

2024 Bill 31

First Session, 31st Legislature, 3 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 31

**JUSTICE STATUTES
AMENDMENT ACT, 2024**

THE MINISTER OF JUSTICE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 31

2024

JUSTICE 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 Evidence Act

Amends RSA 2000 cA-18

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

(2) Sections 14 to 17 are repealed and the following is substituted:

Oath or affirmation

14(1) For all purposes for which an oath or an affirmation is required or permitted by law, a person may either take an oath or affirm.

(2) An oath and an affirmation are of the same force and effect.

Oath or affirmation binding

15(1) When an oath or an affirmation may lawfully be administered to a person

- (a) as a witness or as a deponent in an action,
- (b) on appointment to an office or employment, or
- (c) on any other occasion,

Explanatory Notes

Alberta Evidence Act

1(1) Amends chapter A-18 of the Revised Statutes of Alberta 2000.

(2) Sections 14 to 17 presently read:

14(1) When an oath may lawfully be administered to a person

(a) as a witness or as a deponent in an action,

(b) on appointment to an office or employment, or

(c) on any occasion whatever,

that person is bound by the oath administered if it has been administered in a form and with any ceremonies that the person may declare to be binding.

(2) When an oath is duly administered and taken, the fact that the person to whom it was administered has at the time of taking the oath no religious belief does not for any purpose affect the validity of the oath.

15(1) An oath may be administered in the form and manner following:

that person is bound by the oath or affirmation administered, if it has been administered in a form and with any ceremonies that the person may declare to be binding.

(2) When an oath is administered and taken in accordance with the requirements of this Act, the fact that the person to whom it was administered has no religious belief at the time of taking the oath does not affect the validity of the oath.

Administration of oath

16(1) An oath may be administered in the following form:

I swear that the evidence to be given by me shall be the truth, the whole truth and nothing but the truth. So help me God.

(2) Without limiting or restricting the manner in which an oath may be administered, a person taking an oath may hold a text or object appropriate to the person's religious or spiritual beliefs.

Administration of affirmation

17 An affirmation may be administered in the following form:

I solemnly affirm that the evidence to be given by me shall be the truth, the whole truth and nothing but the truth.

Direction by presiding officer

17.1(1) In this section, "presiding officer" means a person having the lawful authority to administer an oath or an affirmation.

(2) When a person is required or permitted by law to take an oath or to affirm, a presiding officer may direct a person to affirm if

- (a) the person does not choose whether to take an oath or to affirm, or
- (b) the person taking an oath in a form or manner that is consistent with the person's beliefs is not reasonably practicable.

(3) The fact that a person affirms at the direction of a presiding officer does not affect the validity of the affirmation.

The person taking the oath shall hold the Bible or New Testament, or Old Testament in the case of an adherent of the Jewish religion, in the person's uplifted hand and the officer administering the oath shall say: "You swear that the evidence you give as touching the matters in question in this action or matter shall be the truth, the whole truth and nothing but the truth. So help you God", to which the person being sworn shall say "I do" or give his or her assent to it in a manner satisfactory to the court or to the officer administering the oath.

(2) Without in any way limiting or restricting the manner in which an oath may be administered, the oath may be taken or sworn on any one of the 4 Gospels.

16 If a person to whom an oath is to be administered desires to swear with uplifted hand in the form and manner in which an oath is usually administered in Scotland the person shall be permitted to do so, and the oath shall be administered to the person in that form and manner without further question.

17(1) If, in an action or on an occasion when an oath is required or permitted, a person called as a witness, or required or desiring to give evidence or to make an affidavit or deposition, objects to taking an oath or is objected to as incompetent to take an oath, if the presiding judge or the person qualified to take affidavits or depositions is satisfied that the witness or deponent objects to being sworn

(a) from conscientious scruples,

(b) on the ground of the religious belief of the witness or deponent, or

(c) on the ground that the taking of an oath would have no binding effect on the conscience of the witness or deponent,

the witness or deponent may make an affirmation and declaration instead of taking an oath.

(2) The affirmation and declaration of that person is of the same force and effect as if that person had taken an oath in the usual form.

(3) When the evidence is in the form of an affidavit or written deposition, the person before whom it is taken shall certify that the

(3) Section 18 is amended

- (a) by adding “or affirmations” after “administer oaths”;
- (b) by adding “or affirmed” after “under oath”.

(4) The following is added after section 18:

Certifying information electronically

18.1(1) In this section,

- (a) “court” means the Court of Appeal of Alberta, the Court of King’s Bench of Alberta and the Alberta Court of Justice;
- (b) “electronic” has the same meaning as in the *Electronic Transactions Act*;
- (c) “electronic system” means a system established or designated by the court for the purposes of certifying documents or information by electronic means.

(2) An individual who would otherwise be required to make an affidavit or written deposition on oath, affirmation or declaration may instead certify as true any information or documents provided through an electronic system established or designated by the court and in accordance with the procedures established by the court respecting electronic certification.

(3) Notwithstanding anything in this Act or any other enactment, certification by an individual under subsection (2) is deemed to be an oath, affidavit, affirmation or declaration administered,

deponent satisfied the person that the deponent was a person entitled to affirm.

(3) Section 18 presently reads:

18 Any person authorized by law to administer oaths or to take affidavits in any matter may receive the solemn declaration of any person making it before the authorized person, in the following form, in attestation of the execution of any writing, deed or instrument or of the truth of any fact or of any account rendered in writing:

I, _____, solemnly declare that (state the fact or facts declared to), and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me at _____ this ___ day of _____, 20__.

(4) Certifying information electronically.

taken, sworn, affirmed or made in Alberta before a commissioner for oaths in and for Alberta.

(5) Section 19(1) is amended

- (a) by adding “or affirmation” after “nature of an oath”;
- (b) by adding “or affirmation” after “on oath”.

(6) Section 35(1) is amended by adding “, affirmation” after “the oath”.

(7) Subsection (4) comes into force on Proclamation.

Critical Infrastructure Defence Act

Amends SA 2020 cC-32.7

2(1) The *Critical Infrastructure Defence Act* is amended by this section.

(2) Section 1(1)(a)(xvi) is repealed and the following is substituted:

- (xvi) a public hospital or chartered surgical facility as defined in the *Health Facilities Act*;
- (xvii) a continuing care home as defined in the *Continuing Care Act*;
- (xviii) a facility designated under the *Mental Health Act*;
- (xix) an ambulance, a dispatch centre or any building, structure or mobile facility used to provide emergency health services under the *Emergency Health Services Act*;

(5) Section 19(1) presently reads:

19(1) In a legal proceeding where a child of tender years is offered as a witness and the child does not, in the opinion of the judge, justice or other presiding officer, understand the nature of an oath, the evidence of the child may be received though not given on oath if, in the opinion of the judge, justice or other presiding officer, the child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

(6) Section 35(1) presently reads in part:

35(1) A copy of an entry in any book of account kept in any department, commission, board, or other branch of the Government of Canada or of Alberta is admissible in evidence as proof, in the absence of evidence to the contrary, of the entry, and of the matters, transactions and accounts recorded in it, if it is proved by the oath or affidavit of an officer of the branch concerned that

(7) Coming into force.

Critical Infrastructure Defence Act

2(1) Amends chapter C-32.7 of the Statutes of Alberta, 2020.

(2) Adds to definition of essential infrastructure.

- (xx) any other building, structure or mobile facility that is used by regulated members of a college established under the *Health Professions Act* to provide health services as defined in the *Alberta Health Act*;
- (xxi) a building, structure, device or other thing prescribed by the regulations;

Electoral Boundaries Commission Act

Amends RSA 2000 cE-3

3(1) The *Electoral Boundaries Commission Act* is amended by this section.

(2) Section 13 is amended by striking out “87 proposed electoral divisions” and substituting “89 proposed electoral divisions”.

(3) Section 14 is repealed and the following is substituted:

Relevant considerations

14 In determining the area to be included in and in fixing the boundaries of the proposed electoral divisions, the Commission, subject to section 15, shall take into consideration the requirement for effective representation as guaranteed by the *Canadian Charter of Rights and Freedoms*, and in doing so may take into consideration

- (a) sparsity, density and rate of growth of the population,
- (b) communities of interest, including municipalities, regional and rural communities, Indian reserves and Metis settlements,
- (c) geographical features,
- (d) the availability and means of communication and transportation between various parts of Alberta,
- (e) the desirability of understandable and clear boundaries, and
- (f) any other factors the Commission considers appropriate.

Electoral Boundaries Commission Act

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

(2) Section 13 presently reads:

13 The Commission shall divide Alberta into 87 proposed electoral divisions.

(3) Section 14 presently reads:

14 In determining the area to be included in and in fixing the boundaries of the proposed electoral divisions, the Commission, subject to section 15, may take into consideration any factors it considers appropriate, but shall take into consideration

- (a) the requirement for effective representation as guaranteed by the Canadian Charter of Rights and Freedoms,*
- (b) sparsity and density of population,*
- (c) common community interests and community organizations, including those of Indian reserves and Metis settlements,*
- (d) wherever possible, the existing community boundaries within the cities of Edmonton and Calgary,*
- (e) wherever possible, the existing municipal boundaries,*
- (f) the number of municipalities and other local authorities,*
- (g) geographical features, including existing road systems, and*
- (h) the desirability of understandable and clear boundaries.*

Public's Right to Know Act

Amends SA 2022 cP-47

4(1) The *Public's Right to Know Act* is amended by this section.

(2) The following is added after section 4:

Requiring data and information

4.1(1) Subject to the regulations, if any, the Minister may require a body to provide the Minister with data and information that the Minister considers necessary to prepare a report if

- (a) there is no agreement between the Minister and that body under section 4, or
- (b) the agreement between the Minister and that body under section 4 does not require the provision of data and information the Minister considers necessary to prepare the report.

(2) The body shall provide the required data and information to the Minister as soon as practicable and in accordance with the regulations, if any.

(3) This section applies to the following bodies only:

- (a) another department, branch or agency of the Government of Alberta;
- (b) a municipality as defined in the *Municipal Government Act*;
- (c) as defined in the *Police Act*,
 - (i) a regional police service,
 - (ii) a municipal police service, or
 - (iii) an independent agency police service.

Public's Right to Know Act

4(1) Amends chapter P-47 of the Statutes of Alberta, 2022.

(2) Requiring data and information.

(3) Section 7 is amended by adding the following after clause (d):

- (e) respecting data and information required by the Minister under section 4.1, including the type and format of data and information and the method by which and the period within which data and information must be provided to the Minister.

(3) Adds regulation-making authority.

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
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