under the *Alberta Bill of Rights*.

(Section 2)

Title	Extent of Exception
1. <i>Agricultural Service Board Act</i>	<i>Orders of reclamation under section 12</i>

**10(1)** Amends chapter P-25 of the Revised Statutes of Alberta 2000.

(2) Section 17 presently reads:

*17(1) When in proceedings against the Crown any relief is sought that might, in proceedings between persons, be granted by way of injunction or specific performance, the court shall not, as against the Crown, grant an injunction or make an order for specific performance but may, instead, make an order declaratory of the rights of the parties.*

*(2) The court shall not in any proceedings grant an injunction or make an order against an officer of the Crown if the effect of granting the injunction or making the order would be to give any relief against the Crown that could not have been obtained in proceedings against the Crown but may, instead, make an order declaratory of the rights of the parties.*





**RECORD OF DEBATE**

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