

2026 Bill 33

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Second Session, 31st Legislature, 5 Charles III

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 33

**JUSTICE STATUTES  
AMENDMENT ACT, 2026 (NO. 2)**

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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 33

2026

### JUSTICE STATUTES AMENDMENT ACT, 2026 (NO. 2)

(Assented to , 2026)

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

#### Alberta Human Rights Act

##### Amends RSA 2000 cA-25.5

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

**NOTE:** 1(1) Amends chapter A-25.5 of the Revised  
Statutes of Alberta 2000.

**(2)** The following is added after section 10.1:

#### Provincial bodies — prohibitions re hiring, promotion and training

**10.2(1)** In this section,

- (a) “ameliorative measure” means a policy, program or  
activity referred to in section 10.1;
- (b) “personal characteristic” means race, religious beliefs,  
colour, gender, gender identity, gender expression,  
physical disability, mental disability, age, ancestry, place  
of origin, marital status, source of income, family status  
or sexual orientation;

- (c) “provincial body” means, subject to subsection (2),
- (i) an employer who appoints or employs persons in accordance with, pursuant to or subject to the *Public Service Act*,
  - (ii) a public agency as defined in the *Alberta Public Agencies Governance Act*,
  - (iii) a Crown-controlled organization as defined in the *Financial Administration Act*,
  - (iv) an entity that is authorized or required to exercise a power or perform a duty or function under an enactment,
  - (v) an entity that receives public funding from the Government for the purpose of providing a public service,
  - (vi) a provincial health agency or regional health authority under the *Provincial Health Agencies Act*,
  - (vii) a provincial health corporation under the *Provincial Health Agencies Act*,
  - (viii) a public post-secondary institution as defined in the *Post-secondary Learning Act*,
  - (ix) a board as defined in the *Education Act*,
  - (x) a municipal authority as defined in the *Municipal Government Act*,
  - (xi) a municipal police service or regional police service as defined in the *Police Act*, or
  - (xii) any other person or entity prescribed by the regulations.

**(2)** The following persons and entities are not provincial bodies:

- (a) an employer referred to in subsection (1)(c)(i) that is excluded by the regulations;

- (b) a public agency referred to in subsection (1)(c)(ii) that is excluded by the regulations;
- (c) an entity referred to in subsection (1)(c)(iv) that is excluded by the regulations;
- (d) an entity referred to in subsection (1)(c)(v) that is excluded by the regulations;
- (e) a band as defined in the *Indian Act* (Canada);
- (f) the council of a band as defined in the *Indian Act* (Canada);
- (g) a settlement as defined in the *Metis Settlements Act*;
- (h) the General Council under the *Metis Settlements Act*.

**(3)** Notwithstanding section 10.1, no provincial body shall plan, advertise, adopt or implement an ameliorative measure relating to hiring or promotion by the provincial body.

**(4)** Notwithstanding subsection (3), a provincial body does not contravene this Act with respect to an ameliorative measure described in subsection (3) if the provincial body has been granted an exemption under the regulations with respect to the position, hiring or promotion program, initiative or situation to which the ameliorative measure relates.

**(5)** A provincial body granted an exemption with respect to an ameliorative measure does not contravene section 7 if the provincial body hires or promotes a person because of a personal characteristic for the express purpose of achieving the objective of that ameliorative measure.

**(6)** No provincial body shall require an employee to participate in or complete education or training that

- (a) seeks to dictate, expressly or by implication, the range of acceptable or unacceptable opinions or beliefs on any political, historical, social or cultural issue or on a matter of conscience,
- (b) addresses one or more of the following matters:

- (i) cultural competency;
- (ii) unconscious bias;
- (iii) diversity, equity or inclusion,

or

(c) promotes or affirms any of the following principles:

- (i) a person's value is or should be determined in whole or in part based on a personal characteristic;
- (ii) a person is morally superior to another person because of a personal characteristic;
- (iii) a person is necessarily biased or oppressive, whether consciously or unconsciously, because of a personal characteristic;
- (iv) a person's status as privileged or disadvantaged is necessarily determined by a personal characteristic;
- (v) a person bears responsibility for actions committed by another person with the same personal characteristic as that person because of the shared personal characteristic even though that person had no involvement in the actions;
- (vi) a person should receive adverse or preferential treatment because of a personal characteristic to achieve diversity, equity or inclusion.

**(7)** Subsection (6) does not preclude a provincial body from requiring an employee to participate in or complete education or training that addresses a political, historical, social or cultural issue if that education or training is reasonably necessary for the employee to competently perform the duties and functions of the employee's position.

**(8)** The Lieutenant Governor in Council may make regulations

- (a) prescribing persons or entities for the purposes of subsection (1)(c)(xii);

- (b) prescribing excluded employers, public agencies and entities for the purposes of subsection (2)(a) to (d);
- (c) respecting exemptions in respect of ameliorative measures related to positions, hiring or promotion programs, initiatives or situations;
- (d) establishing classes of
  - (i) persons or entities for the purposes of regulations made under clause (a),
  - (ii) employers, public agencies and entities for the purposes of regulations made under clause (b), and
  - (iii) positions, hiring or promotion programs, initiatives or situations for the purposes of regulations made under clause (c);
- (e) defining any term used but not defined in this section.

**(9)** A regulation made under subsection (8)(a), (b) or (c) may provide differently for different classes.

**NOTE:** (2) Provincial bodies — prohibitions re hiring, promotion and training.

**(3) This section comes into force on Proclamation.**

**NOTE:** (3) Coming into force.

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

**Amends RSA 2000 cC-31**

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

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

**(2) Section 9 is repealed and the following is substituted:**

**Jurisdiction**

**9** In regard to all matters brought or proposed to be brought in the Court, an applications judge has the same power and may exercise the same jurisdiction, subject to the limitations of section 96 of the *Constitution Act, 1867* and except in respect of a matter for which the Chief Justice has given a direction that an applications judge is not to exercise that jurisdiction, as

- (a) a judge sitting in chambers, and
- (b) a judge for hearing, determining and disposing of all applications and other matters, if the parties consent to the applications judge exercising that jurisdiction.

**NOTE:** (2) Section 9 presently reads:

*9(1) In regard to all matters brought or proposed to be brought in the Court, an applications judge*

*(a) has the same power and may exercise the same jurisdiction as a judge sitting in chambers except in respect of*

*(i) appeals, applications in the nature of appeals, applications concerning the hearing of appeals and applications to vary or rescind an order made by a judge,*

*(ii) subject to subsection (2), stays of proceedings after verdict or on judgment after trial or hearing before a judge, unless all parties consent to the exercise of that jurisdiction by the applications judge, and*

*(iii) a matter for which the Chief Justice has given a direction that an applications judge is not to exercise that jurisdiction,*

*and*

*(b) with the consent of the parties, has the same power and may exercise the same jurisdiction as a judge for hearing, determining and disposing of all applications and other matters.*

*(2) An applications judge may, under section 181(1)(a) of the Traffic Safety Act, order that a suspension of a licence be stayed.*

*(3) Notwithstanding subsection (1), the power of and the jurisdiction exercisable by an applications judge does not include*

- (a) the trial of actions,*
- (b) the determination of disputed or contentious questions of fact unless the parties agree to the disposition of the questions in chambers on affidavit evidence and without the trial of an issue or the hearing of oral evidence,*
- (c) any matters relating to criminal proceedings or the liberty of the subject,*
- (d) applications relating to civil contempt or for an injunction or a judgment or order in the nature of certiorari, prohibition, mandamus or quo warranto, or*
- (e) anything that by law is required to be done by a judge.*

*(4) Notwithstanding subsection (3), an applications judge has the same power and may exercise the same jurisdiction as the Court under sections 17 and 27 to 32 of the Maintenance Enforcement Act.*

**(3) This section comes into force on January 1, 2027.**

**NOTE:** (3) Coming into force.

## **Education Act**

**Amends SA 2012 cE-0.3**

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

**NOTE:** 3(1) Amends chapter E-0.3 of the Statutes of Alberta, 2012.

**(2) Section 1 is amended**

**(a) in subsection (1)**

**(i) in clause (d) by adding “, subject to subsection (1.1),” after ““bullying””;**

**(ii) by repealing clause (n.1) and substituting the following:**

(n.1) “intimate content” means intimate content as defined in the *Intimate Content Protection Act*;

**(b) by repealing subsection (1.1) and substituting the following:**

**(1.1)** Without limiting the generality of subsection (1)(d), bullying includes the distribution or threat of distribution of intimate content of another person if the person

- (a) who distributes the intimate content fails to obtain consent from the person represented in the intimate content, or
- (b) threatens to distribute the intimate content without that consent.

**NOTE:** (2) Section 1 presently reads in part:

*1(1) In this Act,*

*(d) “bullying” means repeated and hostile or demeaning behaviour by an individual in the school community where the behaviour is intended to cause harm, fear or distress to one or more other individuals in the school community, including psychological harm or harm to an individual’s reputation;*

(n.1) “intimate image” means an intimate image as defined in the *Protecting Victims of Non-consensual Distribution of Intimate Images Act*;

(1.1) Without limiting the generality of the definition of “bullying” in subsection (1)(d), bullying includes the distribution of an intimate image of another person knowing that the person depicted in the image did not consent to the distribution, or being reckless as to whether or not that person consented to the distribution.

**(3) Sections 36(1)(d) and 37(1)(d) are amended by striking out “an intimate image” and substituting “or threatened to distribute intimate content”.**

**NOTE:** (3) Sections 36(1)(d) and 37(1)(d) presently read:

*36(1) A teacher or a principal may suspend a student in accordance with subsection (2) or (3) if in the opinion of the teacher or principal*

*(d) the student has distributed an intimate image of another person in the circumstances described in section 1(1.1).*

*37(1) If a student is suspended in accordance with section 36, the principal may recommend, prior to the end of the student’s suspension, that the board expel the student if*

*(d) the student has distributed an intimate image of another person in the circumstances described in section 1(1.1).*

**(4) This section comes into force on Proclamation.**

**NOTE:** (4) Coming into force.

## **Justice Statutes Amendment Act, 2025**

### **Amends SA 2025 c22**

**4(1) The *Justice Statutes Amendment Act, 2025* is amended by this section.**

**NOTE:** 4(1) Amends chapter 22 of the Statutes of Alberta, 2025.

**(2) Section 6(13) is amended in the new section 75 by adding the following after subsection (2):**

**(2.1)** An appeal under this section may be commenced by

- (a) filing a notice of appeal with the Court of King's Bench, and
- (b) serving a copy of the filed notice of appeal on the Executive Director

within 30 days from the date on which a copy of the hearing report is given to the member or the member's counsel.

**(2.2)** On being served with a notice of appeal under this section, the Executive Director shall, as soon as practicable, file with the Court of King's Bench and serve on the member concerned or the member's counsel a copy of the hearing record and hearing report.

**(2.3)** In hearing an appeal under this section, the Court of King's Bench

- (a) shall consider the hearing report and hearing record, and
- (b) may, on application, admit and consider new evidence.

**(2.4)** Unless the Court of King's Bench orders otherwise, in hearing an appeal under this section,

- (a) documents excluded from the public record of a hearing by the Hearing Committee remain excluded from the public record of the appeal, and

- (b) access restrictions imposed on the hearing by the Hearing Committee are imposed on the appeal.

**NOTE:** (2) Adds requirements for an appeal to the Court of King's Bench of a Hearing Committee order under the *Legal Profession Act*.

### **King's Counsel Act**

**Amends RSA 2000 cK-1**

**5(1) The *King's Counsel Act* is amended by this section.**

**NOTE:** 5(1) Amends chapter K-1 of the Revised Statutes of Alberta 2000.

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

#### **Eligibility**

**2** A person is not eligible to be appointed under section 1 unless the person has been engaged in the active practice of law for

- (a) at least 5 years as a member of the Bar of Alberta, and
- (b) at least an additional 5 years consisting of one or any combination of the following:
  - (i) as a member of the Bar of Alberta;
  - (ii) as a member of the bar of another province of Canada;
  - (iii) within the United Kingdom of Great Britain and Northern Ireland while entitled to practice in the superior courts of the United Kingdom of Great Britain and Northern Ireland;
  - (iv) within any other jurisdiction within the Commonwealth that incorporates and uses the common law as the basis, in whole or in part, for the

jurisdiction's legal system while entitled to practice in the superior courts of that jurisdiction.

**NOTE:** (2) Section 2 presently reads:

*2 No person shall be appointed pursuant to section 1 unless the person*

*(a) has been entitled during 10 years to practise in the superior courts of one or more provinces or territories of Canada, or*

*(b) has been entitled during 10 years to practise in the superior courts of one or more of*

*(i) the United Kingdom of Great Britain and Northern Ireland, and*

*(ii) any other jurisdiction within the Commonwealth that incorporates or uses the common law as the basis, in whole or part, for the jurisdiction's legal system*

*and has been entitled during 5 of those years to practise in the superior courts of Alberta.*

**(3) Section 4 is amended**

**(a) by striking out “pursuant to” and substituting “under”;**

**(b) by adding the following after clause (c):**

**(d) a person who formerly held an office or position referred to in clauses (a) to (c).**

**NOTE:** (3) Section 4 presently reads:

*4 Notwithstanding section 2, the following may be appointed pursuant to section 1:*

*(a) a Member of the Legislative Assembly or of the Parliament of Canada;*

- (b) a deputy appointed for the Minister of Justice under section 4 of the Government Organization Act;*
- (b.1) a Deputy Attorney General appointed under section 1(3) of Schedule 9 of the Government Organization Act;*
- (c) a Bencher of The Law Society of Alberta.*

### **Legal Profession Act**

#### **Amends RSA 2000 cL-8**

#### **6(1) The *Legal Profession Act* is amended by this section.**

**NOTE:** 6(1) Amends chapter L-8 of the Revised Statutes of Alberta 2000.

#### **(2) Section 28(1)(b) is amended by striking out “50” and substituting “2.5% of the”.**

**NOTE:** (2) Section 28(1)(b) presently reads:

*28(1) The Executive Director shall call a special meeting of the Society*

- (b) within 30 days after the receipt by the Executive Director of a written petition of 50 active members setting out the business to be discussed at the meeting.*

#### **(3) Section 29(2) is repealed.**

**NOTE:** (3) Section 29(2) presently reads:

*(2) If a resolution passed at an annual general meeting or special meeting of the Society is not implemented by the Benchers at their next meeting, then, on the filing with the Executive Director of a petition signed by at least 50 active members requesting the Benchers to do so, the Benchers*

*shall have a mail vote of all active members taken on the resolution, and if at least 2/3 of those voting vote in favour of the resolution, the Benchers shall implement the resolution to the extent that they are by law able to do so.*

**(4) Sections 121(3) to (6) and 121.1 to 121.3 are repealed.**

**NOTE:** (4) Sections 121(3) to (6) and 121.1 to 121.3 presently read:

*121(3) The board must make bylaws respecting matters prescribed by the regulations.*

*(4) Before making a bylaw, the board must provide a copy of the proposed bylaw to the Minister for approval.*

*(5) The board may only make a bylaw if the Minister has approved the bylaw.*

*(6) A bylaw may come into effect on the date it is approved by the Minister unless otherwise specified by the Minister.*

*121.1(1) Subject to the regulations, the Minister may issue an order making bylaws for the Foundation respecting*

*(a) the general conduct, operation, management and financial administration of the Foundation, including the matters referred to in section 121(2), and*

*(b) a matter the board is required to make bylaws about under section 121(3).*

*(2) The Minister may issue an order making bylaws under subsection (1) regardless of whether the board has made bylaws under section 121.*

*(3) Subject to the regulations, the Minister may issue an order amending or repealing a bylaw made by the board.*

*(4) A bylaw made by the Minister under subsection (1) and the amendment or repeal of a bylaw under subsection (3)*

*(a) is binding on the Foundation and its board,*

*(b) is effective immediately unless otherwise specified by the Minister, and*

*(c) prevails to the extent of any inconsistency or conflict with bylaws made by the board.*

*(5) The board cannot*

*(a) amend or repeal a bylaw made by the Minister or an amendment to a bylaw made by the Minister, or*

*(b) make a bylaw that is the same or substantially the same as a bylaw the Minister has repealed.*

*121.2(1) Subject to the regulations, the Minister may, by order, issue directives that must be followed by the Foundation, the board or both in carrying out their powers and duties under this Act.*

*(2) A directive*

*(a) is effective immediately unless otherwise specified by the Minister, and*

*(b) prevails to the extent of any inconsistency or conflict with bylaws made by the board.*

*(3) The board shall ensure that a directive issued to or required to be followed by the board, and the Foundation shall ensure that a directive issued to or required to be followed by the Foundation, is implemented in a prompt and efficient manner.*

*121.3 The Minister may make regulations*

*(a) prescribing matters in respect of which the board must make bylaws;*

*(b) establishing requirements for how the board must address a matter in the bylaws;*

*(c) establishing procedures for the Minister to make, amend or repeal bylaws;*

*(d) establishing procedures for the Minister to issue directives.*

**(5) Section 122 is amended**

**(a) by repealing subsection (0.1);**

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

**(1)** Subject to section 123, the board shall apply and cause to be applied the funds of the Foundation in any manner the board may decide in carrying out the objects of the Foundation.

**(c) by repealing subsection (1.1).**

**NOTE:** (5) Section 122 presently reads in part:

*122(0.1) In this section, “funding commitment” includes a gift.*

*(1) Subject to section 123, the board shall, in carrying out the objects of the Foundation, apply and cause to be applied the funds of the Foundation as follows:*

*(a) in the case of a funding commitment or grant agreement that exceeds \$250 000, either*

*(i) with the Minister’s approval, or*

*(ii) in accordance with an order under subsection (1.1);*

*(b) in any other case, in any manner the board may decide.*

*(1.1) The Minister may, by order, exempt the Foundation from the requirement for approval under subsection (1)(a)(i) in respect of the following:*

*(a) a specific funding commitment or grant agreement;*

*(b) a class of funding commitments or grant agreements;*

*(c) a class of recipients of a funding commitment or grant agreement.*

**(6) Section 145 is repealed.**

**NOTE:** (6) Section 145 presently reads:

*145 If, during the period between the day on which the Bill to enact the Financial Statutes Amendment Act, 2025 receives first reading and before the day on which the Bill receives Royal Assent, the Foundation makes a funding commitment or enters into a grant agreement that contravenes section 122(1)(a)(i), that funding commitment or grant agreement is to be treated as void and of no force and effect as of the day it was made or entered into.*

**(7) Subsections (4) to (6) come into force on Proclamation.**

**NOTE:** (7) Coming into force.

**Protecting Victims of Non-consensual  
Distribution of Intimate Images Act**

**Amends SA 2017 cP-26.9**

**7(1) The *Protecting Victims of Non-consensual Distribution of Intimate Images Act* is amended by this section.**

**NOTE:** 7(1) Amends chapter P-26.9 of the Statutes of Alberta, 2017.

**(2) The title and chapter number of the Act are repealed and the following is substituted:**

**INTIMATE CONTENT  
PROTECTION ACT**

**Chapter I-10.2**

**NOTE:** (2) The Act title and chapter number presently read:

*PROTECTING VICTIMS OF NON-CONSENSUAL  
DISTRIBUTION OF INTIMATE IMAGES ACT*

*Chapter P-26.9*

**(3) Section 1 is repealed and the following is substituted:**

**Definitions**

**1** In this Act,

- (a) “altered intimate content” means an audio, visual or audiovisual representation of a person made by any means, including recordings, photographs, films, live stream or broadcast, that has been created, manipulated or otherwise modified by any non-digital or digital means including physical alteration, software, artificial intelligence, machine learning, computer algorithms or any other technological tools, including the transformation of non-intimate content into intimate content by such means,
  - (i) in which a person is represented as
    - (A) nude, nearly nude or exposing the person’s genital organs, anal region or breasts, or
    - (B) engaging in a sexual act,
  - and
  - (ii) in which the person is represented in a manner in which it is reasonable to suspect that the person would not consent to the distribution of the content;
- (b) “child” means a person who is under the age of 18 years;
- (c) “distribute” means to transmit, publish or otherwise make available, including by negligence;
- (d) “internet intermediary” means a person that hosts or indexes third-party content through an online platform;

- (e) “intimate content” means altered intimate content or unaltered intimate content;
- (f) “parent”, when used in reference to a child, includes any individual who has lawful custody of, or a lawful right of access to, the child;
- (g) “unaltered intimate content” means an audio, visual or audiovisual representation of a person made by any means, including recordings, photographs, films, live stream or broadcast, that has not been altered in any way,
  - (i) in which the person is represented as
    - (A) nude, nearly nude or exposing the person’s genital organs, anal region or breasts, or
    - (B) engaging in a sexual act,
 and
  - (ii) which was created in circumstances that gave rise to a reasonable expectation of privacy in respect of that content.

**NOTE:** (3) Section 1 presently reads:

*1 In this Act,*

- (a) “child” means a person who is under the age of 18 years;*
- (b) “intimate image” means a visual recording of a person made by any means, including a photograph, film or video recording,*
  - (i) in which the person depicted in the image*
    - (A) is nude, or is exposing his or her genital organs or anal region or her breasts, or*
    - (B) is engaged in explicit sexual activity,*

- (ii) *which was recorded in circumstances that gave rise to a reasonable expectation of privacy in respect of that image, and*
- (iii) *if the image has been distributed, in which the person depicted in the image retained a reasonable expectation of privacy at the time it was distributed;*
- (c) *“parent” when used in reference to a child, includes any individual who has lawful custody of, or a lawful right of access to, the child.*

**(4) Section 2 is repealed.**

**NOTE:** (4) Section 2 presently reads:

*2 For the purpose of this Act, a person distributes an intimate image if that person knowingly publishes, transmits, sells, advertises or otherwise makes the image available to a person other than the person depicted in the image.*

**(5) Section 3 is repealed and the following is substituted:**

**Distribution of intimate content without consent**

**3(1)** For the purposes of this Act, a person has a right to control the distribution of the person’s intimate content.

**(2)** Subject to subsection (3), a person commits a tort against another person if the person

- (a) distributes intimate content of the other person without the other person’s consent to the distribution of the content, or
- (b) threatens to distribute intimate content of the other person without the other person’s consent to distribute the content.

**(3)** No cause of action lies in respect of

- (a) the creation of intimate content if the person who creates the intimate content does not
  - (i) distribute it without the consent of the person represented in the content, or
  - (ii) threaten to distribute the content without that consent,

or

- (b) subject to subsection (4), the distribution of intimate content without the consent of the person represented in the content if the distribution is for the purposes of
  - (i) a law enforcement investigation,
  - (ii) a workplace investigation,
  - (iii) a professional regulatory investigation,
  - (iv) a court proceeding,
  - (v) activities that are necessarily incidental to a law enforcement investigation, a workplace investigation, a professional regulatory investigation or a court proceeding, or
  - (vi) facilitating support, assistance or services to the person represented in the content, including by
    - (A) legal counsel,
    - (B) health care providers,
    - (C) victim support groups or organizations,
    - (D) education providers, or
    - (E) parents or trusted family members.

**(4)** Subsection (3)(b) only applies if the distribution of the intimate content is made in good faith and is limited to the extent reasonably necessary to perform a function referred to in subsection (3)(b)(i), (ii), (iii), (iv) or (v) or to facilitate the support, assistance or services referred to in subsection (3)(b)(vi).

**NOTE:** (5) Section 3 presently reads:

*3 A person who distributes an intimate image of another person knowing that the person depicted in the image did not consent to the distribution, or is reckless as to whether or not that person consented to the distribution, commits a tort against that other person.*

**(6) Section 4 is amended**

- (a) by striking out “an intimate image” and substituting “intimate content”;**
- (b) by adding “or for threatening to distribute intimate content” after “consent”.**

**NOTE:** (6) Section 4 presently reads:

*4 An action for the distribution of an intimate image without consent may be brought without proof of damage.*

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

**Expectation of privacy**

**5(1)** In an action for the distribution of unaltered intimate content without consent or for a threat to distribute unaltered intimate content without consent, a person represented in the content does not lose the expectation of privacy in respect of the unaltered intimate content if that person

- (a) consented to another person creating, capturing or recording the content, or
- (b) provided the content to another person,

in circumstances where that other person knew or ought reasonably to have known that a person represented in the content did not consent to its distribution.

**(2)** In an action for the distribution of altered intimate content or for a threat to distribute altered intimate content, the plaintiff is

not required to establish that the plaintiff had a reasonable expectation of privacy in respect of that content.

**NOTE:** (7) Section 5 presently reads:

*5 In an action for the distribution of an intimate image without consent, a person depicted in the image does not lose the expectation of privacy in respect of the image if that person*

*(a) consented to another person recording the images, or*

*(b) provided the image to another person,*

*in circumstances where that other person knew or ought reasonably to have known that a person depicted in the image did not consent to the further distribution of the image.*

**(8) The following is added after section 5:**

**Revocation of consent**

**5.1(1)** Subject to subsection (5), a person who consented to the distribution of intimate content representing the person may revoke consent to that distribution at any time.

**(2)** A person who distributed intimate content must make every reasonable effort to make the intimate content unavailable to others if the person represented in the intimate content

- (a) consented to the distribution of the intimate content,
- (b) later revokes that consent, and
- (c) communicates that revocation to the person who distributed the intimate content.

**(3)** Subject to subsection (4), a person who fails to comply with subsection (2) commits a tort against the person represented in the intimate content.

(4) Failure to make intimate content unavailable does not constitute a tort under subsection (3) where the person has made every reasonable effort to comply with subsection (2) but the content remains available due to circumstances beyond the person's control.

(5) Subsection (1) does not apply where the consent was given under a contract entered into for commercial or artistic purposes, unless the possibility of revoking consent was provided for in that contract.

**NOTE:** (8) Revocation of consent.

**(9) Section 6 is amended**

**(a) by renumbering it as section 6(1);**

**(b) in subsection (1)**

**(i) by striking out “an intimate image” and substituting “intimate content”;**

**(ii) by striking out “the intimate image” and substituting “the intimate content”;**

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

**(2)** It is a defence to an action for the distribution of intimate content without consent if the person who distributed the intimate content had, or honestly and reasonably believed that the person had, the consent of the person represented in the intimate content to distribute the intimate content at the time and to the extent that the intimate content was distributed by the person.

**NOTE:** (9) Section 6 presently reads:

*6 It is a defence to an action for the distribution of an intimate image without consent if the distribution of the intimate image is in the public interest and does not extend beyond what is in the public interest.*

**(10) The following is added after section 6:**

**Burden of proof**

**6.1(1)** In an action for the distribution of intimate content without consent or for a threat to distribute intimate content without consent,

- (a) it is presumed that the person represented in the intimate content had not consented to its distribution, and
- (b) the defendant has the burden of proving that the defendant had reasonable grounds to believe that the defendant had consent to distribute the intimate content at the time it was distributed or threatened to be distributed.

**(2)** In an action for the distribution of unaltered intimate content without consent or for a threat to distribute unaltered intimate content without consent, the defendant has the burden of proving that the unaltered intimate content was not created in circumstances that gave rise to a reasonable expectation of privacy.

**NOTE:** (10) Burden of proof.

**(11) Section 7 is amended**

**(a) in subsection (1)**

- (i) by striking out the portion preceding clause (a) and substituting the following:**

**Remedies**

**7(1)** In an action for the distribution of intimate content without consent, for a threat to distribute intimate content without consent or for the failure to comply with the obligation to make every reasonable effort to make intimate content unavailable to others following the revocation of consent, the court may

- (ii) by adding the following after clause (a):**

- (a.1) order the defendant to perform community service as an alternative to some or all punitive damages awardable under this Act,
  - (a.2) order a person or organization to take actions to ensure the intimate content is no longer available, including
    - (i) ordering the defendant who distributed the intimate content to
      - (A) delete or destroy the original and all copies of the intimate content in the defendant's possession or control, and
      - (B) make every reasonable effort to make the intimate content unavailable to others, including
        - (I) having the intimate content removed from a platform operated by an internet intermediary and from any other electronic form of application, software, database or communication method, and
        - (II) having the intimate content de-indexed from a search engine,
    - (ii) ordering an internet intermediary or other person to
      - (A) remove the intimate content from any platform operated by the internet intermediary and from any other electronic form of application, software, database or communication method,
      - (B) delete or destroy the intimate content, and
      - (C) de-index the intimate content from any search engine,
- and

- (iii) providing any information the court considers necessary to further the objectives of removal, deletion, destruction or de-indexing of the intimate content,
- (a.3) order a defendant who has threatened to distribute intimate content to refrain from distributing intimate content or threatening to distribute intimate content,
- (iii) **in clause (b) by striking out “intimate image” and substituting “intimate content”;**
- (b) **in subsection (2) by striking out “an intimate image” and substituting “intimate content”.**

**NOTE:** (11) Section 7 presently reads in part:

*7(1) In an action for the distribution of an intimate image without consent, the court may*

*(b) order the defendant to account to the plaintiff for any profits that have accrued to the defendant as a result of the distribution of the intimate image without consent,*

*(2) In awarding damages in an action for the distribution of an intimate image without consent, the court must not have regard to any order made under subsection (1)(b).*

**(12) Sections 8 and 9 are repealed and the following is substituted:**

**Limit of liability**

**8** Where a child is the defendant in an action for the distribution of intimate content without consent, for a threat to distribute the intimate content without consent or for a failure to comply with the obligation to make every reasonable effort following the revocation of consent to make the intimate content unavailable, a parent of the defendant shall not be held jointly and severally liable for any damages awarded to the plaintiff unless the court is satisfied that the parent directly participated in

- (a) the distribution of the intimate content without consent,

- (b) the threat to distribute the intimate content without consent, or
- (c) the failure to comply with the obligation to make every reasonable effort following the revocation of consent to make the intimate content unavailable.

**Limit of liability of internet intermediaries**

**8.1** An internet intermediary is not liable under section 3(2), 5.1(3) or 8.2(1) if the internet intermediary has taken reasonable steps to address the unlawful distribution of intimate content in the use of its services.

**Offence**

**8.2(1)** A person who knowingly distributes or threatens to distribute intimate content of another person, knowing that the person represented in the content did not consent to the distribution, or is reckless as to whether or not that person did not consent to that distribution, is guilty of an offence.

**(2)** A person found guilty of an offence under subsection (1) is liable to a fine up to \$10 000, to imprisonment for not more than 2 years or to a fine and imprisonment.

**NOTE:** (12) Sections 8 and 9 presently read:

*8 Where a defendant in an action for the distribution of an intimate image without consent is a child, a parent of the defendant shall not be jointly and severally liable for any damages awarded to the plaintiff unless the court is satisfied that the parent directly participated in the distribution of the intimate image without consent.*

*9 In awarding damages in an action for the distribution of an intimate image without consent, the court may make an order prohibiting the publication of the name of any party to the action or any information likely to identify a party if it considers the making of the order to be in the interests of justice.*

**(13) This section comes into force on Proclamation.**

**NOTE:** (13) Coming into force.

## **Public Sector Compensation Transparency Act**

**Amends SA 2015 cP-40.5**

**8(1) The *Public Sector Compensation Transparency Act* is amended by this section.**

**NOTE:** 8(1) Amends chapter P-40.5 of the Statutes of Alberta, 2015.

### **(2) Section 3 is amended**

- (a) in subsection (1) by adding “or section 3.1, as applicable” after “subsection (2)”;**
- (b) in subsection (3)(b) by adding “or section 3.1(4)(e)(ii), as applicable” after “subsection (2)(e)(ii)”.**

**NOTE:** (2) Section 3 presently reads in part:

*3(1) Commencing in 2016, on or before June 30 in each year, every public sector body shall disclose to the public and the Minister, in the form and manner determined by the Minister, a statement of remuneration in relation to the previous calendar year in accordance with subsection (2).*

*(3) Despite subsection (1), the Lieutenant Governor in Council may, by regulation, vary the time or times during each year by which any or all public sector bodies shall disclose*

- (b) a document, record or other information referred to in subsection (2)(e)(ii).*

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

#### **Disclosure by public sector bodies — reorganization**

**3.1(1)** In this section,

- (a) “reorganization”, in respect of a public sector body, means
  - (i) the division of the public sector body into 2 or more public sector bodies, or
  - (ii) the transfer of a power, duty or function of the public sector body to another public sector body;
- (b) “successor public sector body” means
  - (i) in the case of a reorganization referred to in clause (a)(i), a public sector body established as part of the reorganization of a public sector body, or
  - (ii) in the case of a reorganization referred to in clause (a)(ii), a public sector body to which a power, duty or function is transferred.

**(2)** If, in a calendar year, a public sector body undergoes a reorganization in which an employee or member of the public sector body is transferred to, or otherwise continues their employment or appointment or status as a member with, a successor public sector body, the statement of remuneration disclosed by the successor public sector body under section 3(1) for that year must include the information set out in subsection (4) separately for the following:

- (a) each employee of the public sector body
  - (i) whose employment is transferred to or otherwise continued with the successor public sector body as part of the reorganization, and
  - (ii) whose combined total compensation and severance for the year from the following is greater than the threshold referred to in section 1(o)(ii), as modified by subsection (3):
    - (A) the public sector body that employed the employee before the reorganization;
    - (B) the successor public sector body;

- (b) each member of the public sector body whose appointment or status as a member was transferred to or otherwise continued with the successor public sector body as part of the reorganization.

**(3)** For the purposes of subsections (2)(a)(ii) and (7), the threshold includes the total compensation and severance provided to an employee by the following:

- (a) the public sector body that employed the employee before the reorganization;
- (b) the successor public sector body.

**(4)** The statement of remuneration with respect to each employee and member referred to in subsection (2) must provide the following information:

- (a) the employee's or member's name;
- (b) the position or appointment last held by the employee or member during the year;
- (c) the combined amount of compensation provided to the employee or member during the year by the following:
  - (i) the public sector body that employed the employee, or with which the member was a member, before the reorganization;
  - (ii) the successor public sector body;
- (d) the combined amount or value of all non-monetary benefits provided to or in respect of the employee or member during the year by the following:
  - (i) the public sector body that employed the employee, or with which the member was a member, before the reorganization;
  - (ii) the successor public sector body;
- (e) subject to a regulation under section 3(3),

- (i) the amount of severance, if any, paid to the employee or member by, or to which the employee or member became entitled, during the year, from
  - (A) the public sector body that employed the employee, or with which the member was a member, before the reorganization, or
  - (B) the successor public sector body,
 and
- (ii) any documents, records or other information set out in the regulations.

**(5)** The information in respect of each employee or member referred to in subsection (2) that is required to be disclosed in a statement of remuneration under section 3(1) must, for the calendar year in which the reorganization occurred, be disclosed only by the successor public sector body.

**(6)** If, in a calendar year after the year in which a public sector body underwent a reorganization, an employee or member who, as part of the reorganization, was transferred to, or who otherwise continued their employment or appointment or status as a member with, a successor public sector body continues to receive compensation, non-monetary benefits or severance from the public sector body that employed the employee, or with which the member was a member, before the reorganization, the statement of remuneration disclosed by the successor public sector body under section 3(1) for each such employee or member for that year must provide the information set out in subsection (4).

**(7)** Subsection (6), in respect of its application to an employee referred to in that subsection, applies only to an employee whose combined total compensation and severance for the year from the following is greater than the threshold referred to in section 1(o)(ii), as modified by subsection (3):

- (a) the public sector body that employed the employee before the reorganization;
- (b) the successor public sector body.

(8) The information in respect of each employee or member referred to in subsection (6) that is required to be disclosed in a statement of remuneration under section 3(1) must, for the applicable calendar year, be disclosed only by the successor public sector body.

**NOTE:** (3) Disclosure by public sector bodies — reorganization.

**(4) Section 15(1) is amended**

**(a) in clause (i)**

- (i) in subclause (i) by adding “or 3.1(4)(e)(ii)” after “section 3(2)(e)(ii)”;**
- (ii) in subclause (ii) by striking out “section 2(2)(i) or 3(2)(e)(ii)” and substituting “section 2(2)(i), 3(2)(e)(ii) or 3.1(4)(e)(ii)”;**

**(b) in clause (j)**

- (i) in subclause (i) by adding “or 3.1(4)(e)(ii)” after “section 3(2)(e)(ii)”;**
- (ii) in subclause (ii) by striking out “section 2(2)(i) or 3(2)(e)(ii)” and substituting “section 2(2)(i), 3(2)(e)(ii) or 3.1(4)(e)(ii)”;**

**(c) in clause (k) by striking out “section 2(2)(i) or 3(2)(e)(ii)” and substituting “section 2(2)(i), 3(2)(e)(ii) or 3.1(4)(e)(ii)”.**

**NOTE:** (4) Section 15(1) presently reads in part:

*15(1) The Lieutenant Governor in Council may make regulations*

- (i) respecting the disclosure in partial or redacted form of*

- (i) *a contract referred to in section 2(1)(b) or (c) or that must be disclosed under section 3(2)(e)(ii), and*
  - (ii) *a document, record or other information that must be disclosed under section 2(2)(i) or 3(2)(e)(ii);*
- (j) *respecting exemptions from or additions to the requirement to disclose*
  - (i) *a contract referred to in section 2(1)(b) or (c) or that must be disclosed under section 3(2)(e)(ii), and*
  - (ii) *a document, record or other information that must be disclosed under section 2(2)(i) or 3(2)(e)(ii);*
- (k) *respecting the documents, records and other information to be provided in a statement of remuneration under section 2(2)(i) or 3(2)(e)(ii);*

# RECORD OF DEBATE

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