2026 Bill 44

Second Session, 31st Legislature, 5 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 44

JUSTICE, PUBLIC SAFETY AND INFORMATION STATUTES AMENDMENT ACT, 2026

THE MINISTER OF JUSTICE

First Reading . . . . . .

Second Reading . . . . . .

Committee of the Whole . . . . . .

Third Reading . . . . . .

Royal Assent . . . . . .

BILL 44

2026

JUSTICE, PUBLIC SAFETY AND INFORMATION STATUTES AMENDMENT ACT, 2026

(Assented to , 2026)

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

Alberta Health Care Insurance Act

Amends RSA 2000 cA-20

1(1) The *Alberta Health Care Insurance Act* is amended by this section.

NOTE: 1(1) Amends chapter A-20 of the Revised Statutes of Alberta 2000.

(2) Section 22 is amended

(a) by repealing subsection (7)(i) and substituting the following:

(i) to a medical examiner within the meaning of the *Fatality Inquiries Act* for the purpose of an investigation under that Act,

(b) in subsection (24) by striking out "a medical examiner under" **and substituting** "a medical examiner referred to in".

NOTE: (2) Section 22 presently reads in part:

(7) The Minister or a person employed in the administration of this Part and authorized by the Minister may disclose information pertaining to the date on which health services were provided and a description of those services, the name and address of the person who provided the services, the registration number of the person who received the services, the benefits paid for those services and the person to whom they were paid, but the information may be disclosed only

(i) to a medical examiner appointed under the Fatality Inquiries Act for the purposes of an investigation under that Act,

(24) Notwithstanding subsection (23), the judge of the Court of Justice presiding at a public inquiry under the Fatality Inquiries Act may admit in evidence information obtained by a medical examiner under subsection (7)(i), but all proceedings related to that information shall be held in private.

(3) This section comes into force on Proclamation.

NOTE: (3) Coming into force.

Child and Youth Advocate Act

Amends SA 2011 cC-11.5

2(1) The *Child and Youth Advocate Act* is amended by this section.

NOTE: 2(1) Amends chapter C-11.5 of the Statutes of Alberta, 2011.

(2) Section 1(b.2) is repealed and the following is substituted:

(b.2) "Chief Medical Examiner" means the Chief Medical Examiner appointed under the *Fatality Inquiries Act*;

NOTE: (2) Section 1(b.2) presently reads:

1 In this Act,

(b.2) "Chief Medical Examiner" means the Chief Medical Examiner appointed under section 5 of the Fatality Inquiries Act;

(3) This section comes into force on Proclamation.

NOTE: (3) Coming into force.

Civil Enforcement Act

Amends RSA 2000 cC-15

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

NOTE: 3(1) Amends chapter C-15 of the Revised Statutes of Alberta 2000.

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

(rr) "sheriff" means an individual designated as a sheriff under section 8.1;

NOTE: (2) Section 1(1)(rr) presently reads:

1(1) In this Act,

(rr) "sheriff" means a person designated as a sheriff by the Minister to exercise the powers and carry out the duties of a sheriff under this Act;

(3) The following is added after section 8:

Designation of sheriff and delegation of powers, duties and functions

8.1(1) The Minister may designate, in writing, an individual as a sheriff for the purposes of administering this Act.

(2) The sheriff may, in writing, delegate the exercise or performance of a power, duty or function of the sheriff to any employee of the Crown in right of Alberta, except the power to delegate under this section.

(3) A delegation by the sheriff

(a) may be general or specific to one or more powers, duties or functions of the sheriff,

(b) is subject to terms and conditions specified by the sheriff, and

(c) is applicable in the circumstances specified by the sheriff.

NOTE: (3) Designation of sheriff and delegation of powers, duties and functions.

Election Act

Amends RSA 2000 cE-1

4(1) The *Election Act* is amended by this section.

NOTE: 4(1) Amends chapter E-1 of the Revised Statutes of Alberta 2000.

(2) Section 1(1) is amended

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

(k.01) "eligible registered political party" means a registered political party that

(i) endorsed at least one candidate who won a seat in the Legislative Assembly following the most recent general election and continues to hold that seat in the Legislative Assembly as a member of that registered political party,

(ii) endorsed at least one candidate who won a seat in the Legislative Assembly in a by-election following the most recent general election and continues to hold that seat in the Legislative Assembly as a member of that registered political party,

(iii) endorsed candidates in at least 50% of electoral divisions who were nominated for election in the most recent general election, or

(iv) endorses candidates in at least 50% of electoral divisions who are nominated for election following the issue of a writ of election for a general election;

(b) by adding the following after clause (z.1):

(z.2) "record of electors" means an advance voting record of electors prepared under section 18.1, a Special Ballot record of electors prepared under section 18.2 or an election day record of electors prepared under section 98.1;

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

(cc.001) "registered predecessor party" means a registered predecessor party as defined in the *Election Finances and Contributions Disclosure Act*;

(d) by adding the following after clause (cc.01):

(cc.02) "registered successor party" means a registered successor party as defined in the *Election Finances and Contributions Disclosure Act*;

NOTE: (2) Adds definitions.

(3) The following is added after section 1:

Associated registered political parties

1.1(1) For the purposes of this Act, registered political parties are associated if the Election Commissioner determines that they are so closely connected that it is in the public interest that they be treated as a single registered political party.

(2) In determining whether 2 or more registered political parties are closely connected for the purposes of subsection (1), the Election Commissioner must consider all relevant information, including the following, as applicable:

(a) whether any of the registered political parties are, or have been at any time in the 10 years preceding the determination, directly or indirectly controlled by the same persons who directly or indirectly control another of the registered political parties;

(b) whether a person in any of the following positions holds, or has held at any time within the 10 years preceding the determination, a similar position in another of the registered political parties:

(i) leader;

(ii) executive director, director or a person in a similar leadership position, by whatever name called;

(iii) chief financial officer;

(iv) principal officer or a person in a similar leadership position, by whatever name called;

(v) employee;

(c) any agreements or similar interactions between the registered political parties, including agreements or interactions that may indicate that one of the registered political parties directly or indirectly controls one or more of the other registered political parties;

(d) whether the Election Commissioner has, at any time within the 10 years preceding the determination, determined under section 41.2 of the *Election Finances and Contributions Disclosure Act* that any of the

registered political parties are associated registered parties;

(e) the activities of the registered political parties and their registered constituency associations, registered prospective candidate associations and candidates, including whether any of the registered political parties have been involved in the electoral campaigns of or made public statements in support of another of the registered political parties or of a candidate of another of the registered political parties at any time within the 10 years preceding the determination;

(f) the registered political parties' political programs, advertising material and policy statements;

(g) the circumstances of the registered political parties' incorporation and the circumstances of their registration under the *Election Finances and Contributions Disclosure Act*, including whether any of the registered political parties was incorporated or filed an application for registration within 2 years after the date on which

(i) the Election Commissioner commenced an investigation under section 153.09(1) into another of the registered political parties in respect of an alleged contravention of section 19.1, 19.2, 19.3 or 20,

(ii) another of the registered political parties was served with a notice of administrative penalty in respect of a contravention of section 19.1, 19.2, 19.3 or 20, or

(iii) another of the registered political parties was charged with, convicted of or sentenced for an offence in respect of a contravention of section 19.1, 19.2, 19.3 or 20.

(3) Registered political parties that are associated registered political parties are considered to be a single registered political party for the purposes of section 19.03(2), (3), (5) and (7).

NOTE: (3) Associated registered political parties.

(4) The heading preceding section 14 is amended by adding "and Records" after "List".

NOTE: (4) The heading preceding section 14 presently reads:

Division 2
List of Electors

(5) Section 18 is amended

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

Distribution of lists of electors

18(1) Subject to sections 19.01 and 19.03, the Chief Electoral Officer shall provide the information referred to in subsection (2) free of charge in the following circumstances:

(a) 2 years after a general election;

(b) as soon as possible after the register is updated after the Schedule of electoral divisions in the *Electoral Divisions Act* is amended or re-enacted;

(c) as soon as possible after the receipt by the Chief Electoral Officer of the Clerk's warrant delivered pursuant to section 32 of the *Legislative Assembly Act*.

(b) in subsection (2)

(i) by striking out "furnished" **and substituting** "provided";

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

(a) to a registered political party, 2 maps showing the voting areas in each electoral division;

(a.1) to an eligible registered political party, in accordance with the eligible registered political party's request, one printed copy or one copy in electronic form, or

both, of the list of electors for each voting area in each electoral division;

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

(3) The Chief Electoral Officer shall, as soon as possible after a writ has been issued for a general election, provide free of charge

(a) to a registered political party, 2 maps showing the voting areas in each electoral division, and

(b) to an eligible registered political party, in accordance with the eligible registered political party's request, one printed copy or one copy in electronic form, or both, of the list of electors for each voting area in each electoral division.

(d) in subsection (3.1)

(i) by striking out "furnish" **and substituting** "provide";

(ii) in clause (a) by adding "eligible" **before** "registered political party";

(e) in subsection (3.2)

(i) by striking out "furnish" **and substituting** "provide";

(ii) in clause (a) by adding "eligible" **before** "registered political party";

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

(4) The Chief Electoral Officer is not required to provide copies of the maps and lists of electors under subsection (1), (3), (3.1) or (3.2) if there has been no change to the boundaries, maps or information in the register that is used to compile the lists of electors since the Chief Electoral Officer last provided copies of the boundaries, maps and lists of electors pursuant to subsection (1), (3), (3.1) or (3.2), as the case may be.

(g) in subsection (5)

(i) by striking out "furnish" **and substituting** "provide";

(ii) in clause (a) by striking out "a registered political party" **and substituting** "an eligible registered political party";

(h) by repealing subsection (6) and substituting the following:

(6) A member or eligible registered political party may request copies of the lists of electors in addition to those provided under subsection (1), (3) or (3.1) by providing a reason for the additional copies and paying an amount determined by the Chief Electoral Officer.

NOTE: (5) Section 18 presently reads in part:

18(1) The Chief Electoral Officer shall furnish the information referred to in subsection (2) free of charge to each registered political party and to each member of the Legislative Assembly who is not a member of a registered political party,

(a) 2 years after a general election,

(c) as soon as possible after the register is updated after the Schedule of electoral divisions in the Electoral Divisions Act is amended or re-enacted, and

(d) as soon as possible after the receipt by the Chief Electoral Officer of the Clerk's warrant delivered pursuant to section 32 of the Legislative Assembly Act.

(2) The information to be furnished under subsection (1) is as follows:

(a) to a registered political party,

(i) 2 maps showing the voting areas in each electoral division, and

(ii) in accordance with the registered political party's request, one printed copy or one copy in electronic form, or both, of the list of

electors for each voting area in each electoral division,

and

(3) The Chief Electoral Officer shall, as soon as possible after a writ has been issued for a general election, furnish free of charge to each registered political party,

(a) 2 maps showing the voting areas in each electoral division, and

(b) in accordance with the registered political party's request, one printed copy or one copy in electronic form, or both, of the list of electors for each voting area in each electoral division.

(3.1) The Chief Electoral Officer shall, following the close of revisions to the list of electors under section 50, furnish free of charge

(a) to each registered political party, one printed copy or one copy in electronic form, or both, in accordance with the political party's request, of the additions to the list of electors for each voting area in each electoral division, and

(3.2) The Chief Electoral Officer shall, following the close of advance voting, furnish free of charge

(a) to each registered political party, one copy in electronic form of the revised list of electors for each voting area in each electoral division, and

(4) The Chief Electoral Officer is not required to furnish copies of the maps and lists of electors under subsection (1), (3), (3.1) or (3.2) if there has been no change to the boundaries, the maps or the information in the register that is used to compile the lists of electors since the Chief Electoral Officer last furnished copies of the boundaries, maps and lists of electors pursuant to subsection (1), (3), (3.1) or (3.2), as the case may be.

(5) The Chief Electoral Officer shall, on request and payment of the cost to produce the information as determined by the Chief Electoral Officer, furnish

(a) to a registered political party in accordance with the political party's request, one printed copy or one copy in electronic form, or both, of the list of electors for each voting area in each electoral division, and

(6) A member or a registered political party may request additional copies of the lists of electors in addition to those furnished under subsection (1), (3) or (3.1) on providing a reason for the additional copies and on payment of an amount determined by the Chief Electoral Officer.

(6) The following is added after section 18:

Distribution of advance voting record of electors

18.1(1) The Chief Electoral Officer must prepare a record of electors who voted at each advance voting place on each day that the advance voting place is open for the purposes of voting.

(2) A record of electors referred to in subsection (1) may include each elector's permanent unique identifier number assigned to the elector by the Chief Electoral Officer and any other information the Chief Electoral Officer considers appropriate.

(3) The Chief Electoral Officer must, on request and free of charge, provide

(a) an eligible registered political party with the information from the record referred to in subsection (1) for each advance voting place in each electoral division, and

(b) a candidate who has filed nomination papers or the candidate's official agent with the information from the record referred to in subsection (1) for each advance voting place in the electoral division in which the candidate is seeking election.

Distribution of Special Ballot record of electors

18.2(1) The Chief Electoral Officer must, each day during the period commencing on the day referred to in section 116(2.1) and ending on the Sunday preceding the election day, prepare a record of

(a) electors who have been provided with a Special Ballot, and

(b) electors whose Special Ballots have been accepted and recorded under section 118(5)(a).

(2) A record of electors referred to in subsection (1) may include each elector's permanent unique identifier number assigned to the elector by the Chief Electoral Officer and any other information the Chief Electoral Officer considers appropriate.

(3) The Chief Electoral Officer must, on request and free of charge, provide

(a) an eligible registered political party with the information from the record referred to in subsection (1) for each electoral division, and

(b) a candidate who has filed nomination papers or the candidate's official agent with the information from the record referred to in subsection (1) for the electoral division in which the candidate is seeking election.

NOTE: (6) Distribution of advance voting record of electors; distribution of Special Ballot record of electors.

(7) Section 19(2) is amended

(a) by striking out "furnish" **and substituting** "provide";

(b) in clause (a) by adding "eligible" **before** "registered political party".

NOTE: (7) Section 19(2) presently reads in part:

(2) The Chief Electoral Officer shall furnish free of charge

(a) to each registered political party, one printed copy or one copy in electronic form, or both, in accordance with the political party's request, of the post-election-day list of electors for each voting area in each electoral division, and

(8) The following is added after section 19:

Payment of deposit

19.01(1) An eligible registered political party is not entitled to information under any of the following sections unless the eligible registered political party has paid a deposit of $100 000 to the Chief Electoral Officer:

(a) section 18(2)(a.1), (3)(b), (3.1)(a), (3.2)(a), (5)(a) and (6);

(b) section 18.1(3)(a);

(c) section 18.2(3)(a);

(d) section 19(2)(a).

(2) A candidate, or the candidate's official agent, if applicable, is not entitled to information under any of the following sections unless the candidate has paid a deposit of $2000 to the Chief Electoral Officer:

(a) section 18(3.1)(b) and (3.2)(b);

(b) section 18.1(3)(b);

(c) section 18.2(3)(b);

(d) section 51(3);

(e) section 63(1)(b)(v).

(3) A member of the Legislative Assembly is not entitled to information under any of the following sections unless the member has, in accordance with subsection (4), paid a deposit of $2000 to the Chief Electoral Officer:

(a) section 18(2)(b) and (5)(b);

(b) section 19(2)(b).

(4) A deposit required under subsection (3) must be paid,

(a) in the case of a member of the Legislative Assembly who is a member of a registered political party,

(i) by the registered constituency association for the electoral division the member represents that is endorsed by the registered political party,

(ii) by the registered prospective candidate association established on behalf of the member, or

(iii) by the registered political party of which the member of the Legislative Assembly is a member,

or

(b) in the case of a member of the Legislative Assembly who is not a member of a registered political party,

(i) by the registered constituency association for the electoral division the member represents, or

(ii) by the registered prospective candidate association established on behalf of the member.

(5) A deposit paid to the Chief Electoral Officer under this section must be held in trust for the person, registered political party, registered constituency association or registered prospective candidate association that paid the deposit or on whose behalf the deposit was paid.

(6) Notwithstanding subsections (1), (2) and (3), if, in accordance with this section, an eligible registered political party or candidate has paid a deposit to the Chief Electoral Officer, or a member has had a deposit paid to the Chief Electoral Officer on their behalf, and that deposit has not been returned or forfeited, the eligible registered political party, candidate or member is not required to pay an additional deposit before being provided with further information.

(7) The Chief Electoral Officer must not provide information requested by an eligible registered political party, a candidate or a member of the Legislative Assembly under a section referred to in subsection (1), (2) or (3) unless the required deposit has been paid in accordance with this section and the deposit has not been returned or forfeited.

(8) Unless the deposit has been returned in accordance with section 19.02, a deposit paid under subsection (2) by a candidate

who becomes a member of the Legislative Assembly after an election is considered to be a deposit paid on behalf of the member of the Legislative Assembly under subsection (3).

Return or forfeiture of deposit

19.02(1) In this section, "General Revenue Fund" has the same meaning as in the *Financial Administration Act*.

(2) A person, registered political party, registered constituency association or registered prospective candidate association that has paid a deposit under section 19.01 may request the return of the deposit in accordance with this section.

(3) A candidate who has paid a deposit under section 19.01(2) must request a return of the deposit not later than 6 months after the nomination day for the next election if, on or before that nomination day,

(a) the candidate was not endorsed as a candidate of a registered political party for the next general election or the candidate of a registered political party for the next election in the electoral division in which the candidate was previously a candidate, or

(b) the candidate does not declare their candidacy as an independent candidate for the next general election or the next election in the electoral division in which the candidate was previously a candidate.

(4) A registered political party, registered constituency association or registered prospective candidate association that has paid a deposit on behalf of a member of the Legislative Assembly under section 19.01 must request a return of the deposit not later than 6 months after the nomination day for the next election if

(a) on or before nomination day,

(i) the member was not endorsed as a candidate of a registered political party for the next general election or the candidate of a registered political party for the next election in the electoral division in which the member was previously a candidate, or

(ii) the member does not declare their candidacy as an independent candidate for the next general election or the next election in the electoral division in which the member was previously a candidate,

or

(b) the member is not elected as a member of the Legislative Assembly.

(5) The Chief Electoral Officer must return a deposit paid under section 19.01 if all the following conditions are met:

(a) the person, registered political party, registered constituency association or registered prospective candidate association that paid the deposit has submitted to the Chief Electoral Officer

(i) a request for the return of the deposit, and

(ii) an affidavit stating that all copies of information provided under a section referred to in section 19.01(1), (2) or (3) have been destroyed;

(b) at least 2 years have passed since the affidavit referred to in clause (a)(ii) was provided;

(c) the person or registered political party that paid the deposit or on whose behalf the deposit was paid is not being investigated for or charged with an alleged contravention of section 19.1, 19.2, 19.3 or 20.

(6) If a person, registered political party, registered constituency association or registered prospective candidate association that paid a deposit or on whose behalf a deposit has been paid has requested the return of a deposit and is being investigated for or charged with an alleged contravention of section 19.1, 19.2, 19.3 or 20, the Chief Electoral Officer must continue to hold the deposit in trust for the person, registered political party, registered constituency association or registered prospective candidate association that paid the deposit or on whose behalf the deposit was paid pending the conclusion of the investigation or proceedings.

(7) A deposit paid under section 19.01 is forfeited if

(a) the person or registered political party that paid the deposit, or the member of the Legislative Assembly on whose behalf the deposit was paid, has been

(i) served with a notice of administrative penalty in respect of a contravention of section 19.1, 19.2, 19.3 or 20, or

(ii) convicted of an offence in respect of a contravention of section 19.1, 19.2, 19.3 or 20,

and

(b) the administrative penalty or conviction

(i) is not subject to appeal or further appeal, or

(ii) was not appealed and the time for an appeal has expired.

(8) A deposit paid under section 19.01(2) or (3) is forfeited if the Chief Electoral Officer does not receive a request under subsection (3) or (4), as applicable, within the period specified in those subsections.

(9) A deposit forfeited under this section must be paid into the General Revenue Fund.

(10) If a deposit is returned under subsection (5), the Election Commissioner may order that the person, registered political party, registered constituency association or registered prospective candidate association to whom the deposit was returned pay to the Chief Electoral Officer an amount equivalent to the amount returned if

(a) the person or registered political party that paid the deposit, or the member of the Legislative Assembly on whose behalf the deposit was paid, is subsequently

(i) served with a notice of administrative penalty in respect of a contravention of section 19.1, 19.2, 19.3 or 20, or

(ii) convicted of an offence in respect of a contravention of section 19.1, 19.2, 19.3 or 20,

and

(b) the administrative penalty or conviction

(i) is not subject to appeal or further appeal, or

(ii) was not appealed and the time for an appeal has expired.

(11) The Chief Electoral Officer must pay funds received under subsection (10) into the General Revenue Fund.

Limitation on distribution of lists and records of electors

19.03(1) The Chief Electoral Officer must not provide information to an eligible registered political party, a candidate or a member of the Legislative Assembly under a section referred to in section 19.01(1), (2)(a), (b) or (c) or (3) if

(a) the deposit paid under section 19.01 has been returned at the request of the eligible registered political party, candidate or member, or

(b) the deposit has been forfeited in accordance with section 19.02.

(2) The Chief Electoral Officer must not provide information to an eligible registered political party under a section referred to in section 19.01(1) if

(a) the eligible registered political party

(i) is the subject of an investigation under this Act in respect of an alleged contravention of section 19.1, 19.2, 19.3 or 20, or

(ii) has been charged with an offence in respect of an alleged contravention of section 19.1, 19.2, 19.3 or 20,

or

(b) within the 8 years preceding the request, the eligible registered political party has been

(i) served with a notice of administrative penalty in respect of a contravention of section 19.1, 19.2, 19.3 or 20, or

(ii) convicted of an offence in respect of a contravention of section 19.1, 19.2, 19.3 or 20.

(3) The Chief Electoral Officer must not provide information to an eligible registered political party under a section referred to in section 19.01(1) if the eligible registered political party is the registered successor party of a registered predecessor party that, within the 8 years preceding the request, was

(a) served with a notice of administrative penalty in respect of a contravention of section 19.1, 19.2, 19.3 or 20, or

(b) convicted of an offence in respect of a contravention of section 19.1, 19.2, 19.3 or 20.

(4) The Chief Electoral Officer must not provide information to a candidate under a section referred to in section 19.01(2)(a), (b) or (c) if

(a) the candidate

(i) is the subject of an investigation under this Act in respect of an alleged contravention of section 19.1, 19.2, 19.3 or 20, or

(ii) has been charged with an offence in respect of an alleged contravention of section 19.1, 19.2, 19.3 or 20,

or

(b) the candidate, within the 8 years preceding the request, has been

(i) served with a notice of administrative penalty in respect of a contravention of section 19.1, 19.2, 19.3 or 20, or

(ii) convicted of an offence in respect of a contravention of section 19.1, 19.2, 19.3 or 20.

(5) The Chief Electoral Officer must not provide information to a candidate under a section referred to in section 19.01(2)(a), (b) or (c) if the candidate is a member of or endorsed by a registered political party to which the Chief Electoral Officer is prohibited from providing information under this section.

(6) The Chief Electoral Officer must not provide information to a member of the Legislative Assembly under a section referred to in section 19.01(3) if

(a) the member

(i) is the subject of an investigation under this Act in respect of an alleged contravention of section 19.1, 19.2, 19.3 or 20, or

(ii) has been charged with an offence in respect of an alleged contravention of section 19.1, 19.2, 19.3 or 20,

or

(b) the member, within the 8 years preceding the request, has been

(i) served with a notice of administrative penalty in respect of a contravention of section 19.1, 19.2, 19.3 or 20, or

(ii) convicted of an offence in respect of a contravention of section 19.1, 19.2, 19.3 or 20.

(7) The Chief Electoral Officer must not provide information to a member of the Legislative Assembly under a section referred to in section 19.01(3) if the member of the Legislative Assembly is a member of a registered political party to which the Chief Electoral Officer is prohibited from providing information under this section.

NOTE: (8) Payment of deposit; return or forfeiture of deposit; limitation on distribution of lists and records of electors.

(9) Section 19.1(1) and (2) are repealed and the following is substituted:

Protection of list or record of electors

19.1(1) A person or registered political party to whom a copy of a list or record of electors has been provided under this Act shall take all reasonable steps to protect the list or record and the information contained in the list or record from loss and unauthorized use.

(2) A person or registered political party to whom a copy of a list or record of electors has been provided under this Act shall immediately notify the Chief Electoral Officer if the list or record or the information contained in the list or record has been lost.

NOTE: (9) Section 19.1(1) and (2) presently read:

19.1(1) A person or registered political party to whom a copy of a list of electors has been furnished under this Act shall take all reasonable steps to protect the list and the information contained in it from loss and unauthorized use.

(2) A person or registered political party to whom a copy of a list of electors has been furnished under this Act shall immediately notify the Chief Electoral Officer if the list or information contained in the list has been lost.

(10) The following is added after section 19.1:

Collusion

19.2 A registered political party, candidate or member of the Legislative Assembly shall not collude with any person to gain access or attempt to gain access to a list or record of electors or information contained in a list or record of electors in contravention of this Act.

Avoidance of list or record restrictions

19.3 A registered political party shall not use its status as a registered political party for the purpose of circumventing, or attempting to circumvent, section 19.03, 19.1, 19.2 or 20.

NOTE: (10) Collusion; avoidance of list or record restrictions.

(11) Section 20 is amended

(a) in subsection (2) by striking out "a list of electors" **and substituting** "a list or record of electors";

(b) by adding the following after subsection (2):

(3) For greater certainty, the following uses of a list or record of electors, or any information contained in a list or record of electors, are prohibited:

(a) commercial purposes;

(b) the sale of the list or record or information contained in the list or record;

(c) a use that is not expressly authorized under this Act.

NOTE: (11) Section 20 presently reads in part:

(2) Subject to the regulations, a list of electors, including a post-election-day list of electors under section 19, may be used only as follows:

(12) The following is added after section 20:

Storage of list or record of electors

20.1 A person or registered political party to whom a copy of a list or record of electors has been provided under this Act must not remove the list or record, or information contained in the list or record, from Alberta, or store the list or record, or information contained in the list or record, in a place that is outside of Alberta or that is accessible from outside of Alberta, including on a server or a data storage device or system located outside of Alberta.

Liability for contravention

20.2(1) This section applies to a person or registered political party if

(a) the person or registered political party has been

(i) served with a notice of administrative penalty in respect of a contravention of section 19.1, 19.2, 19.3 or 20, or

(ii) convicted of an offence in respect of a contravention of section 19.1, 19.2, 19.3 or 20,

and

(b) the administrative penalty or conviction

(i) is not subject to appeal or further appeal, or

(ii) was not appealed and the time for an appeal has expired.

(2) A person or registered political party to whom this section applies is liable in damages for an injury, loss, damage or cost suffered or incurred as a result of the contravention.

Liability for loss or unauthorized use

20.3 A person or registered political party that is responsible for the loss or the unauthorized use or disclosure of a list or record of electors or information from a list or record of electors, whether intentionally or through negligence, recklessness or wilful blindness, is liable in damages for an injury, loss, damage or cost suffered or incurred as a result of the loss, use or disclosure.

Vicarious liability

20.4 In an action for damages, a person is considered to have acted as an agent of a person or registered political party to whom a list or record of electors was provided if the person was in possession of a copy of the list or record of electors or information from the list or record of electors with the express or implied consent of the person or registered political party to whom the list or record was provided.

Notice of loss or unauthorized use of list or record of electors

20.5 If the Election Commissioner reasonably believes that a list or record of electors, or information contained in a list or record of electors, provided to a person or registered political party under this Act may have been lost or used for a purpose not

authorized by this Act, the Election Commissioner may direct the person or registered political party to which the list, record or information was provided to provide notice of the matter, by any means the Election Commissioner considers appropriate, to each elector whose personal information may have been subject to loss or unauthorized use or disclosure.

NOTE: (12) Storage of list or record of electors; liability for contravention; liability for loss or unauthorized use; vicarious liability; notice of loss or unauthorized use of list or record of electors.

(13) Section 51 is amended

(a) in subsection (3) by striking out "A candidate or the candidate's official agent" **and substituting** "Subject to sections 19.01 and 19.03, a candidate who has filed nomination papers, the candidate's official agent or a person authorized by an eligible registered political party";

(b) by adding the following after subsection (3):

(3.1) If, at the time a candidate or the candidate's official agent requests access under subsection (3), the Chief Electoral Officer is prohibited under section 19.01 or 19.03 from providing information to the candidate or the registered political party that the candidate is a member of or endorsed by, the candidate and the candidate's official agent must not be allowed to inspect the list of electors or the separate list of additions to or revisions of the list of electors or to request copies of the list of electors and the separate list of additions to or revisions of the list of electors.

(3.2) If, at the time a person authorized by an eligible registered political party requests access under subsection (3), the Chief Electoral Officer is prohibited under section 19.01 or 19.03 from providing information to the person or the registered political party that the person is authorized by, the person must not be allowed to inspect the list of electors or the separate list of additions to or revisions of the list of electors or to request copies of the list of electors and the separate list of additions to or revisions of the list of electors.

NOTE: (13) Section 51 presently reads in part:

(3) A candidate or the candidate's official agent may inspect the list of electors and a separate list of additions to or revisions of the list of electors following the commencement of the revision period and may request copies of the list of electors and additions to the list of electors.

(14) Section 63 is amended

(a) by renumbering it as section 63(1);

(b) in subsection (1)(b)(v) by adding ", and subject to sections 19.01 and 19.03" **after** "candidate's request";

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

(2) If, at the time of filing a nomination paper, the Chief Electoral Officer is prohibited under section 19.01 or 19.03 from providing information to the candidate, the returning officer must not provide the information referred to in subsection (1)(b)(v) to the candidate.

NOTE: (14) Section 63 presently reads:

63 The returning officer, on filing a nomination paper, shall provide to the candidate,

(a) if the candidate is the candidate of a registered political party,

(i) one copy of the proclamation,

(ii) one list of the locations of the voting places, and

(iii) a sufficient number of copies of the prescribed form for the appointment of scrutineers,

and

(b) in every other case,

(i) one copy of the proclamation,

(ii) one map of the electoral division indicating the numbered voting areas,

(iii) one list of the locations of the voting places,

(iv) a sufficient number of copies of the prescribed form for the appointment of scrutineers, and

(v) in accordance with the candidate's request, one printed copy or one copy in electronic form, or both, of the list of electors for each voting area in the electoral division.

(15) The following is added after section 98:

Election day record of electors

98.1(1) On election day, the returning officer for an electoral division must prepare a record of electors that includes

(a) the permanent unique identifier number assigned to each elector by the Chief Electoral Officer,

(b) an indication of whether the elector associated with that number has voted on election day, and

(c) any other information the Chief Electoral Officer considers appropriate.

(2) The returning officer for an electoral division must, not more than once per hour on election day, allow a candidate who has filed nomination papers or a scrutineer for the candidate to

(a) view the record of electors, and

(b) make a copy of the record of electors and transmit it to the candidate or the candidate's representative outside the voting place.

(3) A candidate or a scrutineer for the candidate who copies or transmits a record under subsection (2)(b) and a person who is in receipt of such a copy must ensure that all copies of the record are destroyed no later than

(a) 15 days after the date the Chief Electoral Officer announces the results of the official count under section 138, or

(b) if an application for a judicial recount has been filed under section 144, 3 days after the conclusion of the judicial recount and any appeal under section 148.

(4) If the Chief Electoral Officer is prohibited under section 19.03(4) or (5) from providing information to a candidate, the returning officer must not allow the access referred to in subsection (2) to the candidate or a scrutineer for the candidate.

NOTE: (15) Election day record of electors.

(16) Section 117 is repealed.

NOTE: (16) Section 117 presently reads:

117 The Chief Electoral Officer shall, on request, make available to any registered political party or candidate in the electoral division or the candidate's official agent the names and addresses of the ordinary residences of those electors in the electoral division who have applied for and been provided with the appropriate forms under section 116.

(17) Section 152 is amended

(a) in subsection (2) by striking out "furnish" **and substituting** "provide";

(b) in subsections (3.1) and (3.2) by striking out "furnished" **and substituting** "provided".

NOTE: (17) Section 152 presently reads in part:

(2) If within the 90-day period described in subsection (1) a registered candidate in an electoral division, a registered candidate's official agent or a registered political party that has endorsed a candidate in the electoral division makes a written request to the Chief Electoral Officer for a copy of

the voting records for the relevant electoral division, the Chief Electoral Officer shall, on payment of the cost to produce the copy as determined by the Chief Electoral Officer, furnish the copy to the registered candidate, registered candidate's official agent or registered political party.

(3.1) A registered candidate, a registered candidate's official agent or a registered political party to whom a copy of a voting record has been furnished under this section shall take all reasonable steps to protect the voting record and the information contained in it from loss and unauthorized use.

(3.2) A registered candidate, a registered candidate's official agent or a registered political party to whom a copy of a voting record has been furnished under this section shall immediately notify the Chief Electoral Officer if the voting record or the information contained in the voting record has been lost.

(18) Section 153.09 is amended

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

(1.1) The Election Commissioner may conduct an investigation into whether 2 or more registered political parties are associated registered political parties in the following circumstances:

(a) if the Election Commissioner receives a request from an elector or a registered political party;

(b) at the request of the Chief Electoral Officer;

(c) on the Election Commissioner's own initiative.

(1.2) If, on completing an investigation under subsection (1.1), the Election Commissioner determines that the registered political parties are associated registered political parties, the Election Commissioner must provide notice of the finding to the Chief Electoral Officer and the associated registered political parties.

(b) in subsection (7) by striking out "subsection (1)" **and substituting** "subsection (1) or (1.1)".

NOTE: (18) Section 153.09(7) presently reads in part:

(7) If, during an election period, the Election Commissioner is conducting or commences an investigation under subsection (1), the Election Commissioner

(19) Section 153.091 is amended

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

(1.1) On commencing an investigation under section 153.09(1.1), the Election Commissioner must notify a registered political party that is the subject of the investigation that it is being investigated to determine whether it is associated with another registered political party.

(b) in subsections (2), (3) and (5) by striking out "section 153.09(1)" **wherever it occurs and substituting** "section 153.09(1) or (1.1)".

NOTE: (19) Section 153.091 presently reads in part:

(2) The Election Commissioner may refuse to conduct an investigation under section 153.09(1) if the Election Commission is of the opinion that

(3) The Election Commissioner shall not make an adverse finding against a person who is the subject of an investigation under section 153.09(1) unless that person has had reasonable notice of the substance of the allegations on which the investigation is based and a reasonable opportunity to make submissions and present evidence to the Election Commissioner.

(5) On the completion of an investigation under section 153.09(1), the Election Commissioner

(20) Section 157 is repealed.

NOTE: (20) Section 157 presently reads:

157(1) A person who is not an enumerator and who represents that the person is an enumerator or displays any identification purporting to be an enumerator's identification documents is guilty of an offence and liable to a fine of not more than $10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(2) A person who is not an election officer and who represents that the person is an election officer is guilty of an offence and liable to a fine of not more than $10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(3) A person who is not a candidate and who represents that the person is a candidate is guilty of an offence and liable to a fine of not more than $10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(4) A person who is not a campaign worker of a candidate and who represents that the person is a campaign worker of a candidate is guilty of an offence and liable to a fine of not more than $10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(21) Section 163 is amended by adding "or" **at the end of clause (b), by striking out** "or" **at the end of clause (c) and by repealing clause (d).**

NOTE: (21) Section 163 presently reads in part:

163 Any person who

(b) uses any information provided to, or obtained by, the Chief Electoral Officer under section 13(2) other than for the purpose of creating or revising the register,

(c) uses any information obtained under section 30 other than for the purpose of the enumeration, or

(d) contravenes section 19.1 or 20,

is guilty of an offence and liable to a fine of not more than $100 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(22) The following is added after section 165:

Misuse of list or record of electors

165.1 A person commits a corrupt practice who wilfully contravenes section 19.1, 19.2, 19.3 or 20.

Impersonation

165.2 A person commits a corrupt practice who

(a) is not an enumerator and who represents that the person is an enumerator or displays identification purporting to be an enumerator's identification documents,

(b) is not an election officer and who represents that the person is an election officer,

(c) is not a candidate and who represents that the person is a candidate, or

(d) is not a campaign worker of a candidate and who represents that the person is a campaign worker of a candidate.

Obstruction

165.3 A person commits a corrupt practice who obstructs another person carrying out an inquiry or investigation under this Act or withholds from that person or conceals or destroys books, papers, documents or things relevant to the subject-matter of the inquiry or investigation.

False statement

165.4 A person commits a corrupt practice who knowingly makes a false statement or provides false or misleading information to the Chief Electoral Officer or an officer or employee of the Chief Electoral Officer.

NOTE: (22) Misuse of list or record of electors; impersonation; obstruction; false statement.

(23) Section 177 is amended

(a) in subsection (1) by striking out "A person who" **and substituting** "Subject to subsection (1.1), a person who";

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

(1.1) A person who commits a corrupt practice under section 165.1 is guilty of an offence and liable to a fine of not more than $1 000 000 or to imprisonment for not more than 2 years, or both.

NOTE: (23) Section 177 presently reads in part:

177(1) A person who commits a corrupt practice is guilty of an offence and liable to a fine of not more than $50 000 or to imprisonment for not more than 2 years or to both fine and imprisonment.

(24) Section 206.1(3.1)(a)(iv) is amended by adding "or (1.1)" **after** "section 153.09(1)".

NOTE: (24) Section 206.1(3.1)(a)(iv) presently reads:

(3.1) For the purposes of subsection (3), the following information must be made publicly available:

(a) in the case of a written request received in respect of a notice provided under section 153.091(4) or (5),

(iv) if the Election Commissioner conducted an investigation under section 153.09(1), the outcome of the investigation;

(25) The following is added after section 206.1:

Copy of information as evidence

206.11 A copy of the information made publicly available under section 206.1(3.1)(b) is proof, in the absence of evidence to the contrary, that the contravention identified in the information was committed by the person named in the information.

NOTE: (25) Copy of information as evidence.

(26) Section 207(1)(d.01) is repealed and the following is substituted:

(d.01) respecting the contents and uses of a list or record of electors or information contained in a list or record of electors, including restrictions on use;

(d.011) respecting the payment of a deposit under section 19.01 or the return or forfeiture of a deposit under section 19.02;

NOTE: (26) Section 207(1)(d.01) presently reads:

207(1) The Lieutenant Governor in Council may make regulations

(d.01) respecting the contents and uses of lists of electors;

Election Finances and Contributions Disclosure Act

Amends RSA 2000 cE-2

5(1) The *Election Finances and Contributions Disclosure Act* is amended by this section.

NOTE: 5(1) Amends chapter E-2 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(l.03) is repealed and the following is substituted:

(l.03) "prospective candidate association" means an entity established by or on behalf of a person as the official association of the person for the purposes of

(i) supporting the person's prospective campaign for election as a member of the Legislative Assembly, or

(ii) paying a deposit on behalf of the person under section 19.01 of the *Election Act*;

NOTE: (2) Section 1(1)(l.03) presently reads:

1(1) In this Act,

(l.03) "prospective candidate association" means an entity established by or on behalf of a person as the official association of the person for the purpose of supporting the person's prospective campaign for election as a member of the Legislative Assembly;

(3) The following is added after section 6:

Prohibition on application for registration of political parties

6.1 A political party must not file an application for registration under section 7 for the purpose of circumventing or attempting to circumvent a prohibition on being provided with information under Part 2 of the *Election Act*.

NOTE: (3) Prohibition on application for registration of political parties.

(4) Section 9.1 is amended

(a) in subsection (4) by striking out "or" **at the end of clause (b), by adding** "or" **at the end of clause (c) and by adding the following after clause (c):**

(d) at least one of the criteria for determining affiliation with a person to whom section 178(4) of the *Election Act* applies, as set out in subsection (5.3), applies to the applicant.

(b) by adding the following after subsection (5)(e):

(f) a person to whom section 178(4) of the *Election Act* applies;

(g) a third party that the Chief Electoral Officer determines, in accordance with subsection (5.3), is affiliated with a person to whom section 178(4) of the *Election Act* applies.

(c) by adding the following after subsection (5.1)(f):

(g) a person to whom section 178(4) of the *Election Act* applies;

(h) a third party that the Chief Electoral Officer determines, in accordance with subsection (5.3), is affiliated with a person to whom section 178(4) of the *Election Act* applies.

(d) by adding the following after subsection (5.2):

(5.3) In determining whether a third party is affiliated with a person to whom section 178(4) of the *Election Act* applies, the Chief Electoral Officer shall consider all relevant information, including, as applicable, the following:

(a) the organization of the third party, including whether the person holds any of the following positions with the third party:

(i) the chief financial officer;

(ii) a signing officer;

(iii) if the third party is a group, a principal officer of the group, or if there are no principal officers, a principal member;

(b) if the third party has a governing body, whether the person holds a position on the governing body;

(c) any interactions or agreements between the third party and the person, including interactions or agreements that

may indicate that the third party is under the control of the person;

(d) the extent to which the person participates in the decision-making process of the third party pursuant to the constitution or founding documents of the third party;

(e) other information that is prescribed by regulation, if any.

(e) in subsection (6) by adding the following after clause (a):

(a.1) determine if the third party is qualified to be registered,

NOTE: (4) Adds disqualifications for registration of third parties and considerations for determining third party affiliation.

(5) Section 10 is amended

(a) by adding the following after subsection (5.1):

(5.2) If the Chief Electoral Officer determines under section 9.1(5.3) that a third party is affiliated with a person to whom section 178(4) of the *Election Act* applies, the Chief Electoral Officer may cancel the registration of the third party.

(b) by adding the following after subsection (12.1):

(12.2) When the registration of a political party, prospective candidate association or candidate is cancelled, and if that political party, prospective candidate association or candidate does not again become registered under this Act within a period of one year following cancellation of the registration, a deposit paid by the political party, prospective candidate association or candidate under section 19.01 of the *Election Act* and held in trust by the Chief Electoral Officer is forfeited and shall be paid into the General Revenue Fund.

NOTE: (5) Adds authority for cancellation of registration and conditions for the forfeiture of deposits.

(6) Section 12(3) is amended

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

(e.1) the Chief Electoral Officer for the purposes of paying a deposit under section 19.01 of the *Election Act*;

(b) in clause (f) by striking out "(d) or (e)" **and substituting** "(d), (e) or (e.1)".

NOTE: (6) Section 12(3) presently reads in part:

(3) Funds held in trust under subsection (1) may, at the option of the candidate, be transferred or paid from time to time to one or more of the following, as applicable:

(f) the Crown in right of Alberta if the funds cannot be transferred in accordance with clause (a), (b), (c), (d) or (e).

(7) The following is added after section 12:

Continuing use of deposits — candidates

12.01(1) Subject to the regulations, if any, if a deposit paid by a candidate to the Chief Electoral Officer under section 19.01 of the *Election Act* is not returned or forfeited under section 19.02 of that Act, the Chief Electoral Officer must hold the deposit in trust to be expended for the candidate's candidacy at the next election.

(2) Subject to the regulations, if any, if a deposit is returned to a candidate under section 19.02(5) of the *Election Act*, the returned deposit may, at the option of the candidate, be transferred or paid from time to time to one or more of the following, as applicable:

(a) a person or entity set out in section 12(3)(a) to (e);

(b) the Crown in right of Alberta if the returned deposit cannot be transferred in accordance with clause (a).

(3) Subject to the regulations, if any, if, in the circumstances described in section 19.02(3) of the *Election Act*, a deposit is

returned to a candidate under section 19.02(5) of that Act, the candidate must, no later than 7 days after receiving the returned deposit, transfer the returned deposit to one or more persons or entities set out in section 12(4)(a) and (b).

(4) Subject to the regulations, if any, if the returned deposit referred to in subsection (3) cannot be transferred in accordance with that subsection, the candidate must pay the returned deposit to a registered charity.

NOTE: (7) Continuing use of deposits — candidates.

(8) The following is added after section 12.3:

Deposits paid on behalf of members of the Legislative Assembly

12.4(1) A registered party, registered constituency association or registered prospective candidate association may pay a deposit to the Chief Electoral Officer under section 19.01(4) of the *Election Act* on behalf of a member of the Legislative Assembly referred to in that section.

(2) Subject to the regulations, if any, if, in the circumstances described in section 19.02(4) of the *Election Act*, a deposit is returned to a registered prospective candidate association under section 19.02(5) of that Act, the registered prospective candidate association must, no later than 7 days after receiving the returned deposit, transfer the returned deposit in accordance with section 12.3 or 38, as applicable.

(3) Other than as set out in subsection (2), section 38 applies with respect to a deposit returned to a registered party, registered constituency association or registered prospective candidate association.

NOTE: (8) Deposits paid on behalf of members of the Legislative Assembly.

(9) Section 17(6) is amended by adding ", including for a deposit paid under section 19.01 of the *Election Act*," **after** "for the purposes of the campaign".

NOTE: (9) Section 17(6) presently reads in part:

(6) Any money paid during a campaign period out of the registered candidate's or registered leadership contestant's own funds for the purposes of the campaign for which the person is not reimbursed from the person's campaign account

(10) Section 41.2(3) is amended by adding the following after clause (d):

(e) deposits paid to the Chief Electoral Officer under section 19.01 of the *Election Act*.

NOTE: (10) Adds to list of non-election expenses for registered parties.

(11) Section 41.3(2) is amended by adding the following after clause (f):

(g) deposits paid to the Chief Electoral Officer under section 19.01 of the *Election Act*.

NOTE: (11) Adds to list of non-election expenses for registered candidates.

(12) Section 42(1)(a) and (b) are amended by adding "deposits," **after** "revenue, expenses,".

NOTE: (12) Section 42(1) presently reads:

42(1) On or before March 31 of each year,

(a) the chief financial officer of each registered party shall file with the Chief Electoral Officer an audited

financial statement, in the form and manner approved by the Chief Electoral Officer, setting out for the previous year the revenue, expenses, assets and liabilities, excluding revenue and campaign expenses that relate to an election during a campaign period, and

(b) the chief financial officer of each registered constituency association and registered prospective candidate association shall file with the Chief Electoral Officer a financial statement, in the form and manner approved by the Chief Electoral Officer, setting out for the previous year the revenue, expenses, assets and liabilities, including a nil return where applicable.

(13) Section 43(2) is amended by adding the following after clause (b):

(b.1) a report of deposits paid under section 19.01 of the *Election Act* or returned under section 19.02 of that Act,

NOTE: (13) Adds required component to campaign return.

(14) Section 54.1 is amended by adding the following after clause (f):

(f.1) prescribing other information the Chief Electoral Officer may consider in determining an affiliation of a third party under section 9.1(5.3);

(f.2) respecting deposits for the purposes of sections 12.01 and 12.4, including holding deposits in trust, returns of deposits and transfers or payments of returned deposits;

NOTE: (14) Adds regulation-making authorities.

Fatality Inquiries Act

Amends RSA 2000 cF-9

6(1) The *Fatality Inquiries Act* is amended by this section.

NOTE: 6(1) Amends chapter F-9 of the Revised Statutes of Alberta 2000.

(2) Section 1 is amended

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

(a) "autopsy" means dissecting a deceased's body to examine its organs and tissues to determine the cause of death and includes conducting biochemical, chemical, histological, microbiological, radiological, serological or toxicological tests, or other similar laboratory processes, that are required to make that determination;

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

(d.01) "Chief Medical Examiner" means the Chief Medical Examiner appointed under section 6(2);

(c) by adding the following after clause (d.1):

(d.2) "deputy chief medical examiner" means a deputy chief medical examiner referred to in section 6(5);

(d) by repealing clauses (f) and (g) and substituting the following:

(f) "external examination" means examining a deceased's body, with or without the removal of body tissue or fluid from the body, to determine the cause of death and includes conducting biochemical, chemical, histological, microbiological, radiological, serological or toxicological tests, or other similar laboratory processes, on that tissue or fluid that are required to make that determination;

(g) "investigator" means an investigator referred to in section 8(1);

(e) by repealing clause (i) and substituting the following:

(i) "medical examiner" means a medical examiner referred to in section 7(1);

(f) by repealing clauses (k) and (l) and substituting the following:

(k) "next of kin", in respect of a deceased, means any of the following:

(i) an adult child of the deceased;

(ii) the adult interdependent partner of the deceased;

(iii) an adult sibling of the deceased;

(iv) an individual who is identified as a parent of the deceased in either of the following:

(A) the deceased's birth record;

(B) a court order;

(v) the spouse of the deceased;

(k.1) "nurse practitioner" means a regulated member of the College of Registered Nurses of Alberta who is authorized to use the title "nurse practitioner" under the *Health Professions Act*;

(k.2) "Office of the Chief Medical Examiner" means the Office of the Chief Medical Examiner established under section 5(1);

(l) "pathologist" means a regulated member of the College of Physicians and Surgeons of Alberta who is authorized under the *Health Professions Act* to use any of the following titles:

(i) anatomical pathologist;

(ii) forensic pathologist;

(iii) general pathologist;

(l.1) "peace officer" means an individual employed for the purpose of preserving and maintaining the public peace;

(l.2) "personal representative" means a personal representative as defined in the *Estate Administration Act*;

(l.3) "postmortem examination" means the examination of a deceased's body to determine the following and, if applicable, includes an external examination or autopsy of the body:

(i) the cause of the deceased's death;

(ii) the manner of the deceased's death;

(iii) the circumstances that led to the deceased's death;

(iv) the deceased's identity;

(l.4) "prescribed" means prescribed by the regulations;

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

(n) "record" means a record as defined in the *Access to Information Act*.

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

1 In this Act

(a) "autopsy" means the dissection of a body for the purpose of examining organs and tissues to determine the cause of death or manner of death or the identity of the deceased and may include chemical, histological, microbiological or serological tests and other laboratory investigations;

(f) "examination" means the examination of an unclothed body with or without the removal of body tissue or fluids for the purpose of toxicological examinations;

(g) "investigator" means a medical examiners' investigator appointed pursuant to section 6 or a

person who is a medical examiners' investigator by virtue of section 9;

(i) "medical examiner" means a medical examiner appointed pursuant to section 7;

(k) "next of kin" means the parents, children, brothers, sisters, spouse and adult interdependent partner of a deceased person, or any of them;

(l) "pathologist" means a regulated member of the College of Physicians and Surgeons of Alberta who is authorized to use the title "pathologist";

(3) The heading "The Fatality Review Board" preceding section 2 is repealed.

NOTE: (3) The heading preceding section 2 presently reads:

The Fatality Review Board

(4) The heading preceding section 5 and sections 5 to 8 are repealed and the following is substituted:

Office of the Chief Medical Examiner

5(1) The Office of the Chief Medical Examiner is established as part of the department administered by the Minister.

(2) The Office of the Chief Medical Examiner consists of the following employees:

(a) the Chief Medical Examiner;

(b) each deputy chief medical examiner;

(c) each medical examiner referred to in section 7(1)(a);

(d) each investigator;

(e) each individual other than those referred to in clauses (a) to (d) who is employed in accordance with the *Public*

Service Act with the Office of the Chief Medical Examiner.

Chief Medical Examiner and deputy chief medical examiner

6(1) In this section, "forensic pathologist" means a regulated member of the College of Physicians and Surgeons of Alberta who is authorized to use the title "forensic pathologist" under the *Health Professions Act*.

(2) The Lieutenant Governor in Council must appoint a forensic pathologist as the Chief Medical Examiner.

(3) The Chief Medical Examiner is responsible for the following:

(a) supervising and training medical examiners and investigators;

(b) acquiring and maintaining facilities necessary for the administration of this Act;

(c) maintaining a record of each death that a medical examiner or investigator is notified of in accordance with this Act or the *Vital Statistics Act*.

(4) For the purposes of determining whether an investigation under section 19 or 20(1)(a) is required, the Chief Medical Examiner must inspect each medical certificate of death for which a burial and disposition permit is issued under the *Vital Statistics Act*.

(5) A pathologist employed in accordance with the *Public Service Act* as a deputy chief medical examiner with the Office of the Chief Medical Examiner is a deputy chief medical examiner for the purposes of this Act.

(6) During a period when the Chief Medical Examiner is temporarily absent or unable to perform their duties under this Act, a deputy chief medical examiner

(a) may exercise the powers of the Chief Medical Examiner under this Act, and

(b) must perform the duties of the Chief Medical Examiner under this Act.

(7) The Chief Medical Examiner may, in writing, delegate the exercise of a power or performance of a duty under this Act, except the power to delegate under this section, to an employee of the Office of the Chief Medical Examiner.

Medical examiner

7(1) Each of the following is a medical examiner for the purposes of this Act:

(a) a pathologist employed in accordance with the *Public Service Act* as a medical examiner with the Office of the Chief Medical Examiner;

(b) a deputy chief medical examiner;

(c) a physician appointed as a medical examiner in accordance with subsection (2);

(d) subject to subsection (6), the Chief Medical Examiner.

(2) The Minister may appoint a physician as a medical examiner for the purpose of subsection (1)(c).

(3) If the Board reviews a complaint against a medical examiner in accordance with section 4(b),

(a) the Minister may suspend the medical examiner from acting as a medical examiner under this Act during the period of that review by providing the medical examiner with written notice of the suspension, and

(b) the medical examiner's powers and duties under this Act are suspended during the period to which the suspension applies.

(4) If a medical examiner's practice permit is suspended under the *Health Professions Act*, the medical examiner's powers and duties under this Act are suspended until the suspension under that Act no longer applies.

(5) A medical examiner ceases to hold office if any of the following applies:

(a) the medical examiner is no longer registered as a member of the College of Physicians and Surgeons of Alberta;

(b) the medical examiner submits their written resignation to,

(i) in the case of a medical examiner referred to in subsection (1)(a) or (b), the Chief Medical Examiner, or

(ii) in the case of a medical examiner referred to in subsection (1)(c), the Minister;

(c) in the case of a medical examiner referred to in subsection (1)(c), the Minister revokes the medical examiner's appointment.

(6) Subsections (3) and (5)(b) do not apply to the Chief Medical Examiner in their capacity as a medical examiner.

Investigator

8(1) An individual employed in accordance with the *Public Service Act* as an investigator with the Office of the Chief Medical Examiner is an investigator for the purposes of this Act.

(2) If authorized by a medical examiner, a police officer or peace officer may exercise the powers and must perform the duties of an investigator under this Act to the extent authorized.

NOTE: (4) The heading preceding section 5 and sections 5 to 8 presently read:

Officials

5(1) The Lieutenant Governor in Council shall appoint a Chief Medical Examiner who must be a pathologist.

(2) The Chief Medical Examiner shall receive the remuneration that may be prescribed by the Lieutenant Governor in Council.

(3) The Chief Medical Examiner may exercise and perform the powers and duties of a medical examiner.

(4) The Chief Medical Examiner is responsible to the Minister for

- *(a) the operation of this Act in relation to the reporting, investigating and recording of deaths,*
- *(b) the supervision of medical examiners in the performance of their duties,*
- *(c) the development and maintenance of facilities that may be required,*
- *(d) the education of persons required to perform functions under this Act, and*
- *(e) the inspection of medical certificates of death in all cases where burial permits are issued pursuant to the Vital Statistics Act.*

6 In accordance with the Public Service Act, there may be appointed

- *(a) Deputy Chief Medical Examiners and Assistant Chief Medical Examiners,*
- *(b) medical examiners' investigators on a full-time or part-time basis, and*
- *(c) any other employees required for the purpose of administering this Act.*

7 The Minister may appoint physicians as medical examiners.

8(1) A medical examiner ceases to hold office

- *(a) on ceasing to be a member of the College of Physicians and Surgeons of Alberta,*
- *(b) on submitting the medical examiner's resignation to the Minister in writing,*
- *(c) on ceasing to be ordinarily resident in Alberta, or*
- *(d) on termination of the medical examiner's appointment by order of the Minister.*

(2) A medical examiner is suspended during any period that the medical examiner's registration is suspended under the Health Professions Act.

(3) The Minister may suspend the appointment of a medical examiner during any period that a complaint regarding the medical examiner is under review by the Board pursuant to section 4(b).

(5) Section 9 is repealed.

NOTE: (5) Section 9 presently reads:

9(1) Every member of the Royal Canadian Mounted Police or a police service or peace officer responsible for the policing of any part of Alberta pursuant to an arrangement or agreement under section 5(1)(b) of the Police Act is, by virtue of that office, a medical examiners' investigator and has the same powers and duties as are conferred or imposed on a medical examiners' investigator by this Act.

(2) An investigator, when authorized to do so by a medical examiner,

(a) shall assist the medical examiner in carrying out the medical examiner's duties under this Act, and

(b) may exercise the powers enumerated in section 21.

(6) Sections 10 to 13 are repealed and the following is substituted:

Required notification of death or imminent death

10(1) Immediately after a person has reason to believe that any of the following circumstances apply to a death, the person must notify a medical examiner or investigator of that death:

(a) the death occurred unexplainedly;

(b) the death occurred unexpectedly when the deceased was in apparent good health;

(c) the death occurred as the result of violence, accident or suicide;

(d) the death was a maternal death that occurred during or following a pregnancy and may have been related to the pregnancy;

(e) the death may have occurred as the result of improper or negligent treatment by a person;

(f) the death occurred

(i) during an operative procedure,

(ii) within 10 days after an operative procedure,

(iii) while the deceased was under anesthesia, or

(iv) at any time after anesthesia was given to the deceased and may reasonably be attributed to that anesthesia;

(g) the death occurred as the result of poisoning;

(h) the death occurred while the deceased was not under the care of a physician or nurse practitioner;

(i) the death occurred while the deceased was in the custody of a peace officer or as a result of a peace officer's use of force while on duty;

(j) the death occurred due to one of the following that directly resulted from the deceased's most recent or former employment or occupation:

(i) a disease or illness contracted by the deceased;

(ii) an injury sustained by the deceased;

(iii) a toxic substance introduced into the deceased;

(k) the death is of a type referred to in section 12 or 13.

(2) A person must notify the Chief Medical Examiner of an individual's imminent death immediately on becoming aware of the imminent death if it is reasonable to expect that on the death

occurring a circumstance set out in subsection (1) would apply to it.

Chief Medical Examiner's direction on receiving notification

11(1) On receiving a notification referred to in section 10 in respect of a deceased's death and for the purpose of an investigation under section 19(1) or 20(1)(a), the Chief Medical Examiner may, subject to subsection (3), direct a person who the Chief Medical Examiner reasonably believes has custody or control of a tissue or fluid taken from the deceased's body before they died to do the following:

(a) retain the tissue or fluid specified in the direction for the period specified in the direction;

(b) deliver the tissue or fluid to the Chief Medical Examiner by the date specified in the direction;

(c) perform a test or other laboratory process on the tissue or fluid

(i) as specified in the direction, and

(ii) by the date specified in the direction.

(2) If a person does not comply with a direction made under subsection (1), the Chief Medical Examiner may, on at least 2 days' written notice to the person, apply to the Court of King's Bench for an order directing the person to comply with the direction.

(3) A tissue or fluid that is the subject of a direction made under subsection (1)

(a) may only be used for the purpose of a postmortem examination, and

(b) on the Chief Medical Examiner determining that the tissue or fluid is no longer required for the postmortem examination, must be destroyed as directed by the Chief Medical Examiner.

Additional required notification if death of detained person

12(1) Immediately after a person in charge of any of the following places becomes aware of the death of a person detained

in, or committed or admitted to, that place, as the case may be, the person in charge must notify a medical examiner or investigator of that death:

(a) a compassionate intervention facility within the meaning of the *Compassionate Intervention Act*;

(b) a correctional institution within the meaning of the *Corrections Act*;

(c) a facility within the meaning of the *Mental Health Act*;

(d) a facility or place designated as a place of open or secure custody under the *Youth Criminal Justice Act* (Canada);

(e) a penitentiary within the meaning of the *Corrections and Conditional Release Act* (Canada);

(f) a secure services facility within the meaning of the *Child, Youth and Family Enhancement Act*;

(g) an institution of a prescribed type;

(h) a place other than a place referred to in clauses (a) to (g) where a person is held under a warrant issued by a judge.

(2) For greater certainty, subsection (1) applies

(a) despite the death of a person occurring in a place other than the applicable place referred to in that subsection, and

(b) despite a person other than the person in charge providing notice of the death in accordance with section 10.

Additional required notification if death of child in custody

13(1) In this section, "director" means a director within the meaning of the *Child, Youth and Family Enhancement Act.*

(2) Immediately after a director becomes aware of the death of a child who was under the director's guardianship or in the director's custody, the director must notify the Chief Medical Examiner of that death.

(3) For greater certainty, subsection (2) applies to a director despite a person other than the director providing notice of the death in accordance with section 10.

NOTE: (6) Sections 10 to 13 presently read:

10(1) Any person having knowledge or reason to believe that a person has died under any of the circumstances referred to in subsection (2) or section 11, 12 or 13 shall immediately notify a medical examiner or an investigator.

(2) Deaths that occur under any of the following circumstances require notification under subsection (1):

(a) deaths that occur unexplainedly;

(b) deaths that occur unexpectedly when the deceased was in apparent good health;

(c) deaths that occur as the result of violence, accident or suicide;

(d) maternal deaths that occur during or following pregnancy and that might reasonably be related to pregnancy;

(e) deaths that may have occurred as the result of improper or negligent treatment by any person;

(f) deaths that occur

(i) during an operative procedure,

(ii) within 10 days after an operative procedure,

(iii) while under anesthesia, or

(iv) any time after anesthesia and that may reasonably be attributed to that anesthesia;

(g) deaths that are the result of poisoning;

(h) deaths that occur while the deceased person was not under the care of a physician;

(i) deaths that occur while the deceased person was in the custody of a peace officer or as a result of the use of force by a peace officer while on duty;

(j) deaths that are due to

(i) any disease or ill-health contracted or incurred by the deceased,

(ii) any injury sustained by the deceased, or

(iii) any toxic substance introduced into the deceased,

as a direct result of the deceased's employment or occupation or in the course of one or more of the deceased's former employments or occupations.

11 If a person dies while

(a) detained in a correctional institution as defined in the Corrections Act or a jail, including a military guard room, remand centre, penitentiary, secure services facility as defined in the Child, Youth and Family Enhancement Act, facility or place designated as a place of open or secure custody pursuant to the Youth Criminal Justice Act (Canada), detention centre or a place where a person is held under a warrant of a judge,

(b) a formal patient in any facility as defined by the Mental Health Act, or

(c) an inmate or patient in any institution specified in the regulations,

the person in charge of that institution, jail, facility or other place shall immediately notify a medical examiner.

12 If a person dies while

(a) committed to a correctional institution as defined in the Corrections Act or a jail, including a military guard room, remand centre, penitentiary, secure services facility as defined in the Child, Youth and Family Enhancement Act, facility or place designated as a place of open or secure custody

pursuant to the Youth Criminal Justice Act (Canada), detention centre or a place where a person is held under a warrant of a judge,

(b) a formal patient in any facility as defined by the Mental Health Act, or

(c) an inmate or patient in any institution specified in the regulations,

but while not on the premises or in actual custody of that facility or institution, jail or other place, the person in charge of that facility or institution, jail or other place, shall, immediately on receiving notice of the death, notify a medical examiner.

13 A director under the Child, Youth and Family Enhancement Act shall immediately notify a medical examiner of the death of any child under the director's guardianship or in the director's custody.

(7) Section 14(1) is amended by adding "or investigator" **after** "medical examiner".

NOTE: (7) Section 14(1) presently reads:

14(1) When a body is brought into Alberta for ultimate disposal, a funeral director, undertaker, embalmer, mortuary attendant or other person who intends to dispose of the body shall, before disposing of the body, notify a medical examiner.

(8) Section 15(2) is amended by striking out "in the form prescribed" **and substituting** "in the form determined".

NOTE: (8) Section 15(2) presently reads:

(2) A certificate issued under subsection (1) shall be in the form prescribed by the Chief Medical Examiner.

(9) Section 16(1) is amended by striking out "section 10, 11, 12 or 13" **and substituting** "section 10".

NOTE: (9) Section 16(1) presently reads in part:

16(1) Subject to subsection (2), a person who has reason to believe that a person died under any of the circumstances referred to in section 10, 11, 12 or 13 shall not, except pursuant to a direction of a medical examiner or a general directive of the Chief Medical Examiner,

(10) Section 17 is repealed and the following is substituted:

Required notification of death if body not located

17 Immediately after a person becomes aware that a death has occurred in Alberta in respect of which the deceased's body has not been located due to any of the following reasons, the person must notify a medical examiner, investigator or police officer of that death:

(a) the body or part of it has been destroyed;

(b) the body is lying in a place from which it cannot be recovered;

(c) the body has been removed from Alberta.

NOTE: (10) Section 17 presently reads:

17 If a person knows or believes that a death has occurred in Alberta but no body has been located because

(a) the body or part of the body has been destroyed,

(b) the body is lying in a place from which it cannot be recovered, or

(c) the body has been removed from Alberta,

that person shall immediately notify a medical examiner or a member of the Royal Canadian Mounted Police or a member of a police service.

(11) Section 19 is amended

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

Medical examiner duties

19(1) If, on reviewing a notification of a death received in accordance with section 10 or 17, a medical examiner is satisfied that a circumstance referred to in section 10(1) or 17 applies to the death, the medical examiner shall do the following:

(a) investigate the death in accordance with the regulations;

(b) establish, to the extent possible based on the results of the investigation, the following:

(i) the deceased's identity;

(ii) the date, time and place of the deceased's death;

(iii) the circumstances that led to the deceased's death;

(iv) the cause of the deceased's death;

(v) the manner of the deceased's death.

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

(2) If, for any reason, the medical examiner who received a notification referred to in subsection (1) is unable to investigate the death that is the subject of the notification, the medical examiner in respect of that investigation is the medical examiner directed by the Chief Medical Examiner to investigate that death.

(c) in subsection (3) by striking out "shall keep a record of all deaths of which the medical examiner is notified pursuant to this Act or the *Vital Statistics Act* and";

(d) in subsection (5)

(i) by striking out "described in section 10(2)(f)(i) or (ii)" **and substituting** "referred to in section 10(1)(f)(i) or (ii)";

(ii) in clause (a) by adding "or nurse practitioner" **after** "physician";

(e) in subsections (6) and (7) by adding "or nurse practitioner" **after** "physician" **wherever it occurs.**

NOTE: (11) Section 19 presently reads in part:

19(1) If a medical examiner receives notification of a death and is satisfied that the death occurred under any of the circumstances referred to in section 10, 11, 12, 13 or 17, the medical examiner shall investigate the death and establish where possible

(a) the identity of the deceased,

(b) the date, time and place of death,

(c) the circumstances under which the death occurred,

(d) the cause of death, and

(e) the manner of death.

(2) Notwithstanding subsection (1), when a medical examiner is unable to investigate a death of which the medical examiner receives notification, the medical examiner shall

(a) notify another medical examiner if the death occurred under any of the circumstances referred to in section 10, 11, 12, 13 or 17, and

(b) keep a record of the death including the reasons why the death was not investigated by the medical examiner.

(3) A medical examiner shall keep a record of all deaths of which the medical examiner is notified pursuant to this Act or the Vital Statistics Act and shall immediately report to the Chief Medical Examiner all investigations that the medical

examiner or an investigator under the medical examiner's supervision make into a death.

(5) Notwithstanding subsection (1), a medical examiner is not required to investigate a death that occurred through natural causes or in the circumstances described in section 10(2)(f)(i) or (ii) if

(a) a physician is able to certify the information in subsection (6)(a) to (e), and

(6) A medical examiner who does not investigate a death under subsection (5) shall, based on information provided by the physician, record

(f) the name of the physician who provided the information.

(7) If a medical examiner does not conduct an investigation under subsection (5), the physician is authorized to complete and sign the medical certificate of death referred to in section 33 of the Vital Statistics Act.

(12) Section 20 is repealed and the following is substituted:

Direction to investigate or conduct postmortem examination

20(1) The Chief Medical Examiner may, on their own initiative and at any time, do either of the following:

(a) direct a medical examiner to investigate, in accordance with the regulations, the circumstances of the death of a deceased who died in Alberta;

(b) if a circumstance referred to in section 10(1) applies to a deceased's death, authorize either of the following to conduct a postmortem examination of the deceased's body:

(i) a medical examiner;

(ii) a pathologist who is not a medical examiner.

(2) If a medical examiner or a pathologist who is not a medical examiner is authorized by the Chief Medical Examiner to conduct

a postmortem examination, the medical examiner or pathologist, as the case may be, must conduct the postmortem examination in accordance with the regulations.

NOTE: (12) Section 20 presently reads:

20 The Chief Medical Examiner may at any time

(a) direct a medical examiner to make an investigation into any death at any place in Alberta, or

(b) authorize an autopsy of the body of any person who died under the circumstances described in section 10, 11, 12 or 13.

(13) The following is added after section 21:

Chief Medical Examiner's powers to obtain information

21.1(1) In this section,

(a) "health information" means health information within the meaning of the *Health Information Act*;

(b) "information" includes

(i) health information, and

(ii) personal information;

(c) "personal information" means personal information as defined in the *Protection of Privacy Act*.

(2) If it is necessary for the purposes of an investigation conducted under section 19(1) or 20(1)(a), the Chief Medical Examiner may do the following in respect of a person whom the Chief Medical Examiner has reasonable grounds to believe has information relevant to the investigation:

(a) question the person, orally or in writing;

(b) demand, in writing, that the person produce the information specified in the demand by the date specified in the demand.

(3) If a person is asked a question in accordance with subsection (2)(a) or receives a demand in accordance with subsection (2)(b), the person must, as the case may be,

(a) as soon as practicable, provide a response to the Chief Medical Examiner or their delegate, or

(b) provide the information specified in the demand by the date specified in the demand.

(4) The Chief Medical Examiner

(a) may make a copy of the information provided in accordance with subsection (3)(b), and

(b) must return the information to the person who provided it as soon as practicable after making a copy of it.

(5) If a person does not provide a response in accordance with subsection (3)(a) or provide information specified in a demand in accordance with subsection (3)(b), the Chief Medical Examiner may, on at least 2 days' notice to the person, apply to the Court of King's Bench for an order directing the person to provide a response or the information, as the case may be.

NOTE: (13) Chief Medical Examiner's powers to obtain information.

(14) Section 22 is amended

(a) in subsection (2) by striking out "in the form prescribed" **and substituting** "in the form determined";

(b) in subsection (4) by striking out "examinations" **and substituting** "a postmortem examination".

NOTE: (14) Section 22 presently reads in part:

(2) As soon as possible after taking possession of the body, the medical examiner shall sign a notice in the form prescribed by the Chief Medical Examiner and cause it to be affixed to the body or the shroud, garment or container holding the body.

(4) A medical examiner may carry out examinations of the body.

(15) Section 25 is repealed and the following is substituted:

Medical examiner's authorization for postmortem examination

25(1) A pathologist may, in accordance with subsection (2), conduct a postmortem examination of a deceased's body if

(a) a circumstance referred to in section 10(1) applies to the deceased's death, and

(b) a medical examiner authorizes the pathologist to conduct the postmortem examination.

(2) A pathologist authorized by a medical examiner to conduct a postmortem examination

(a) may excise, remove and retain from the body that is the subject of the postmortem examination

(i) a part of it, or

(ii) an object found in it,

and

(b) must

(i) conduct the postmortem examination in accordance with the regulations,

(ii) complete a postmortem examination report in a form determined by the Chief Medical Examiner, and

(iii) provide the postmortem examination report to the medical examiner who authorized the pathologist to conduct the postmortem examination.

NOTE: (15) Section 25 presently reads:

25(1) A medical examiner may authorize the autopsy of the body of any person who died under the circumstances described in section 10, 11, 12 or 13.

(2) Where a medical examiner authorizes an autopsy

(a) the autopsy shall only be carried out by a pathologist;

(b) the person who performs the autopsy may excise, remove and retain any part of the body or any object found in the body for the purpose of establishing the cause of death and the manner of death.

(16) Section 26 is amended by striking out "section 25(2)(b)" **and substituting** "section 25(2)(a)".

NOTE: (16) Section 26 presently reads:

26 Notwithstanding section 25(2)(b), a medical examiner may remove or allow the removal of tissue or organs in accordance with the Human Tissue and Organ Donation Act, if the removal of the tissue or organs does not interfere with any investigation or proceeding under any law in force in Alberta.

(17) Section 27 is repealed.

NOTE: (17) Section 27 presently reads:

27 A person who performs an autopsy shall provide the medical examiner who ordered the autopsy with any autopsy reports that may be prescribed by the regulations.

(18) Section 28(1) is amended by striking out "section 17" **and substituting** "section 11".

NOTE: (18) Section 28(1) presently reads:

28(1) Notwithstanding section 17 of the Cemeteries Act, the Chief Medical Examiner may order a body to be disinterred for the purposes of an investigation under this Act or the Criminal Code (Canada).

(19) Section 29 is amended by striking out "a record of the investigation and the reports, certificates and other documents that are prescribed by the regulations" **and substituting** "a record of the investigation that consists of each report, certificate or other type of record as specified by, and in the form determined by, the Chief Medical Examiner".

NOTE: (19) Section 29 presently reads:

29 A medical examiner shall, immediately after completing an investigation under this Act, provide the Chief Medical Examiner with a record of the investigation and the reports, certificates and other documents that are prescribed by the regulations.

(20) Section 30(2) is repealed and the following is substituted:

(2) After the completion of an investigation of a death under section 14.1, 19(1) or 20(1)(a), the Chief Medical Examiner may, in accordance with the regulations, provide any of the following to a person of a prescribed class on payment of the applicable prescribed fee to the Chief Medical Examiner:

(a) a report of a prescribed type;

(b) an examination form of a prescribed type;

(c) a certificate of a prescribed type.

NOTE: (20) Section 30(2) presently reads:

(2) On the completion of

(a) the investigation, and

(b) the public fatality inquiry, if one is held,

and on the receipt of a request from any of the adult next of kin or the personal representative of the deceased, the Chief Medical Examiner shall complete and send a report to the person making the request.

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

Required notice to Board

32(1) As soon as practicable on receiving a record of an investigation referred to in section 29, the Chief Medical Examiner must

(a) provide notice of the investigation to the Board in accordance with subsection (5) if

(i) a circumstance set out in subsection (2) applies to the investigation, or

(ii) the Chief Medical Examiner is of the opinion that the Board's review of the investigation is necessary despite no circumstance set out in subsection (2) applying to the investigation,

or

(b) decide, in accordance with subsection (4), whether to notify the Board of the investigation if a circumstance set out in subsection (3) applies to the investigation.

(2) For the purpose of subsection (1)(a)(i), the circumstances are as follows:

(a) one of the following individuals makes a written request to the Chief Medical Examiner that the Board review the investigation based on the grounds set out in the request, and the Chief Medical Examiner is satisfied that those grounds are reasonable:

(i) a medical examiner;

(ii) a next of kin of the deceased whose death is the subject of the investigation;

(iii) any other individual whom the Chief Medical Examiner considers to be an interested party;

(b) the death occurred as described in section 10(1)(i) or 12.

(3) For the purpose of subsection (1)(b), the circumstances are as follows:

(a) the cause of the deceased's death has not been established;

(b) the manner of the deceased's death has not been established;

(c) the deceased's body is unidentified;

(d) the deceased's body has not been located;

(e) the deceased's death occurred as described in section 13, and

(i) the manner of the deceased's death was unnatural or undetermined, or

(ii) the deceased's death occurred under suspicious circumstances.

(4) In respect of an investigation to which subsection (3) applies, the Chief Medical Examiner

(a) must decide whether providing notice of the investigation to the Board is warranted by applying the prescribed factors for consideration to the investigation and the circumstances of the death that was the subject of the investigation, and

(b) if the decision is that notice to the Board is

(i) warranted, must provide the Board with that notice in accordance with subsection (5), or

(ii) not warranted, must not take any further action in respect of the investigation.

(5) A notice of an investigation provided to the Board must

(a) be in writing, and

(b) be accompanied by all records of investigation, reports, certificates and other documents relevant to the death that is the subject of the investigation that are in the Chief Medical Examiner's custody and control at the time that the notice is provided.

(6) The Chief Medical Examiner may do any of the following:

(a) delegate to a deputy chief medical examiner the making of an opinion for the purpose of subsection (1)(a)(ii);

(b) engage the services of an individual who has relevant technical or subject-matter knowledge or expertise to support the making of

(i) an opinion for the purpose of subsection (1)(a)(ii), or

(ii) a decision for the purpose of subsection (4)(a).

NOTE: (21) Section 32 presently reads:

32(1) The Chief Medical Examiner shall notify the Board of any death that has been the subject of an investigation if

(a) the cause of death has not been established;

(b) the manner of death has not been established;

(c) the body is unidentified or has not been located;

(d) a medical examiner, any of the next of kin of the deceased or anyone that the Chief Medical Examiner considers to be an interested party requests in writing that the Board review the investigation and provides reasonable grounds for the review;

(e) the death is one referred to in section 10(2)(i), 11 or 12;

(f) the Chief Medical Examiner considers a review of the investigation to be necessary or desirable;

(g) the death is one referred to in section 13 and the manner of death is unnatural or undetermined or the death has occurred under suspicious circumstances.

(2) Notification by the Chief Medical Examiner under subsection (1) must be in writing and be accompanied with all reports and certificates that may be relevant to the death.

(22) Section 32.1(1) is amended by striking out "under section 10, 11, 12 or 13" **and substituting** "of the deaths in accordance with section 10, 12 or 13, as applicable".

NOTE: (22) Section 32.1(1) presently reads:

32.1(1) The Chief Medical Examiner shall notify the Child and Youth Advocate of all deaths of persons under 20 years of age, within 30 days of a medical examiner being notified under section 10, 11, 12 or 13.

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

Board's recommendation for public fatality inquiry

33(1) On being provided a report in accordance with section 14.1(3) or notice in accordance with section 32(5), the Board

(a) must, as soon as practicable, review

(i) the report or notice, as the case may be, and all information provided with it, and

(ii) any other information provided to the Board that it considers relevant to its review,

and

(b) may, for the purposes of its review, request information, other than the information provided to it in accordance with clause (a), from the Chief Medical Examiner that

(i) may be relevant to its review, and

(ii) is in the Chief Medical Examiner's custody or control.

(2) As soon as practicable after the Board completes its review in accordance with subsection (1), the Board

(a) must decide whether recommending a public fatality inquiry to the Minister is warranted based on applying the prescribed factors for consideration to the investigation and the circumstances of the death that is the subject of the investigation, and

(b) if the decision is that a public fatality inquiry is

(i) warranted, must recommend to the Minister that a public fatality inquiry be held in respect of the death, or

(ii) not warranted, must not take any further action in respect of its review of the investigation.

(3) For the purpose of deciding whether a public fatality inquiry is warranted, the Board may engage the services of an individual who has technical or subject-matter knowledge or expertise that is relevant to the making of the decision.

(4) If, based on a report provided in accordance with section 14.1(3), the Board makes a recommendation in accordance with subsection (2)(b)(i) that a public fatality inquiry be held, the public fatality inquiry is to be limited to those matters that have a direct connection to Alberta.

NOTE: (23) Section 33 presently reads:

33(1) When the Board receives a notification pursuant to section 32 or a report pursuant to section 14.1(3), it shall review the notification or report and the material submitted to it with the notification or report, together with any other material it considers relevant, and may recommend any further investigation that may be necessary.

(2) After reviewing the matters set out in subsection (1), the Board shall

(a) recommend to the Minister that a public fatality inquiry be held, or

(b) recommend to the Minister that no public fatality inquiry be held.

(3) When the Board conducts a review under this section with respect to a death referred to in section 10(2)(i), 11 or 12, the Board shall recommend that a public fatality inquiry be held unless it is satisfied

(a) that the death was due entirely to natural causes and was not preventable and that the public interest would not be served by a public fatality inquiry, or

(b) that there was no meaningful connection between the death and the nature or quality of care or supervision being provided to the deceased person by reason of the deceased person's status as described in section 10(2)(i), 11 or 12.

(3.1) Subsection (3) does not apply to a death subject to an investigation under section 9(2)(d) of the Child and Youth Advocate Act or a review under section 9.1 of that Act by the Child and Youth Advocate.

(3.2) When the Board conducts a review with respect to a death referred to in section 10(2)(i), 11, 12 or 13 that has been or is being investigated by the Child and Youth Advocate under section 9(2)(d) of the Child and Youth Advocate Act or that has been or is being reviewed by the Child and Youth Advocate under section 9.1 of that Act, in deciding whether to recommend that a public fatality inquiry be held, the Board shall consider

(a) whether the death was due entirely to natural causes and was not preventable,

(b) the findings, including any recommendations or observations, of the Child and Youth Advocate in a report under section 15 or 15.4 of the Child and Youth Advocate Act,

(c) whether the conduct of a public fatality inquiry could have a potentially harmful effect on witnesses, and

(d) any other factors set out in the regulations

and shall recommend that a public fatality inquiry be held if the Board is satisfied that the public interest would be served by a public fatality inquiry.

(4) Notwithstanding subsection (2), where, pursuant to a report from the Chief Medical Examiner under section 14.1, the Board makes a recommendation that a public fatality inquiry be held in respect of a death that occurred outside Alberta, the recommendation must be limited to inquiring into matters that are related to the death and have a direct connection to Alberta.

(24) Section 39(2) is repealed and the following is substituted:

(2) Despite subsection (1), a judge who conducts a public fatality inquiry may issue a summons to the following to attend and give evidence at the public fatality inquiry:

(a) the Chief Medical Examiner;

(b) a medical examiner.

NOTE: (24) Section 39(2) presently reads:

(2) *Notwithstanding subsection (1), the judge may issue a summons to a medical examiner or to the Chief Medical Examiner to attend and give evidence at a public fatality inquiry, and the medical examiner or Chief Medical Examiner is entitled to receive a fee for attendance as prescribed by the regulations if that person is not a full-time employee of the Government.*

(25) Section 40.2 is amended

(a) by renumbering it as section 40.2(1);

(b) in subsection (1) by striking out "Within a reasonable time" **and substituting** "Subject to subsection (2) and";

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

(2) In the case of an exhibit that is a tissue or fluid, the exhibit must be delivered to the Chief Medical Examiner for storage or disposal as the Chief Medical Examiner considers appropriate.

NOTE: (25) Section 40.2 presently reads:

40.2 Within a reasonable time after the written report in respect of a public fatality inquiry is made to the Minister under section 53, exhibits must

(a) be returned to the persons to whom they belong or who entered them in evidence, or

(b) where the persons referred to in clause (a) cannot be located or refuse to accept the exhibits, be delivered to the Chief Medical Examiner for storage or disposal as the Chief Medical Examiner considers appropriate.

(26) Section 42(c) is amended by adding "or nurse practitioner" **after** "physician".

NOTE: (26) Section 42(c) presently reads:

42 Without restricting the generality of section 41(b), the judge shall weigh and consider the following matters, as applicable, before holding the hearing or any part of it in camera:

(c) the private interests of the attending physician or any other person providing diagnostic or treatment services to a patient or a person;

(27) The following is added before section 55:

Part 5
General Provisions

Payment of prescribed service fees, amounts and rates

54.1(1) Subject to subsection (2), the Minister must pay the prescribed fee, amount or rate, as the case may be, in respect of each of the following:

(a) in the case of a medical examiner referred to in section 7(1)(c), the medical examiner's

(i) provision of a prescribed service, or

(ii) travel expenses related to the provision of the prescribed service;

(b) a prescribed service required for the purpose of the exercise of a power or performance of a duty or responsibility under this Act.

(2) Subsection (1) does not apply to an agreement for the payment of a prescribed service if the agreement states that that subsection does not apply to the agreement.

NOTE: (27) Part 5 General Provisions.

(28) Section 55 is repealed and the following is substituted:

Regulations

55 The Lieutenant Governor in Council may make regulations

(a) prescribing a type of institution for the purpose of section 12(1)(g);

(b) respecting the investigation of a death for the purposes of sections 19(1)(a) and 20(1)(a);

(c) respecting the conduct of a postmortem examination for the purposes of sections 20(2) and 25(2)(b)(i);

(d) for the purpose of section 30(2),

(i) respecting the Chief Medical Examiner's provision of a report, examination form or certificate,

(ii) prescribing classes of persons to whom a report, examination form or certificate may be provided,

(iii) prescribing the fees to be paid for the provision of a report, examination form or certificate, or

(iv) prescribing the types of reports, examination forms or certificates that may be provided;

(e) prescribing factors for consideration for the purposes of sections 32(4)(a) and 33(2)(a);

(f) prescribing a fee, amount, rate or service for the purpose of section 54.1(1).

NOTE: (28) Section 55 presently reads:

55 The Lieutenant Governor in Council may make regulations

(a) governing fees payable under this Act

(i) to witnesses, court reporters and interpreters, and

(ii) to persons who provide services under this Act;

(b) governing the procedures to be followed by medical examiners or investigators who conduct investigations under this Act;

(c) governing the procedures to be followed by pathologists who perform autopsies under this Act;

(d) prescribing reports, certificates and other documents that must be provided to medical examiners, the Chief Medical Examiner or the Board;

(e) prescribing a tariff of fees to be charged for services provided under this Act;

(f) designating any place as an institution for the purposes of section 11 or 12 or both;

(g) prescribing the persons and classes of persons to whom copies of autopsy reports made under section 27 shall be provided by the Chief Medical Examiner;

(h) respecting factors for the purposes of section 33(3.2)(d).

(29) Section 56 is amended by striking out "$1000" **and substituting** "$5000".

NOTE: (29) Section 56 presently reads:

56 A person who contravenes this Act or the regulations is guilty of an offence and liable to a fine of not more than $1000 or to imprisonment for a term not exceeding 6 months.

(30) This section comes into force on Proclamation.

NOTE: (30) Coming into force.

Fisheries (Alberta) Act

Amends RSA 2000 cF-16

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

NOTE: 7(1) Amends chapter F-16 of the Revised Statutes of Alberta 2000.

(2) Section 19.1 is amended by striking out "and" **at the end of clause (b) and by adding the following after clause (c):**

(d) the chief of the independent agency police service, under section 33.5 of the *Police Act*, and

(e) police officers of the independent agency police service, under section 33.6 of the *Police Act*.

NOTE: (2) Section 19.1 presently reads in part:

19.1 The following individuals are fishery officers by virtue of their appointments to the offices respectively referred to, namely individuals appointed as

(b) conservation officers, under section 1 of Schedule 3.1 to the Government Organization Act, and

(c) forest officers, under section 2 of the Forests Act.

Innkeepers Act

Amends RSA 2000 cI-2

8(1) The *Innkeepers Act* is amended by this section.

NOTE: 8(1) Amends chapter I-2 of the Revised Statutes of Alberta 2000.

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

(c) "peace officer" means the following:

(i) a member of a municipal police service, including the chief of police of a municipal police service;

(ii) a member of the Royal Canadian Mounted Police;

(iii) a peace officer appointed under the *Peace Officer Act* for the purposes of this Act;

(iv) a police officer of the independent agency police service as defined in the *Police Act*, including the chief of the independent agency police service;

NOTE: (2) Section 1(c) presently reads:

1 In this Act,

(c) "peace officer" means a member of a municipal police service, a member of the Royal Canadian Mounted Police, or a peace officer appointed under the Peace Officer Act for the purposes of this Act;

Interpretation Act

Amends RSA 2000 cI-8

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

NOTE: 9(1) Amends chapter I-8 of the Revised Statutes of Alberta 2000.

(2) Section 28(1)(ff) is repealed and the following is substituted:

(ff) "medical examiner" means a medical examiner within the meaning of the *Fatality Inquiries Act*;

NOTE: (2) Section 28(1)(ff) presently reads:

28(1) In an enactment,

(ff) "medical examiner" means a medical examiner appointed under the Fatality Inquiries Act;

(3) This section comes into force on Proclamation.

NOTE: (3) Coming into force.

Office of Statistics and Information Act

Amends RSA 2000 cO-5.5

10(1) The *Office of Statistics and Information Act* is amended by this section.

NOTE: 10(1) Amends chapter O-5.5 of the Revised Statutes of Alberta 2000.

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

Definitions

1 In this Act,

(a) "approved area of interest" means an area of interest approved by the Minister under section 8.02;

(b) "approved data analytics project" means a data analytics project with respect to which the director has granted a project approval under section 8.023(1);

(c) "Commissioner" means the Information and Privacy Commissioner appointed under the *Access to Information Act*;

(d) "comprehensive privacy impact assessment" means a comprehensive privacy impact assessment referred to in section 8.061;

(e) "data analytics project" means a project involving data matching that the Office undertakes under Part 3;

(f) "data derived from personal information" means data derived from personal information as defined in the *Protection of Privacy Act*;

(g) "data matching" means data matching as defined in the *Protection of Privacy Act*;

(h) "director" means the Director of Public Sector Data Analytics designated by the Minister under section 8.01(1);

(i) "eligible custodian" means a custodian, as defined in the *Health Information Act*, that is

(i) a departmental custodian as defined in the *Health Information Act*,

(ii) a ministerial custodian as defined in the *Health Information Act*,

(iii) a provincial health agency as defined in the *Provincial Health Agencies Act*,

(iv) a provincial health corporation as defined in the *Provincial Health Agencies Act*, or

(v) prescribed by the regulations;

(j) "eligible public body" means a public body, as defined in the *Protection of Privacy Act*, that is

(i) a department, branch or office of the Government of Alberta, or

(ii) prescribed by the regulations;

(k) "individually identifying health information" means individually identifying health information within the meaning of the *Health Information Act*;

(l) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(m) "notice of objection" means a notice of objection submitted by a participating public body or participating custodian under section 8.04(1);

(n) "Office" means the Office of Statistics and Information continued under section 2;

(o) "participating custodian" means, with respect to a data analytics project, an eligible custodian from which the Office collects or proposes to collect individually identifying health information for the purposes of the data analytics project;

(p) "participating public body" means, with respect to a data analytics project, an eligible public body from which the Office collects or proposes to collect personal information for the purposes of the data analytics project;

(q) "personal information" means personal information as defined in the *Protection of Privacy Act*;

(r) "privacy review" means a privacy review referred to in section 8.06;

(s) "project approval" means a project approval granted by the director under section 8.023;

(t) "project proposal" means a project proposal submitted to the director under section 8.022(1);

(u) "request for disclosure" means a request for disclosure issued under section 8.03(1);

(v) "requirement to disclose" means a requirement to disclose issued under section 8.051(1);

(w) "respondent" means a person from whom information is sought under Part 2;

(x) "revised request for disclosure" means a revised request for disclosure issued under section 8.041(2).

NOTE: (2) Section 1 presently reads:

1 In this Act,

(a) "Minister" means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;

(b) "Office" means the Office of Statistics and Information continued under section 2;

(c) "respondent" means a person from whom information is sought under this Act.

(3) The following heading is added before section 2:

Part 1
Office of Statistics and Information

NOTE: (3) Adds heading.

(4) Section 3 is amended

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

Purposes and duties of Office

3(1) The purposes of the Office are to

(a) plan, promote, consolidate and develop social and economic statistics or statistical information relating to Alberta, and

(b) support and conduct analysis of matters relating to public sector programs and services within approved areas of interest in accordance with Part 3.

(b) in subsection (2)

(i) in clause (c) by striking out "co-ordinate" **and substituting** "coordinate";

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

(e) to propose, prioritize, develop, coordinate, facilitate and undertake data analytics projects.

NOTE: (4) Section 3 presently reads in part:

3(1) The purpose of the Office is to plan, promote, consolidate and develop social and economic statistics or statistical information relating to Alberta.

(2) The duties of the Office shall include the following:

(c) to co-ordinate statistical activities between the Government of Alberta and statistical agencies of other governments;

(5) The following heading is added before section 5:

Part 2
Statistics and Statistical Information

NOTE: (5) Adds heading.

(6) Section 5 is amended by adding "referred to in section 3(2)(a) to (d)" **after** "the Office".

NOTE: (6) Section 5 presently reads:

5 The Minister may make rules, instructions, schedules and forms as the Minister considers requisite for the carrying out of a duty of the Office.

(7) Section 7.1 is amended

(a) in subsection (1) by adding ", other than for the purposes of Part 3" **after** "this Act";

(b) in subsection (2)(a) by adding "referred to in section 3(2)(a) to (d)" **after** "the Office";

(c) in subsection (3) by adding ", other than under Part 3," **after** "this Act".

NOTE: (7) Section 7.1 presently reads in part:

7.1(1) The Office may collect information, including personal information, directly or indirectly, for the purposes of this Act.

(2) A ministry, municipality, corporation, business or organization is authorized to provide a record in its custody or control to the Office on request that, in the opinion of the Office, may aid

(a) in the carrying out of a duty of the Office, or

(3) A person who requests information under this Act must advise a respondent

(8) The following is added after section 8:

Part 3
Public Sector Data Analytics

Division 1
Director of Public Sector Data Analytics

Director of Public Sector Data Analytics

8.01(1) The Minister may designate an employee under the Minister's administration, other than an employee of the Office, as the Director of Public Sector Data Analytics for the purposes of this Part.

(2) The director may, in writing, delegate any of the director's powers, duties and functions under this Act, except the power to delegate under this section, to an employee of the Government.

Standards and requirements

8.011(1) The director may establish minimum standards and requirements for the purposes of this Part, including standards and requirements respecting

(a) the roles, responsibilities and accountability of the Office, participating public bodies and participating custodians with respect to data analytics projects,

(b) the accuracy, completeness and consistency of

(i) the personal information collected, used and disclosed for the purposes of data analytics projects, and

(ii) the individually identifying health information disclosed for the purposes of data analytics projects,

(c) the methodologies respecting data matching, linking and analysis used in data analytics projects,

(d) the handling, organization and retention of

(i) the personal information collected, used and disclosed for the purposes of data analytics projects,

(ii) the individually identifying health information disclosed for the purposes of data analytics projects, and

(iii) the data derived from personal information created for the purposes of data analytics projects,

and

(e) the security and protection of

(i) the personal information collected, used and disclosed for the purposes of data analytics projects,

(ii) the individually identifying health information disclosed for the purposes of data analytics projects, and

(iii) the data derived from personal information created for the purposes of data analytics projects.

(2) The director may modify a standard or requirement as it applies with respect to a data analytics project.

(3) The standards and requirements, including any modifications made under subsection (2), must be consistent with the *Protection of Privacy Act*, the *Health Information Act* and the regulations made under those Acts.

(4) The Office, participating public bodies and participating custodians must comply with the standards and requirements established under subsection (1) including any modifications made under subsection (2), as applicable.

Division 2
Data Analytics Projects

Areas of interest

8.02 The Minister may approve an area of interest in respect of which data analytics projects may be undertaken if the Minister considers that analysis of the area of interest is reasonably necessary for the development, delivery and evaluation of public sector programs and services.

Data analytics projects

8.021(1) The Office may undertake a data analytics project only if the director has granted a project approval with respect to the data analytics project.

(2) The Office must undertake a data analytics project in accordance with the project approval.

(3) The Office, participating public bodies and participating custodians must comply with any conditions imposed on the project approval under section 8.023(2) when undertaking or participating in a data analytics project.

Application for project approval

8.022(1) The Office may apply for a project approval of a data analytics project by submitting the following to the director:

(a) a project proposal;

(b) a privacy review of the data analytics project;

(c) other documents or information prescribed by the regulations.

(2) The project proposal must include the following information:

(a) the approved area or areas of interest to which the data analytics project relates;

(b) the purpose of the data analytics project, as set out in section 17(1) of the *Protection of Privacy Act*;

(c) the scope and nature of the data analytics project;

(d) the methodology to be used in the data analytics project;

(e) the participating public bodies and the types of personal information the Office intends to request each participating body to disclose for the purposes of the data analytics project;

(f) the participating custodians and the types of individually identifying health information the Office intends to request each participating custodian to disclose for the purposes of the data analytics project;

(g) other information prescribed by the regulations.

Project approval by director

8.023(1) The director may grant a project approval in writing with respect to a data analytics project if the director is satisfied that

(a) the data analytics project relates to one or more approved areas of interest,

(b) the collection, use and disclosure of the personal information and the disclosure of the individually identifying health information relate directly to and are necessary for achieving the purposes of the data analytics project,

(c) the disclosure of the personal information and individually identifying health information and the data matching to be carried out for the purposes of the data analytics project are not harmful to the individuals the information is about,

(d) the benefits to be derived from the data matching referred to in clause (c) are clearly in the public interest, and

(e) the mitigation strategies and safeguards are sufficient to address the privacy risks associated with

(i) the collection, use and disclosure of personal information for the purposes of the data analytics project,

(ii) the disclosure of individually identifying health information for the purposes of the data analytics project, and

(iii) the creation of data derived from personal information for the purposes of the data analytics project.

(2) The director may modify the terms of the data analytics project as set out in the project proposal or impose conditions on the project approval if the director considers that such modifications or conditions are necessary for

(a) addressing privacy or security risks,

(b) protecting

(i) the personal information collected, used or disclosed for the purposes of the data analytics project,

(ii) the individually identifying health information disclosed for the purposes of the data analytics project, or

(iii) the data derived from personal information created for the purposes of the data analytics project,

or

(c) ensuring compliance with the project approval.

(3) The Office, participating public bodies and participating custodians must comply with the conditions imposed under subsection (2) when undertaking or participating in an approved data analytics project.

(4) A project approval must include the following:

(a) the terms of the approved data analytics project as set out in the project proposal, subject to any modifications made by the director under subsection (2);

(b) any conditions imposed by the director under subsection (2);

(c) any modification to a standard or requirement made by the director under section 8.011(2) with respect to the approved data analytics project.

Request for disclosure of information

8.03(1) The Office may issue a request for disclosure in writing to a participating public body or participating custodian for the purposes of an approved data analytics project.

(2) The Office may request that

(a) a participating public body disclose personal information to the Office, or

(b) a participating custodian disclose individually identifying health information to the Office.

(3) A request for disclosure must include the following information:

(a) a description of the approved data analytics project and its purpose;

(b) the types of personal information or individually identifying health information that the Office is requesting the participating public body or participating custodian to disclose;

(c) the period to which the information referred to in clause (b) relates, if applicable;

(d) the date by which the Office requests that the participating public body or participating custodian disclose the information referred to in clause (b);

(e) a description of the process by which the participating public body or participating custodian may object to the request and the period within which a notice of objection must be submitted;

(f) any information prescribed by the regulations.

Authorization to disclose information to Office

8.031(1) On receiving a request for disclosure or revised request for disclosure,

(a) a participating public body may disclose the personal information specified in the request or revised request to the Office, and

(b) subject to subsection (2), a participating custodian may disclose the individually identifying health information specified in the request or revised request to the Office.

(2) A participating custodian may disclose information under subsection (1)(b) without the consent of the individual who is the subject of the information.

Objection to request for disclosure

8.04(1) A participating public body or participating custodian that receives a request for disclosure and objects to the request may submit a notice of objection in writing to the Office.

(2) A notice of objection must be submitted

(a) in accordance with the process described in the request for disclosure, and

(b) within the period specified in the request for disclosure.

(3) A notice of objection must include the following information:

(a) the reasons the participating public body or participating custodian objects to the request for disclosure;

(b) a description of any modifications to the request for disclosure proposed by the participating public body or participating custodian;

(c) any information prescribed by the regulations.

Resolution of objection

8.041(1) On receiving a notice of objection, the Office must make reasonable attempts to resolve the objection by

(a) clarifying the request for disclosure,

(b) modifying the request for disclosure, whether in accordance with the modifications proposed in the notice of objection or otherwise, or

(c) withdrawing the request for disclosure.

(2) If the Office and participating public body or participating custodian resolve the objection, the Office may issue a revised

request for disclosure in writing to the participating public body or participating custodian.

(3) A revised request for disclosure must

(a) contain the information referred to in section 8.03(3), as agreed to by the Office and the participating public body or participating custodian in resolving the objection, and

(b) comply with the project approval.

Application for authorization to require disclosure

8.05(1) If, after making reasonable attempts under section 8.041, the Office considers that it is not reasonably possible to resolve an objection, the Office may apply to the director in writing for an authorization to require disclosure.

(2) An application must include the following:

(a) a copy of the request for disclosure;

(b) a copy of the notice of objection;

(c) information or documents respecting the attempts to resolve the objection under section 8.041.

(3) On receiving an application, the director must

(a) notify the participating public body or participating custodian that submitted the notice of objection that the Office has applied for authorization to require disclosure, and

(b) give the participating public body or participating custodian an opportunity to submit comments respecting the request for disclosure, the notice of objection, attempts to resolve the objection and any other relevant matters.

(4) The director may authorize the Office to require disclosure if the director is satisfied that based on the application and any comments submitted under subsection (3), the disclosure

(a) is in accordance with the project approval, and

(b) meets the criteria set out in section 8.023(1).

Requirement to disclose

8.051(1) If the director authorizes the Office to require disclosure under section 8.05(4), the Office may issue a requirement to disclose to the participating public body or participating custodian in writing.

(2) A requirement to disclose must include the following information:

(a) a description of the approved data analytics project and its purpose;

(b) the types of personal information or individually identifying health information that the participating public body or participating custodian is required to disclose;

(c) the period to which the information referred to in clause (b) relates, if applicable;

(d) the date by which the participating public body or participating custodian must disclose the information;

(e) a statement that the director has authorized the Office to require the participating public body or participating custodian to disclose the information referred to in clause (b);

(f) other information prescribed by the regulations.

(3) A participating public body or participating custodian to which a requirement to disclose is issued must disclose the personal information or individually identifying health information, as the case may be, in accordance with the requirement for disclosure.

(4) Sections 57 and 58 of the *Health Information Act* do not apply where a participating custodian is required to disclose individually identifying health information under this section.

Division 3
Privacy Requirements

Privacy review

8.06(1) A privacy review for a data analytics project must

(a) identify and review the risks associated with

(i) the collection, use and disclosure of personal information for the purposes of the data analytics project,

(ii) the disclosure of individually identifying health information for the purposes of the data analytics project, and

(iii) the creation of data derived from personal information for the purposes of the data analytics project,

(b) develop mitigation strategies and safeguards respecting those risks,

(c) address how the Office will comply with its duties under this Act and the *Protection of Privacy Act*, and

(d) comply with the requirements set out in the regulations.

(2) The Office must prepare a privacy review and submit it to the director in the additional circumstances prescribed in the regulations.

Comprehensive privacy impact assessment

8.061(1) The Office must prepare a comprehensive privacy impact assessment with respect to its activities under this Part and submit it to the Commissioner before the Office undertakes its first data analytics project after this section comes into force.

(2) The comprehensive privacy impact assessment must

(a) identify and review risks to privacy and confidentiality associated with

(i) a participating public body's disclosure of personal information to the Office,

(ii) a participating custodian's disclosure of individually identifying health information to the Office,

(iii) the Office's collection and use of personal information, and

(iv) the Office's creation, use, retention and disclosure of data derived from personal information,

(b) develop mitigation strategies and safeguards respecting those risks,

(c) address how the Office, participating public bodies and participating custodians will comply with their duties under this Part, the *Protection of Privacy Act* and the *Health Information Act*, as applicable, and

(d) comply with any requirements set out in the regulations.

(3) Notwithstanding the *Protection of Privacy Act* and *Health Information Act*,

(a) the requirement to prepare a comprehensive privacy impact assessment replaces the requirement for the Office to prepare a privacy impact assessment under the *Protection of Privacy Act* with respect to a data analytics project,

(b) a participating public body or participating custodian is not required to prepare a privacy impact assessment under the applicable Act in respect of a data analytics project, and

(c) the *Protection of Privacy Act* does not apply with respect to a comprehensive privacy impact assessment.

Updates to comprehensive privacy impact assessment

8.062 The Office must update the comprehensive privacy impact assessment and submit it to the Commissioner in the following circumstances:

(a) annually;

(b) when there is a substantial change to a matter referred to in section 8.061(2).

Application of Protection of Privacy Act

8.07(1) Notwithstanding section 17(4) of the *Protection of Privacy Act*, section 17(3) of that Act applies to the Office for the purposes of this Part.

(2) Notwithstanding section 18(3) of the *Protection of Privacy Act*, section 18(1) and (2) of that Act apply to the Office for the purposes of this Part.

Non-application of Health Information Act

8.071 This Part prevails over the following provisions of the *Health Information Act* with respect to the disclosure of individually identifying health information to the Office by a participating custodian for the purposes of a data analytics project:

(a) sections 41 and 42;

(b) Part 5, Division 3;

(c) a provision prescribed by the regulations.

Conflict with other enactments

8.072 Nothing in this Part is to be construed as authorizing a participating public body or participating custodian to disclose personal information or individually identifying health information for the purposes of this Part if disclosure of the information for the purposes of this Part is prohibited under a statute or regulation of Alberta or Canada.

Division 4
General

Reporting to participating public bodies and participating custodians

8.08(1) The Office must provide the following reports, summaries and other publications to a participating public body or participating custodian with respect to an approved data analytics project in which the public body or custodian is or has been participating:

(a) the results of the analysis undertaken by the Office for the purposes of the approved data analytics project;

(b) the outcomes of the approved data analytics project.

(2) The reports, summaries and publications must be provided

(a) at the reasonable request of the participating public body or participating custodian, and

(b) after the completion of the approved data analytics project.

Annual report

8.081(1) The Office must prepare an annual report respecting the Office's activities under this Part and submit the report to the director for approval.

(2) The annual report must include the following information with respect to the year to which the report relates:

(a) any areas of interest approved by the Minister;

(b) a summary of the data analytics projects undertaken by the Office;

(c) an overview of the types of personal information

(i) collected and used by the Office for the purposes of data analytics projects, and

(ii) disclosed by each participating public body for the purposes of the data analytics projects;

(d) an overview of the types of individually identifying health information disclosed by each participating custodian for the purposes of the data analytics projects;

(e) a description of the measures taken by the Office to comply with

(i) the standards and requirements established under section 8.011(1), including any modifications to the standards and requirements, and

(ii) any conditions imposed by the director on project approvals;

(f) information respecting compliance with this Act, the regulations or the standards and requirements established under section 8.011(1), including a summary of the actions taken by the director under section 8.09(1) and (2), any determinations of non-compliance made by the director and the status of measures taken by the Office in response to those determinations;

(g) other information prescribed by the regulations.

(3) The Office must make the approved annual report publicly available.

Provision of services

8.082 Notwithstanding the *Provincial Health Agencies Act* or the regulations made under that Act, a provincial health agency or provincial health corporation may provide services to the Minister for the purposes of this Part.

Compliance

8.09(1) For the purposes of determining whether the Office is complying with this Act, the regulations, the standards and requirements established under section 8.011(1), including any modifications to the standards and requirements, or the conditions imposed on a project approval, the director may

(a) review the Office's activities, practices and procedures under this Part,

(b) require the Office to provide relevant records, documents or information, and

(c) require the Office to prepare reports or other documentation respecting its compliance with this Act, the regulations, the standards and requirements established under section 8.011(1), including any modification to the standards and requirements, or a condition imposed on a project approval.

(2) If the director is satisfied that the Office has failed to comply with this Act, the regulations, the standards and requirements established under section 8.011(1), a modification to the standards and requirements or a condition imposed on a project approval, the director may

(a) require the Office to take measures to remedy the non-compliance,

(b) vary the conditions or impose new conditions on a project approval,

(c) direct the Office to terminate or suspend an activity carried out under this Part, or

(d) amend, suspend or revoke a project approval.

NOTE: (8) Part 3 Public Sector Data Analytics.

(9) The following heading is added before section 8.1:

Part 4
General

NOTE: (9) Adds heading.

(10) Section 8.1 is amended by adding the following after subsection (2):

(3) This section does not apply with respect to records in the custody or control of the Office for the purpose of Part 3.

NOTE: (10) Excludes application of section to records under Part 3.

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

Regulations

11 The Lieutenant Governor in Council may make regulations

(a) prescribing custodians as eligible custodians for the purposes of section 1(i)(v);

(b) prescribing public bodies as eligible public bodies for the purposes of section 1(j)(ii);

(c) respecting the collection, use or disclosure of information, including personal information, under sections 6 to 8 and 8.1;

(d) respecting the taking of mandatory censuses or surveys for the purposes of section 7;

(e) respecting project approvals, including regulations

(i) respecting applications for project approvals,

(ii) prescribing documents and information for the purposes of section 8.022(1)(c), and

(iii) respecting the suspension or revocation of project approvals;

(f) respecting the imposition of conditions on project approvals for the purposes of section 8.023(2);

(g) prescribing information that must be included in project proposals, requests for disclosure, revised requests for disclosure, notices of objection, requirements to disclose and annual reports;

(h) respecting requests for disclosure, revised requests for disclosure, notices of objection and requirements to disclose;

(i) respecting privacy reviews, including requirements with which privacy reviews must comply and additional circumstances in which privacy reviews are required;

(j) respecting comprehensive privacy impact assessments, including requirements with which comprehensive privacy impact assessments must comply;

(k) respecting updates to comprehensive privacy impact assessments, including information that must be included in updates;

(l) respecting procedural requirements, including manner, form and timing, with respect to

(i) the submission of applications for project approvals and authorizations to require disclosure,

(ii) the issuance of requests for disclosure, revised requests for disclosure and requirements to disclose, and

(iii) the submission of notices of objection, comprehensive privacy impact assessments, updates

to comprehensive privacy impact assessments and annual reports;

(m) prescribing provisions of the *Health Information Act* over which this Act prevails for the purposes of section 8.071(c);

(n) defining any word or expression used but not defined in this Act;

(o) respecting any matter the Lieutenant Governor in Council considers necessary to carry out the purposes of this Act.

NOTE: (11) Section 11 presently reads:

11 The Lieutenant Governor in Council may make regulations

(a) respecting the collection, use or disclosure of information under sections 6 to 8.1;

(b) respecting the taking of a mandatory census or survey;

(c) governing any matter the Lieutenant Governor in Council considers necessary to carry out the purposes of this Act.

(12) This section comes into force on Proclamation.

NOTE: (12) Coming into force.

Peace Officer Act

Amends SA 2006 cP-3.5

11(1) The *Peace Officer Act* is amended by this section.

NOTE: 11(1) Amends chapter P-3.5 of the Statutes of Alberta, 2006.

(2) Section 19 is amended

(a) by adding the following before subsection (1):

(0.1) In this section,

(a) "chief executive officer" means the chief executive officer as defined in the *Police Act*;

(b) "integrated investigative unit" means the integrated investigative unit established by the Minister under section 43.3 of the *Police Act*.

(b) in subsection (1.1) by striking out "as defined in the *Police Act*";

(c) in subsection (3) by striking out "established under section 43.3 of the *Police Act*";

(d) by repealing subsection (3.1) and substituting the following:

(3.1) When the chief executive officer becomes aware of an incident or complaint under subsection (1.1), the chief executive officer must request the integrated investigative unit to conduct an investigation.

(e) in subsection (4) by striking out "established under section 43.3 of the *Police Act*".

NOTE: (2) Section 19 presently reads in part:

(1.1) An authorized employer must contact the chief executive officer as defined in the Police Act and provide a report to the Director as soon as the authorized employer becomes aware of

(3) The Director may request a police service, the integrated investigative unit established under section 43.3 of the Police Act or any other person to conduct an investigation into an incident or matter, or to take over an investigation.

(3.1) The chief executive officer, as defined in the Police Act, must request the integrated investigative unit established under section 43.3 of the Police Act to conduct an investigation as soon as the chief executive officer becomes aware of an investigation under this section.

(4) If the Director conducts an investigation of an incident or matter under subsection (2), or a police service, the integrated investigative unit established under section 43.3 of the Police Act or any other person conducts an investigation under subsection (3), the Director must notify the peace officer who is the subject of the investigation and the peace officer's authorized employer in writing

Police Act

Amends RSA 2000 cP-17

12(1) The *Police Act* is amended by this section.

NOTE: 12(1) Amends chapter P-17 of the Revised Statutes of Alberta 2000.

(2) Section 1 is amended

(a) by repealing clause (f.4) and substituting the following:

(f.4) "independent agency police service" means the Alberta Sheriffs Police Service established under section 33.4;

(b) in clauses (k)(v) and (l)(vi) by striking out "an independent" **and substituting** "the independent".

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

1 In this Act,

(f.4) "independent agency police service" means a police service established under Part 3.2;

(k) "police officer" means an individual who

(v) is a member of an independent agency police service;

(l) "police service" means

(vi) an independent agency police service;

(3) Section 17(1) is amended

(a) in clause (a.1) by striking out "42.2(5) or";

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

(b) shall conduct appeals referred to the Board under section 43.5(5) or 48 in accordance with section 19.2,

NOTE: (3) Section 17(1) presently reads in part:

17(1) The Board

(a.1) shall conduct reviews of decisions of the Police Review Commission or its chief executive officer referred to the Board under section 42.2(5) or 43(7)(b)(i),

(b) shall conduct appeals referred to the Board under section 48 in accordance with section 19.2,

(4) Section 20(1.1) is amended

(a) by striking out "42.2(5) or";

(b) by striking out "42.2(3)(a)" **and substituting** "42.2(4)(b)".

NOTE: (4) Section 20(1.1) presently reads in part:

(1.1) On an application for review of a decision of the Police Review Commission or its chief executive officer under section 42.2(5) or 43(7)(b)(i), the Board shall without a hearing review the record of the proceedings under section 42.2(3)(a) or 43(3) or (4), as the case may be, and the reasons for the decision and may

(5) The heading preceding section 33.4 is amended by striking out "Services" and substituting "Service".

NOTE: (5) The heading preceding section 33.4 presently reads:

Part 3.2
Independent Agency Police Services

(6) Section 33.4 is repealed and the following is substituted:

Independent agency police service

33.4(1) The Alberta Sheriffs Police Service is established for the provision of policing services to all or any part of Alberta and for any additional purposes prescribed in the regulations.

(2) The independent agency police service consists of

(a) the chief of the independent agency police service,

(b) police officers of the independent agency police service, and

(c) employees of the independent agency police service.

(3) The independent agency police service shall be, subject to section 33.94(2), under the general direction of the Minister in matters respecting the provision of policing services to all or any part of Alberta and in matters respecting any additional purposes prescribed for the purposes of subsection (1).

(4) In accordance with the *Public Service Act*, there may be appointed any employees required to conduct the business of the independent agency police service.

(5) The independent agency police service shall perform additional duties and responsibilities prescribed in the regulations.

NOTE: (6) Section 33.4 presently reads:

33.4(1) On the recommendation of the Minister, the Lieutenant Governor in Council may, by regulation,

establish independent agency police services for the provision of policing services to all or any part of Alberta as specified in the regulations and for any additional purposes prescribed in the regulations.

(2) An independent agency police service is a corporation, and a regulation made under subsection (1) may address any matters that the Lieutenant Governor in Council considers necessary or advisable for the establishment and operation of an independent agency police service as a corporation or for the winding up of the affairs of an independent agency police service.

(3) An independent agency police service has the capacity and, subject to this Act and the regulations, the rights, powers and privileges of a natural person.

(4) An independent agency police service shall be, subject to section 33.94(2), under the general direction of the Minister in matters respecting the provision of policing services to all or any part of Alberta and in matters respecting any additional purposes prescribed for the purpose of subsection (1).

(5) An independent agency police service shall perform additional duties and responsibilities prescribed in the regulations.

(7) Section 33.6 is amended

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

Appointment of police officers of independent agency police service

33.6(1) The chief of the independent agency police service shall appoint, in accordance with the *Public Service Act*, the police officers of the independent agency police service.

(b) in subsections (2) and (4) by striking out "an independent" **and substituting** "the independent".

NOTE: (7) Section 33.6 presently reads in part:

33.6(1) The chief of an independent agency police service shall appoint the police officers of that independent agency police service.

(2) To be eligible to be appointed as a police officer of an independent agency police service, a person must be a Canadian citizen or lawfully admitted to Canada for permanent residence and meet the other qualifications specified by the regulations and the Oversight Board.

(4) Subject to the regulations, the chief of an independent agency police service may establish a probationary period of service for a person who is

(8) Section 33.7 is amended

(a) in subsections (1) and (2) by striking out "an independent" **and substituting** "the independent";

(b) in subsection (3)

(i) in the portion preceding clause (a) by striking out "an independent" **and substituting** "the independent";

(ii) in clause (e)

(A) by striking out "an independent" **and substituting** "the independent";

(B) by striking out "disposition of the complaint." **and substituting** "disposition of the complaint;";

(c) by adding the following after subsection (3):

(3.1) Where the Police Review Commission is responsible for administering a Level 1, Level 2 or Level 3 complaint and the independent agency police service is responsible for a related Level 4 or Level 5 complaint made by the same complainant, the chief of the independent agency police service is accountable to report to the Police Review Commission the disposition of the Level 4 or Level 5 complaint under section 42.2(7)(d) or (e).

NOTE: (8) Section 33.7 presently reads in part:

33.7(1) The chief of an independent agency police service is responsible for the following:

(2) For the purposes of subsection (1), the chief of an independent agency police service shall issue orders and make directives as the chief of the independent agency police service considers necessary.

(3) The chief of an independent agency police service is accountable to the Oversight Board for the following:

(e) the reporting to the Oversight Board and the Police Review Commission of any complaint focused on the policies of or services provided by an independent agency police service, any actions taken to address the complaint and the disposition of the complaint.

(9) Section 33.72 is repealed.

NOTE: (9) Section 33.72 presently reads:

33.72 An independent agency police service shall prepare and keep records, reports, accounts and returns and submit them to the Minister in accordance with the regulations.

(10) Section 33.73 is repealed and the following is substituted:

Independent agency police service budgets and fiscal updates

33.73 In accordance with the regulations, if any, the chief of the independent agency police service shall prepare budgets and fiscal updates and submit them to the Oversight Board for approval before the budget or fiscal update is submitted to the Minister.

NOTE: (10) Section 33.73 presently reads:

33.73(1) An independent agency police service shall prepare budgets and fiscal updates and submit them to the Minister in accordance with the regulations.

(2) The Minister shall review a budget submitted under subsection (1) and, subject to an annual appropriation from the Legislature, allocate funds to the independent agency police service that submitted the budget.

(3) The independent agency police service that submitted the budget shall disburse the funds allocated by the Minister.

(11) Section 33.74 is amended by striking out "An independent" **and substituting** "The independent".

NOTE: (11) Updates terminology.

(12) Section 33.75 is amended by striking out "an independent agency police service for the provision of policing services" **and substituting** "the Crown in right of Alberta for the provision of policing services by the independent agency police service".

NOTE: (12) Section 33.75 presently reads:

33.75 The council of a municipality referred to in section 4(2) or (5) may enter into an agreement with an independent agency police service for the provision of policing services specifically for the municipality.

(13) Section 33.9 is amended

(a) in subsection (1) by striking out "by independent agency police services" **wherever it occurs and substituting** "by the independent agency police service";

(b) in subsection (1.1) by striking out "an independent" **wherever it occurs and substituting** "the independent";

(c) by repealing subsection (2) and substituting the following:

(2) The Oversight Board shall do the following:

(a) in consultation with the chief of the independent agency police service,

(i) establish policies respecting the implementation of the policies and priorities developed by the Minister under section 33.94(1)(a), and

(ii) establish performance measures with respect to policing services provided by the independent agency police service;

(b) develop, with a focus on merit and increased community engagement, a diversity and inclusion plan in conjunction with the independent agency police service.

(2.1) The Oversight Board may do the following:

(a) in consultation with the chief of the independent agency police service,

(i) evaluate whether the independent agency police service's performance meets established goals and objectives and recommend improvements to the chief of the independent agency police service, and

(ii) review any policies of the independent agency police service and recommend improvements to the chief of the independent agency police service;

(b) if the Oversight Board considers it necessary to do so, issue instructions to the chief of the independent agency police service with respect to the implementation of policies established by the Oversight Board under subsection (2)(a);

(c) request information from the independent agency police service policing committees related to policing services provided by the independent agency police service for the purposes of reviewing and assessing those policing services;

(d) exercise other powers and perform other duties and functions specified by the regulations.

NOTE: (13) Section 33.9 presently reads in part:

33.9(1) Subject to subsection (1.1), the Oversight Board shall oversee the policing services provided by independent agency police services, including additional duties and responsibilities performed by independent agency police services under this Act and the regulations.

(1.1) The Oversight Board shall not

(a) provide direction to any member of an independent agency police service other than the chief,

(b) issue any instruction respecting policies that is inconsistent with the duties and responsibilities conferred on a chief of an independent agency police service under section 33.7,

(c) provide any direction, policy, priority, strategy or plan to the chief of an independent agency police service respecting

or

(d) provide any direction, policy, priority, strategy or plan that

(i) requires a member of an independent agency police service to do anything or refrain from doing anything that is inconsistent with the member's duties under this Act, or

(ii) prohibits a member of an independent agency police service from collecting information for the purpose of investigating an offence or assisting with the prosecution of an offence.

(2) The Oversight Board, in consultation with the chiefs of the independent agency police services, shall

(d) develop, with a focus on merit and increased community engagement, a diversity and inclusion plan in conjunction with the independent agency police services, and

(e) exercise other powers and perform other duties and functions specified by the regulations.

(14) Section 33.91 is amended

(a) by striking out "an independent" **and substituting** "the independent";

(b) in clauses (a) and (b) by striking out "that independent" **and substituting** "the independent".

NOTE: (14) Section 33.91 presently reads:

33.91 Every police officer of an independent agency police service

(a) shall be subject to the jurisdiction of the chief of that independent agency police service and the Oversight Board, and

(b) shall obey the directions of the chief of that independent agency police service and the Oversight Board.

(15) Section 33.94 is amended

(a) in subsection (1)(a) and (b) by striking out "independent agency police services" **and substituting** "the independent agency police service";

(b) in subsection (2)(b), (c)(iii) and (iv) and (d) by striking out "an independent" **wherever it occurs and substituting** "the independent";

(c) in subsection (3) by striking out "independent agency police services" **and substituting** "the independent agency police service".

NOTE: (15) Section 33.94 presently reads in part:

33.94(1) Subject to subsection (2), the Minister shall

(a) develop policies and priorities for independent agency police services,

(b) provide general directions to the Oversight Board regarding the operations of independent agency police services, and

(2) The Minister shall not

(b) provide direction to any member of an independent agency police service, including to the chief,

(c) provide any direction, policy, priority, strategy or plan respecting

(iii) the discipline of any specific member of an independent agency police service,

(iv) the day to day administration of an independent agency police service, or

(d) provide any direction, policy, priority, strategy or plan that

(i) requires a member of an independent agency police service to do anything or refrain from doing anything that is inconsistent with the member's duties under this Act, or

(ii) prohibits a member of an independent agency police service from collecting information for the purpose of investigating an offence or assisting with the prosecution of an offence.

(3) The Minister shall publish on the website of the Minister's department the policies and priorities developed for independent agency police services under subsection (1)(a).

(16) Section 33.95 is repealed and the following is substituted:

Part 3.2 regulations

33.95 The Lieutenant Governor in Council may make regulations

(a) prescribing additional purposes for the purpose of section 33.4(1);

(b) prescribing and governing, subject to this Act, additional duties and responsibilities of the independent agency police service for the purpose of section 33.4(5);

(c) specifying qualifications for the purposes of sections 33.5(3) and 33.6(2);

(d) respecting, subject to this Act, the responsibilities of the chief of the independent agency police service for the purpose of section 33.7, including prescribing additional functions and responsibilities of the chief of the independent agency police service for the purposes of section 33.7(1)(f) and (3)(f), as the case may be;

(e) respecting the budgets and fiscal updates of the independent agency police service for the purpose of section 33.73, including regulations

(i) specifying the information that budgets and fiscal updates must contain, and

(ii) respecting the time at or within which and the form and manner in which budgets and fiscal updates must be submitted to the Oversight Board and Minister;

(f) respecting the annual reports of the independent agency police service for the purpose of section 33.74, including regulations

(i) specifying the information that annual reports must contain, and

(ii) respecting the time at or within which and the form and manner in which annual reports must be submitted to the Minister;

(g) respecting the establishment of independent agency police service policing committees for the purpose of section 33.76(1);

(h) governing the powers, duties and functions of independent agency police service policing committees for the purpose of section 33.76(2);

(i) respecting the payment of remuneration, gratuities and allowances to members of independent agency police service policing committees under section 33.76(4);

(j) respecting, subject to this Act, the appointment of members of the Oversight Board by the Minister for the purpose of section 33.8(1);

(k) prescribing matters for the purpose of section 33.9(1.1)(c)(v);

(l) respecting, subject to this Act, other powers, duties and functions of the Oversight Board for the purpose of section 33.9(2.1)(d);

(m) respecting, subject to this Act, additional duties and functions of the Minister for the purpose of section 33.94(1)(c);

(n) prescribing matters for the purpose of section 33.94(2)(c)(v).

NOTE: (16) Section 33.95 presently reads:

33.95 The Lieutenant Governor in Council may make regulations

(a) specifying for the purpose of section 33.4(1) whether an independent agency police service may provide policing services to all or a part of Alberta and, if an independent agency police service may provide policing services to a part of Alberta, the part of Alberta to which the independent agency police service may provide policing services;

(b) prescribing additional purposes for the purpose of section 33.4(1);

(c) respecting any matters that the Lieutenant Governor in Council considers necessary or advisable for the establishment and operation of an independent agency police service as a corporation or for the winding up of the affairs of an independent agency police service, including regulations

(i) determining or providing for the manner of determining the head office of an independent agency police service,

(ii) respecting the appointment of corporate officers of an independent agency police service,

(iii) respecting the size and composition of the board of directors of an independent agency police service,

(iv) respecting the appointment of members of the board of directors of an independent agency police service, eligibility and qualifications for membership, the terms of office of members, the termination and disqualification of members, the filling of vacancies and the remuneration and expenses payable to members,

(v) respecting the designation of a chair and vice-chair of the board of directors of an independent agency police service,

(vi) respecting the powers of the board of directors of an independent agency police service, including regulations respecting the ability of the board of directors to delegate those powers,

(vii) respecting the bylaws of an independent agency police service, including regulations authorizing or requiring the board of directors of an independent agency police service to make bylaws respecting the general conduct, operation, management and financial matters of the independent agency police service,

(viii) respecting the financial matters of an independent agency police service, including regulations respecting

(A) the borrowing and investment powers of an independent agency police service and matters relating to borrowing and

investment by an independent agency police service,

(B) the giving of indemnities and guarantees by an independent agency police service, including regulations authorizing the giving of indemnities and guarantees, respecting the persons to whom indemnities and guarantees may be given and respecting any terms and conditions that apply to indemnities and guarantees,

(C) the acquisition, leasing and disposal of assets and equipment by an independent agency police service,

(D) money donated to an independent agency police service,

(E) the surpluses and deficits of an independent agency police service, and

(F) requirements relating to the preparation of the financial records of an independent agency police service,

(ix) specifying whether an independent agency police service is an agent of the Crown in right of Alberta, and

(x) authorizing the Minister to wind up or provide for the winding up of the affairs of an independent agency police service;

(d) prescribing and governing, subject to this Act, additional duties and responsibilities of an independent agency police service for the purpose of section 33.4(5);

(e) prescribing and governing, subject to this Act, additional functions and responsibilities of a chief of an independent agency police service for the purposes of section 33.7(1)(f) and (3)(f);

(f) respecting the records, reports, accounts and returns of an independent agency police service for the purpose of section 33.72, including regulations

(i) specifying the information that records, reports, accounts and returns must contain,

(ii) respecting the form and manner in which records, reports, accounts and returns must be kept, and

(iii) respecting the time at or within which and the form and manner in which records, reports, accounts and returns must be submitted to the Minister;

(g) respecting the budgets and fiscal updates of an independent agency police service for the purpose of section 33.73(1), including regulations

(i) specifying the information that budgets and fiscal updates must contain, and

(ii) respecting the time at or within which and the form and manner in which budgets and fiscal updates must be submitted to the Minister;

(h) respecting the annual reports of an independent agency police service for the purpose of section 33.74, including regulations

(i) specifying the information that annual reports must contain, and

(ii) respecting the time at or within which and the form and manner in which annual reports must be submitted to the Minister;

(i) respecting the establishment of independent agency police service policing committees;

(j) governing the powers, duties and functions of independent agency police service policing committees;

(k) respecting the payment of remuneration, gratuities and allowances to members of independent agency

police service policing committees under section 33.76(4);

(l) respecting, subject to this Act, the appointment of members of the Oversight Board by the Minister for the purpose of section 33.8(1);

(m) prescribing matters for the purpose of section 33.9(1.1)(c)(v);

(n) respecting, subject to this Act, other powers, duties and functions of the Oversight Board for the purpose of section 33.9(2)(e);

(o) respecting, subject to this Act, additional duties and functions of the Minister for the purpose of section 33.94(1)(c);

(p) prescribing matters for the purpose of section 33.94(2)(c)(v).

(17) The following is added after section 33.95:

Transitional — independent agency police service

33.951(1) In this section,

(a) "former Part" means this Part as it read immediately before the coming into force of this section;

(b) "Independent Agency Police Service Corporation" means the Independent Agency Police Service Corporation established under the *Independent Agency Police Service Regulation* (AR 163/2025) made under the former Part and continued in force under subsection (3).

(2) The Independent Agency Police Service Corporation is continued as a corporation under the same name and may be dealt with in accordance with the former Part and the *Independent Agency Police Service Regulation* (AR 163/2025) made under the former Part and continued in force under subsection (3).

(3) A regulation made under the former Part that is in force on the coming into force of this section continues in force and may

be replaced, repealed or amended by a regulation made by the Lieutenant Governor in Council in accordance with the former Part.

(4) A regulation continued or made under subsection (3) is repealed on the earliest of the following:

(a) the coming into force of a regulation that repeals the regulation continued or made under subsection (3);

(b) the expiration of 3 years from the coming into force of this section.

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

(6) This section is repealed 3 years after this section comes into force, but the repeal does not affect anything done, incurred or acquired under the authority of this section, the former Part or a regulation continued or made under subsection (3) before the repeal of this section.

NOTE: (17) Transitional — independent agency police service.

(18) Parts 3.3 and 3.4 are repealed.

NOTE: (18) Parts 3.3 and 3.4 presently read:

Part 3.3
Transfer of Employees

33.96(1) In this Part and Part 3.4,

(a) "successor employer" means the independent agency police service established by the Independent Agency Police Service Regulation (AR 163/2025);

(b) "transfer order" means an order made under section 33.97 transferring an employee or a class of

employees of the Crown in right of Alberta to the successor employer.

(2) A reference in this Part to an employment contract does not include a collective agreement or any agreement relating to a collective agreement.

33.97(1) Notwithstanding the terms of an employment contract, the Minister may, by order, transfer an employee or a class of employees of the Crown in right of Alberta to the successor employer.

(2) A transfer order must

(a) specify the employees or classes of employees being transferred to the successor employer, and

(b) set the date on which the transfer takes effect.

(3) On the date referred to in subsection (2)(b), all employees transferred by a transfer order become employees of the successor employer and cease to be employees of the Crown in right of Alberta.

(4) The employment of an employee transferred by a transfer order is deemed to be continuous and uninterrupted.

33.98(1) Subject to subsection (2), the Minister may publish a transfer order or otherwise make a transfer order publicly available.

(2) The Minister must not publish or make publicly available a transfer order that includes the name of an employee being transferred by the transfer order.

33.99 Notwithstanding the Employment Standards Code or any other enactment or the terms of any employment contract, no employee transferred by a transfer order is entitled to severance pay, termination pay, termination notice, pay in lieu of notice or other compensation, including under the common law, as a result of

(a) the employee being specified in a transfer order, individually or as part of a class of employees, if the position with the successor employer to which the employee will be transferred is substantially the

same as the employee's position with the Crown in right of Alberta, or

(b) the transfer of the employee if the position with the successor employer is substantially the same as the employee's position with the Crown in right of Alberta.

Part 3.4
Labour Relations

33.991(1) In this Part,

(a) "initial bargaining agent" means the certified bargaining agent for the employees in the initial bargaining unit;

(b) "initial bargaining unit" means the bargaining unit of the employees of the initial employer;

(c) "initial collective agreement" means the collective agreement between the initial bargaining agent and the initial employer that is in force immediately before the initial transfer date;

(d) "initial employer" means the Crown in right of Alberta;

(e) "initial transfer date" means the date on which employees or a class of employees specified in a transfer order who are in the initial bargaining unit are first transferred to the successor employer by a transfer order;

(f) "successor bargaining agent" means the bargaining agent for the employees in the successor bargaining unit;

(g) "successor bargaining unit" means the bargaining unit composed of those employees of the successor employer who were in the initial bargaining unit prior to being transferred by a transfer order;

(h) "successor collective agreement" means a collective agreement between the successor

bargaining agent and the successor employer continued in force under section 33.995(1).

(2) Words and expressions defined in the Public Service Employee Relations Act and not defined in this Part but used in this Part have the same meaning as in the Public Service Employee Relations Act unless the context provides otherwise.

33.992(1) The Public Service Employee Relations Act applies for the purposes of this Part, but where there is a conflict or inconsistency between this Part and the Public Service Employee Relations Act, this Part prevails.

(2) For the purposes of the Public Service Employee Relations Act,

(a) the successor bargaining agent granted a certificate under section 33.994(2) is a certified bargaining agent within the meaning of the Public Service Employee Relations Act,

(b) the successor bargaining unit is a bargaining unit within the meaning of the Public Service Employee Relations Act, and

(c) the successor collective agreement is a collective agreement within the meaning of the Public Service Employee Relations Act.

33.993 A successor bargaining unit is established on the initial transfer date consisting of the employees of the successor employer specified in the transfer order, individually or as a class of employees, who were in the initial bargaining unit prior to being transferred by the transfer order.

33.994(1) The initial bargaining agent is deemed to be the successor bargaining agent for the employees in the successor bargaining unit established under section 33.993.

(2) The Labour Relations Board shall grant a certificate to the successor bargaining agent naming the successor employer as the employer and describing the bargaining unit in respect of which the successor bargaining agent is certified as the bargaining agent.

(3) The successor bargaining agent has exclusive authority to bargain collectively on behalf of the employees in the successor bargaining unit and to bind them by a collective agreement.

(4) A certificate granted under subsection (2) is deemed to have been granted on the initial transfer date.

33.995(1) On the initial transfer date, the initial collective agreement in respect of the employees in the initial bargaining unit is continued in force as the successor collective agreement in respect of the employees in the successor bargaining unit.

(2) The successor collective agreement binds the successor employer, successor bargaining agent and employees in the successor bargaining unit as if the collective agreement had been signed by the successor employer and successor bargaining agent.

(3) The Labour Relations Board may, on the application of the successor employer or successor bargaining agent, amend the successor collective agreement to the extent required to give effect to a transfer order or to otherwise address a labour relations difficulty arising from the transfer order.

33.996(1) The initial bargaining unit continues as the bargaining unit for employees in the initial bargaining unit who have not yet been transferred to the successor employer.

(2) The initial bargaining agent continues as the bargaining agent for employees in the initial bargaining unit who have not yet been transferred to the successor employer.

(3) The initial collective agreement continues in force with respect to the initial employer, initial bargaining agent and employees represented by the initial bargaining agent who have not yet been transferred to the successor employer.

(4) The Public Service Employee Relations Act continues to apply with respect to the initial collective agreement.

33.997(1) In this section,

(a) "employee transfer date" means, with respect to a specific employee or class of employees in the initial bargaining unit, the date on which the transfer of the employee or class of employees to the successor employer under a transfer order takes effect;

(b) "labour relations matter" means

(i) an application, complaint or reference to the Labour Relations Board,

(ii) a proceeding or other action before the Labour Relations Board,

(iii) an action taken by the Labour Relations Board or an officer under section 13 of the Labour Relations Code or Part 2 of the Public Service Employee Relations Act,

(iv) an arbitration before an arbitrator or arbitration board under Division 22 of Part 2 of the Labour Relations Code, or

(v) a grievance or difference arising under a collective agreement.

(2) Where a labour relations matter relating to a specific employee or class of employees has not been concluded, disposed of or resolved before the employee transfer date,

(a) the labour relations matter is continued on the employee transfer date,

(b) the successor employer replaces the initial employer as a party, and

(c) the successor bargaining agent replaces the initial bargaining agent as a party.

(3) Where a labour relations matter other than one referred to in subsection (2) has not been concluded, disposed of or resolved before the initial transfer date,

(a) the labour relations matter is continued on the initial transfer date,

(b) with respect to a labour relations matter referred to in subsection (1)(b)(iv) or (v), the arbitrator or arbitration board may declare the following:

(i) the initial employer or initial bargaining agent continue as parties to the labour relations matter;

(ii) the successor employer or successor bargaining agent are to be added as parties to the labour relations matter;

(iii) the successor employer or successor bargaining agent are to replace any parties to the labour relations matter,

and

(c) with respect to a labour relations matter other than one referred to in subsection (1)(b)(iv) or (v), the Labour Relations Board may declare the following:

(i) the initial employer or initial bargaining agent continue as parties to the labour relations matter;

(ii) the successor employer or successor bargaining agent are to be added as parties to the labour relations matter;

(iii) the successor employer or successor bargaining agent are to replace any parties to the labour relations matter.

(4) Any directive or order of the Labour Relations Board or any arbitration award that binds the initial employer, initial bargaining agent or employee in the initial bargaining unit binds the successor employer, successor bargaining agent or employee in the successor bargaining unit, respectively, except as provided for in a directive or order of the Labour Relations Board or an arbitration award.

33.998 The Labour Relations Board may exercise its powers under section 12 of the Labour Relations Code and section 3 of the Public Service Employee Relations Act with

respect to any matters relating to the interpretation or application of this Part.

(19) The following is added after section 40:

Liability re independent agency police service

40.1(1) The Government of Alberta is liable for the acts or omissions of a police officer of the independent agency police service or the chief of the independent agency police service committed in the course of their employment if the act or omission was committed in the performance or purported performance of the police officer's or the chief's duties, as the case may be.

(2) If a civil legal action is brought against a police officer of the independent agency police service or the chief of the independent agency police service arising out of the performance of the police officer's or the chief's duties, including those duties performed under an agreement referred to in section 33.75, the Government of Alberta may indemnify the police officer or the chief in whole or in part for the following:

(a) any damages and costs, or either of them, awarded against the police officer or chief;

(b) any costs incurred and not recovered by the police officer or chief;

(c) any sum payable under a settlement.

Liability of municipality re independent agency police service

40.2(1) For the purposes of this section, "employee" means any civilian employee or any peace officer appointed under the *Peace Officer Act* employed by a municipality to provide services for the independent agency police service that is providing policing services to the municipality under an agreement referred to in section 33.75.

(2) A municipality is liable for the acts or omissions of an employee committed in the course of the employee's employment if the act or omission was committed in the performance or purported performance of the employee's duties.

NOTE: (19) Liability re independent agency police service; liability of municipality re independent agency police service.

(20) Section 42.2 is amended

(a) in subsection (5) in the table by striking out ", but the complaint does not relate to an incident or complaint meeting the criteria of a Level 1 or Level 2 complaint";

(b) in subsection (6) by striking out "complaint, any action taken or to be taken and the right of appeal provided for" **and substituting** "complaint and any action taken or to be taken".

NOTE: (20) Section 42.2 presently reads in part:

(5) The chief executive officer shall assess and categorize a complaint based on the following criteria:

Complaint Level	*Criteria*
Level 3	*A complaint alleges that a police officer has committed a contravention of the regulations governing the discipline of police officers and relates to non-criminal conduct or conduct where the criminal matter has concluded, but the complaint does not relate to an incident or complaint meeting the criteria of a Level 1 or Level 2 complaint.*

(6) After assessing and categorizing a complaint in accordance with subsection (5), the chief executive officer shall, if the complaint is a Level 1, Level 2 or Level 3 complaint, advise, as soon as practicable and in writing, the following persons of the findings of the assessment, the disposition of the complaint, any action taken or to be taken and the right of appeal provided for under this Act:

(21) Section 43(5) is amended by striking out "42.2(6)(e)" **and substituting** "42.2(7)(e)".

NOTE: (21) Section 43(5) presently reads:

(5) Where a Level 5 complaint is forwarded to a police service under section 42.2(6)(e) and it appears to the chief of the police service at any time that the complaint is frivolous, vexatious or made in bad faith, the chief of the police service may dismiss the complaint.

(22) Section 43.4(8) is repealed.

NOTE: (22) Section 43.4(8) presently reads:

(8) The chief executive officer may dismiss a Level 2 complaint if, at any time before or during an investigation into the complaint, it appears to the chief executive officer that

(a) the complaint is frivolous, vexatious or made in bad faith,

(b) the complainant refuses to cooperate, or

(c) having regard to all the circumstances, the investigation or further investigation is not necessary or practicable.

(23) Section 61(1) is amended

(a) in clause (e) by striking out "chiefs of independent agency police services" **and substituting** "the chief of the independent agency police service";

(b) by repealing clause (j)(iv) and substituting the following:

(iv) the independent agency police service;

NOTE: (23) Section 61(1) presently reads in part:

61(1) The Lieutenant Governor in Council may make regulations

(e) governing probationary periods of service for police officers, chiefs of police, chiefs of independent agency police services and civilian employees of a police service;

(j) governing, subject to this Act,

(iv) independent agency police services;

(24) Section 62(1)(f) is amended by striking out "independent agency police services" **and substituting** "the independent agency police service".

NOTE: (24) Section 62(1)(f) presently reads:

62(1) The Minister may make regulations

(f) prescribing the information and statistical data to be kept and reported to the Minister by commissions, policing committees and police services other than independent agency police services;

(25) The following provisions are amended by striking out "an independent" **wherever it occurs and substituting** "the independent":

section 33.5(1), (3) and (4);
section 33.71;
section 33.8(6)(b);
section 33.92(1);
section 33.93.

NOTE: (25) Updates terminology.

Protection of Children Abusing Drugs Act

Amends SA 2005 cP-27.5

13(1) The *Protection of Children Abusing Drugs Act* is amended by this section.

NOTE: 13(1) Amends chapter P-27.5 of the Statutes of Alberta, 2005.

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

(h) "police officer" means the following:

(i) a member of a municipal police service, including the chief of police of a municipal police service;

(ii) a member of the Royal Canadian Mounted Police;

(iii) a peace officer appointed under the *Peace Officer Act* for the purposes of this Act;

(iv) a police officer of the independent agency police service as defined in the *Police Act*, including the chief of the independent agency police service;

NOTE: (2) Section 1(1)(h) presently reads:

1(1) In this Act,

(h) "police officer" means a member of a municipal police service, a member of the Royal Canadian Mounted Police, or a peace officer appointed under the Peace Officer Act for the purposes of this Act;

Provincial Administrative Penalties Act

Amends SA 2020 cP-30.8

14(1) The *Provincial Administrative Penalties Act* is amended by this section.

NOTE: **14**(1) Amends chapter P-30.8 of the Statutes of Alberta, 2020.

(2) Section 1(1)(a) is amended by striking out "section 10" **and substituting** "section 11".

NOTE: (2) Section 1(1)(a) presently reads:

1(1) In this Act,

(a) "adjudicator" means an employee of the Crown designated as an adjudicator under section 10;

(3) Section 10(2) is repealed.

NOTE: (3) Section 10(2) presently reads:

(2) The Director may designate employees of the Crown as adjudicators for the purposes of the reviews referred to in subsection (1).

(4) Section 11 is amended by adding the following before subsection (1):

(0.1) The Director may designate employees of the Crown as adjudicators for the purposes of the reviews referred to in section 10(1).

NOTE: (4) Allows the Director to designate adjudicators for the purposes of reviews.

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

Admissibility, evidentiary presumptions

14(1) Any record, representation, argument or evidence referred to in section 18(2) that the Director receives from an officer is

admissible in a review of the notice of administrative penalty to which it relates.

(2) On the Director's receipt of a report, note or other document from an officer, the officer is deemed to have sworn under oath that the content of the report, note or other document is true based on

(a) the officer's personal knowledge, or

(b) the officer's information and belief, if the basis of the information and belief is reasonably clear from the report, note or other document or is otherwise disclosed by the officer.

(3) A photograph, video or audio recording the Director receives from an officer is, in the absence of evidence to the contrary, deemed to have not been altered in any material way.

NOTE: (5) Section 14 presently reads:

14 A report, notes or other document confirmed by an officer in accordance with the regulations is deemed to have been made under oath.

(6) Section 15 is repealed and the following is substituted:

Date of review

15 If a review has been requested and the prescribed fee has been paid, the Director shall schedule a review, which, subject to an extension under section 23, must be held within 31 days from issuance of the notice of administrative penalty.

NOTE: (6) Section 15 presently reads:

15 Subject to section 23, where a review has been requested and the prescribed fee has been paid, the Director shall schedule a review, which must be held within 21 days from issuance of the notice of administrative penalty.

(7) Section 18(2) is amended by adding the following after clause (e):

(e.1) the result of any sample obtained, taken or tested under the *Traffic Safety Act* or the *Criminal Code* (Canada) that relates to the contravention for which the notice of administrative penalty was issued;

NOTE: (7) Section 18(2) presently reads in part:

(2) An adjudicator may, in conducting a review, consider the following records, representations, arguments and evidence before making a decision:

(8) Section 22(1) is amended by striking out "30 days" **and substituting** "45 days".

NOTE: (8) Section 22(1) presently reads:

22(1) As soon as practicable after making a decision under section 21, and, subject to section 23, within 30 days of issuance of the notice of administrative penalty, the adjudicator shall provide a copy of the adjudicator's decision to the recipient in the prescribed manner.

(9) Section 23(1) is repealed and the following is substituted:

Extension of statutory periods

23(1) The Director may in the following circumstances extend the periods referred to in sections 15, 20(1), 22 and 27:

(a) in exceptional circumstances prescribed in the regulations;

(b) in exceptional circumstances prescribed in the regulations under a prescribed enactment;

(c) if, in the opinion of the Director, humanitarian and compassionate grounds exist that warrant an extension in the circumstances.

NOTE: (9) Section 23(1) presently reads:

23(1) In exceptional circumstances prescribed in the regulations or the regulations under a prescribed enactment, the Director may extend the periods referred to in sections 15, 20(1), 22 and 27.

(10) The following is added after section 34:

Protection from liability

34.1 No action or proceeding may be commenced or maintained against the Director, or a person acting for or under the direction of the Director, or an adjudicator for anything done or omitted to be done in good faith in the exercise or performance or the intended exercise or performance of a power, duty or function under this Act, a prescribed enactment, a regulation made under this Act or a regulation made under a prescribed enactment.

NOTE: (10) Protection from liability.

(11) Section 35(2)(z) is repealed.

NOTE: (11) Section 35(2)(z) presently reads:

(2) The Minister may make regulations

(z) respecting the confirmation by an officer of documents under section 14;

(12) This section comes into force on Proclamation.

NOTE: (12) Coming into force.

Provincial Offences Procedure Act

Amends RSA 2000 cP-34

15(1) The *Provincial Offences Procedure Act* is amended by this section.

NOTE: 15(1) Amends chapter P-34 of the Revised Statutes of Alberta 2000.

(2) Section 1 is amended

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

(a.1) "band" means a band as defined in the *Indian Act* (Canada);

(a.2) "band bylaw" means a bylaw made under the *Indian Act* (Canada) by the council of a band;

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

(e) "enactment" means

(i) an Act, regulation, order or bylaw enacted in relation to a matter over which the Legislature has legislative authority,

(ii) with respect to civil enforcement of a fine in accordance with section 13.1, a band bylaw, and

(iii) with respect to proceedings under Part 2 and Part 3, a band bylaw that makes the proceedings under Part 2 and Part 3 applicable to that bylaw;

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

(k.01) "reserve" means a reserve as defined in the *Indian Act* (Canada);

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

1 In this Act,

(e) "enactment" means any Act, regulation, order or bylaw enacted in relation to any matter over which the Legislature has legislative authority, and, with respect to the proceedings under Part 2 and Part 3, any bylaw made by a council of a First Nation band under the authority of the Indian Act (Canada) that makes the proceedings under Part 2 and Part 3 applicable to that bylaw;

(3) Section 7(1) is amended by striking out "$2000" **and substituting** "$5000".

NOTE: (3) Section 7(1) presently reads:

7(1) Subject to any express provision in another enactment, every person who is convicted of an offence is liable to a fine of not more than $2000 or to imprisonment for not more than 6 months or to both.

(4) Section 13 is amended

(a) in subsection (2)

(i) by striking out "any fine" **and substituting** "a fine";

(ii) in clauses (a) and (b) by striking out "enures to the benefit of" **and substituting** "belongs to";

(b) by repealing subsection (3).

NOTE: (4) Section 13 presently reads in part:

(2) If an enactment provides that any fine or penalty imposed

(a) on a conviction for an offence occurring in a city, town or village enures to the benefit of the city, town or village, or

(b) on a conviction for an offence occurring in a summer village, municipal district, Metis settlement or reserve, elsewhere than on a provincial highway

under the Highways Development and Protection Act, enures to the benefit of the summer village, municipal district, Metis settlement or band,

and the conviction has not been entered as a judgment under subsection (1), an agent of the city, town, village, summer village, municipal district, Metis settlement or band, as the case may be, may enter the amount of a fine payable by the convicted defendant for that offence as a judgment under subsection (1).

(3) For the purposes of this section, "reserve" and "band" have the meanings assigned to them in the Indian Act (Canada).

(5) The following is added after section 13:

Civil recovery — band bylaw

13.1 If the *Indian Act* (Canada) provides that a fine imposed on a conviction under a band bylaw for an offence belongs to the band and the offence occurred on a reserve in Alberta, an agent of the band may enter the amount of the fine payable by the convicted defendant for that offence as a judgment under section 13(1).

NOTE: (5) Civil recovery — band bylaw.

(6) Section 22 is amended

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

(b) subject to subsection (3), the procedure set out in Part 3 must be followed with respect to an offence for which

(i) a specified penalty is provided for in the regulations, and

(ii) the specified penalty is not more than the maximum specified penalty amount prescribed in the regulations for a violation ticket under Part 3.

(b) in subsection (3) by striking out "for an offence for which the specified penalty is $1000 or less" **and substituting** "for an offence referred to in subsection (2)(b)".

NOTE: (6) Section 22 presently reads in part:

(2) Where the procedure in the Criminal Code (Canada) for laying an information is not followed,

(b) subject to subsection (3), the procedure set out in Part 3 must be followed with respect to offences for which a specified penalty of $1000 or less, excluding any applicable surcharge, is provided for in the regulations.

(3) If it is in the public interest to commence proceedings under Part 2 for an offence for which the specified penalty is $1000 or less, excluding any applicable surcharge, the peace officer shall issue a summons in accordance with the regulations.

(7) Section 26(2) is amended

(a) by striking out "When a clerk records in the Court records the receipt of a voluntary payment under subsection (1) in cash or by cheque, that act of recording" **and substituting** "When the Court receives a voluntary payment made in accordance with subsection (1), that receipt";

(b) by striking out "the applicable" **and substituting** "the imposition of the applicable".

NOTE: (7) Section 26(2) presently reads:

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

(8) Section 36(2) is amended

(a) by striking out "When a clerk records in the Court records the receipt of a voluntary payment under subsection (1), that act of recording" **and substituting** "When the Court receives a voluntary payment made in accordance with subsection (1), that receipt";

(b) by adding "and the imposition of the applicable surcharge, if any" **after** "penalty".

NOTE: (8) Section 36(2) presently reads:

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

(9) Section 40 is amended by striking out "$1000" **and substituting** "the maximum specified penalty amount referred to in section 22(2)(b)(ii)".

NOTE: (9) Section 40 presently reads:

40 Notwithstanding any other enactment but subject to section 41, if proceedings have been commenced under this Part with respect to an offence the fine imposed with respect to that offence shall not be more than $1000 excluding any applicable surcharge and the defendant is not liable to imprisonment.

(10) Section 42 is amended by adding the following after clause (l):

(l.1) prescribing the maximum specified penalty amount referred to in section 22(2)(b)(ii);

NOTE: (10) Adds regulation-making authority.

(11) Section 44 is amended by striking out "First Nation band may make bylaws" **and substituting** "band may make band bylaws".

NOTE: (11) Section 44 presently reads in part:

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

(12) This section comes into force on Proclamation.

NOTE: (12) Coming into force.

Public Service Act

Amends RSA 2000 cP-42

16(1) The *Public Service Act* is amended by this section.

NOTE: 16(1) Amends chapter P-42 of the Revised Statutes of Alberta 2000.

(2) Section 1 is amended

(a) in clause (c) by adding the following after subclause (vi.2):

(vi.3) the chief of the independent agency police service as defined in the *Police Act* with respect to the independent agency police service,

(b) in clause (d) by adding the following after subclause (vi.2):

(vi.3) the chief of the independent agency police service as defined in the *Police Act* with respect to the independent agency police service,

NOTE: (2) Adds provincial police chief to definitions of "department head" and "deputy head".

(3) Section 2(2) is amended by adding ", the chief of the independent agency police service as defined in the *Police Act*" **after** "Interest Commissioner".

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

(2) The Auditor General, the Chief Electoral Officer, the Ombudsman, the Ethics Commissioner, the Information and Privacy Commissioner, the Child and Youth Advocate, the Public Interest Commissioner and the chair of the Labour Relations Board shall be considered as employees for the purposes of this Act except in relation to their appointment, salary and tenure of office or any other conditions prescribed by the Act under which they are appointed.

Security Services and Investigators Act

Amends SA 2008 cS-4.7

17(1) The *Security Services and Investigators Act* is amended by this section.

NOTE: 17(1) Amends chapter S-4.7 of the Statutes of Alberta, 2008.

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

Designation of Registrar and delegation of powers, duties and functions

12(1) The Minister may, in writing, designate an individual as Registrar for the purposes of administering this Act.

(2) The Minister may, in writing, designate any individual as a person who may exercise or perform all or part of the powers, duties and functions of the Registrar.

(3) The Registrar may, in writing, delegate the exercise or performance of a power, duty or function of the Registrar to any other individual, except the power to delegate under this section.

(4) A delegation by the Registrar

(a) may be general or specific to one or more powers, duties or functions of the Registrar,

(b) is subject to terms and conditions specified by the Registrar, and

(c) is applicable in the circumstances specified by the Registrar.

NOTE: (2) Section 12 presently reads:

12 The Minister may designate an individual as Registrar and may designate any other individuals to exercise the powers and perform the duties of the Registrar.

Traffic Safety Act

Amends RSA 2000 cT-6

18(1) The *Traffic Safety Act* is amended by this section.

NOTE: 18(1) Amends chapter T-6 of the Revised Statutes of Alberta 2000.

(2) Section 1(4)(c) is repealed and the following is substituted:

(c) a reference to a bylaw is a reference to a bylaw made under this Act except

(i) in section 57, or

(ii) if otherwise provided in this Act.

NOTE: (2) Section 1(4)(c) presently reads:

(4) In this Act,

(c) a reference to a bylaw is, unless otherwise provided, a reference to a bylaw made under this Act.

(3) Section 34(1)(d) is repealed.

NOTE: (3) Section 34(1)(d) presently reads:

34(1) Where the Registrar has made a decision or taken an action referred to in the following clauses, the Registrar shall on the application of the person who is the subject of the decision or action reconsider the decision or action:

(d) where the Registrar

(i) refuses to set aside the operation of a disqualification or suspension imposed under this Act, or imposes terms or conditions, in accordance with section 88.1(3.2) or 88.11(4) as they read immediately before the coming into force of this clause,

(ii) refuses to exempt a person from the requirement for the use of an alcohol-sensing device under section 88.1(3.4) or 88.11(5) as they read immediately before the coming into force of this clause,

(iii) sets aside the requirement for the use of an alcohol-sensing device but imposes a further period of disqualification or another term or condition under section 88.1(3.5) or 88.11(6) as they read immediately before the coming into force of this clause, or

(iv) rescinds the setting aside of the disqualification or suspension of the person on the basis that the alcohol-sensing device with which the person's vehicle has been equipped as a condition of the setting aside of the operation of a disqualification or suspension imposed under section 88.1(3) or 88.11(2) registers a warn or a fail under section

88.1(3.6) or 88.11(7) as they read immediately before the coming into force of this clause;

(4) Section 57 is amended

(a) by renumbering it as section 57(2) and by adding the following before subsection (2):

Restriction of services

57(1) In this section,

(a) "band" means a band as defined in the *Indian Act* (Canada);

(b) "band bylaw" means a bylaw made under the *Indian Act* (Canada) by the council of a band.

(b) in subsection (2) by striking out "or" **at the end of clause (a) and by adding the following after clause (a):**

(a.1) any band bylaw if the fine relates to an offence committed in Alberta, or

NOTE: (4) Section 57 presently reads:

57 Notwithstanding anything in this Act, where a person has not paid a fine or penalty levied against that person under

(a) any enactment or municipal bylaw, or any bylaw made under this Act, or

(c) any law in another jurisdiction that in the opinion of the Registrar deals with matters in that jurisdiction that are similar in nature to matters dealt with under this Act,

the Registrar may,

(d) in respect of that person, refuse to perform that function or service or to issue, renew or otherwise deal with any motor vehicle document or other document until the fine or penalty is paid, and

(e) if authorized by regulation, refuse to register a vehicle in the name of the new owner if the ownership of a registered vehicle passes directly or through intermediary owners from the person who has not paid the fine or penalty to a person described by regulation.

(5) Section 87.1 is amended

(a) in subsection (2) by striking out "sections 88, 88.01, 88.02, 88.03, 88.1 and 88.11" **and substituting** "sections 87.3, 88, 88.01, 88.02, 88.03 and 88.1";

(b) in subsection (3) by striking out "sections 88, 88.01, 88.02, 88.1 and 88.11" **and substituting** "sections 87.3, 88, 88.01, 88.02 and 88.1".

NOTE: (5) Section 87.1 presently reads in part:

(2) In this section and sections 88, 88.01, 88.02, 88.03, 88.1 and 88.11,

(3) In sections 88, 88.01, 88.02, 88.1 and 88.11, "drug" includes any drug for which a blood drug concentration is prescribed by regulation under the Criminal Code (Canada).

(6) The following is added after section 87.2:

Reasonable grounds

87.3(1) In this section,

(a) "approved drug screening equipment" means equipment that is designed to ascertain the presence of a drug in a person's body and that is

(i) approved drug screening equipment as defined in section 320.11 of the *Criminal Code* (Canada), or

(ii) approved under subsection (10) by the Lieutenant Governor in Council to be used for the purposes of this section;

(b) "approved instrument" means an instrument that is designed to receive and make an analysis of a sample of a person's breath in order to measure the concentration of alcohol in that person's blood and that is

(i) an approved instrument as defined in section 320.11 of the *Criminal Code* (Canada), or

(ii) approved under subsection (10) by the Lieutenant Governor in Council to be used for the purposes of this section;

(c) "approved screening device" means a device that is designed to ascertain the presence of alcohol in a person's blood and that is

(i) an approved screening device as defined in section 320.11 of the *Criminal Code* (Canada), or

(ii) approved under subsection (10) by the Lieutenant Governor in Council to be used for the purposes of this section;

(d) "drug recognition evaluation" means a physical coordination test that is an evaluation conducted by an evaluating officer for the purpose of determining the presence of a drug and whether the person's ability to operate a motor vehicle is impaired by a drug, or a combination of alcohol and a drug;

(e) "evaluating officer" means an evaluating officer as defined in section 320.11 of the *Criminal Code* (Canada);

(f) "physical coordination test" means

(i) a physical coordination test referred to in paragraph 320.27(1)(a) of the *Criminal Code* (Canada), or

(ii) a physical coordination test prescribed by the Lieutenant Governor in Council to be used for the purposes of this section;

(g) "test" means a test, including an analysis or evaluation, administered to determine the presence of alcohol or drugs, or both, as the case may be, in a person's body using approved drug screening equipment, an approved instrument, an approved screening device or a physical coordination test.

(2) A peace officer has reasonable grounds for the purposes of the following if the requirements in subsection (3) are met:

(a) for the purposes of section 88(1)(b), a peace officer has reasonable grounds to suspect that the driver of a motor vehicle has consumed alcohol or otherwise introduced into the driver's body any alcohol or drug in such a quantity so as to affect the driver's physical or mental ability;

(b) for the purposes of section 88.01(2), a peace officer has reasonable grounds to believe that the driver of a motor vehicle, at the time of driving, has any alcohol or drug in the driver's body;

(c) for the purposes of section 88.02(1), a peace officer has reasonable grounds to believe that the driver of a motor vehicle, at the time of operating a commercial vehicle, has any alcohol or drug in the driver's body;

(d) for the purposes of section 88.1(1)(a), a peace officer has reasonable grounds to believe that a driver operated a motor vehicle while the driver's ability to operate the motor vehicle was impaired to any degree by alcohol or a drug or by a combination of alcohol and a drug.

(3) For the purposes of subsection (2), the following requirements must be met:

(a) 2 tests have been administered in respect of a driver referred to in subsection (2) to determine the presence of alcohol or drugs, or both, as the case may be, in the driver's body

(i) using any of the following in any combination:

(A) approved drug screening equipment;

(B) an approved instrument;

(C) an approved screening device,

or

(ii) using a physical coordination test in combination with a test administered using approved drug screening equipment, an approved instrument or an approved screening device;

(b) the 2nd test was administered in respect of the driver at least 15 minutes after the first test was administered;

(c) in the case of 2 tests administered in respect of the driver using approved drug screening equipment or approved screening devices, different equipment or a different device, as the case may be, was used for each test;

(d) in the case referred to in clause (a)(i), both tests administered in respect of the driver indicate the presence of alcohol or drugs, or both;

(e) in the case referred to in clause (a)(ii), the test administered using approved drug screening equipment, an approved instrument or an approved screening device indicates the presence of alcohol or drugs, or both.

(4) For the purposes of section 88.03(1), a peace officer has reasonable grounds to believe that a driver of a motor vehicle has a blood alcohol concentration at the time of driving that is equal to or exceeds 50 milligrams of alcohol in 100 millilitres of blood if

(a) the requirements in subsection (6) are met, and

(b) at least one of the administered tests indicates a blood alcohol concentration equal to or exceeding 50 milligrams of alcohol in 100 millilitres of blood.

(5) For the purposes of section 88.1(1)(b), a peace officer has reasonable grounds to believe that a driver has within 2 hours after ceasing to operate a motor vehicle a blood alcohol concentration that is equal to or exceeds 80 milligrams of alcohol in 100 millilitres of blood if

(a) the requirements in subsection (6) are met, and

(b) at least one of the administered tests indicates a blood alcohol concentration equal to or exceeding 80 milligrams of alcohol in 100 millilitres of blood.

(6) For the purposes of subsections (4) and (5), the following requirements must be met:

(a) 2 tests have been administered in respect of a driver referred to in subsection (4) or (5), as the case may be, to determine the presence of alcohol in the driver's body

(i) using any of the following in any combination:

(A) an approved instrument;

(B) an approved screening device,

or

(ii) using a physical coordination test in combination with a test administered using an approved instrument or an approved screening device;

(b) the 2nd test was administered in respect of the driver at least 15 minutes after the first test was administered;

(c) in the case of 2 tests administered in respect of the driver using approved screening devices, a different device was used for each test;

(d) in the case referred to in clause (a)(i), both tests administered in respect of the driver indicate the presence of alcohol;

(e) in the case referred to in clause (a)(ii), the test administered using an approved instrument or an

approved screening device indicates the presence of alcohol.

(7) For the purposes of section 88.1(1)(c), a peace officer has reasonable grounds to believe that a driver has within 2 hours after ceasing to operate a motor vehicle a blood drug concentration that is equal to or exceeds any blood drug concentration for the drug that is prescribed by regulation under the *Criminal Code* (Canada) if the following requirements are met:

(a) 2 tests have been administered in respect of the driver to determine the presence of drugs in the driver's body using

(i) approved drug screening equipment, or

(ii) a drug recognition evaluation in combination with a test administered using approved drug screening equipment;

(b) the 2nd test was administered in respect of the driver at least 15 minutes after the first test was administered;

(c) in the case of 2 tests administered in respect of the driver using approved drug screening equipment, different equipment was used for each test;

(d) in the case referred to in clause (a)(i), both tests administered in respect of the driver indicate the presence of drugs;

(e) in the case referred to in clause (a)(ii), the test administered using approved drug screening equipment indicates the presence of drugs;

(f) at least one of the administered tests indicates a blood drug concentration equal to or exceeding any blood drug concentration for the drug that is prescribed by regulation under the *Criminal Code* (Canada).

(8) For the purposes of section 88.1(1)(d), a peace officer has reasonable grounds to believe that a driver has within 2 hours after ceasing to operate a motor vehicle a blood alcohol concentration and a blood drug concentration that is equal to or

exceeds the blood alcohol concentration and the blood drug concentration for the drug that are prescribed by regulation under the *Criminal Code* (Canada) for instances where alcohol and that drug are combined if

(a) the requirements in subsections (6)(a) to (e) and (7)(a) to (e) are met,

(b) at least one of the tests administered in accordance with subsection (6) indicates a blood alcohol concentration equal to or exceeding the blood alcohol concentration for the drug that is prescribed by regulation under the *Criminal Code* (Canada) for instances where alcohol and that drug are combined, and

(c) at least one of the tests administered in accordance with subsection (7) indicates a blood drug concentration equal to or exceeding the blood drug concentration for the drug that is prescribed by regulation under the *Criminal Code* (Canada) for instances where alcohol and that drug are combined.

(9) Notwithstanding anything in this section,

(a) a single analysis of a sample of a person's blood or other bodily substance performed by an analyst as defined in section 320.11 of the *Criminal Code* (Canada) or by a person designated as an analyst by the Lieutenant Governor in Council is, for the purposes of sections 88, 88.01, 88.02, 88.03 and 88.1, deemed to be reasonable grounds that

(i) the person had alcohol or drugs, as the case may be, in that person's body at the time that the sample was taken if the analysis of the sample confirmed the presence of alcohol or drugs, as the case may be, or

(ii) the person had a blood alcohol concentration or blood drug concentration, as the case may be, at the time the sample was taken equal to the blood alcohol concentration or blood drug concentration indicated by the analysis of the sample of the person's blood or bodily substance,

(b) for the purposes of subsections (5) and (8), if the first of a person's breath samples was taken, or the person's blood sample was taken, more than 2 hours after the person ceased to operate the motor vehicle and the person's blood alcohol concentration was equal to or exceeded 20 milligrams of alcohol in 100 millilitres of blood, that concentration is conclusively presumed to be the person's blood alcohol concentration within those 2 hours plus an additional 5 milligrams of alcohol in 100 millilitres of blood for every interval of 30 minutes in excess of those 2 hours,

(c) if the analysis of a sample provided following a drug recognition evaluation demonstrates that the person has a drug in that person's body that is of a type that the evaluating officer has identified as impairing the person's ability to operate a motor vehicle, that drug, or if the person has also consumed alcohol, the combination of alcohol and that drug, is presumed, in the absence of evidence to the contrary, to be the drug, or the combination of alcohol and that drug, that was present in the person's body at the time when the person operated the motor vehicle and, on proof of the person's impairment, to have been the cause of that impairment, and

(d) a peace officer is not required to rely on this section as the basis for forming reasonable grounds for the purposes of section 88(1), 88.01(2), 88.02(1), 88.03(1) or 88.1(1).

(10) The Lieutenant Governor in Council may

(a) by order approve for use for the purposes of this section

(i) equipment designed to ascertain the presence of a drug in a person's body,

(ii) an instrument designed to receive and make an analysis of a sample of a person's breath in order to measure the concentration of alcohol in that person's blood, and

(iii) a device designed to ascertain the presence of alcohol in a person's blood,

and

(b) make regulations prescribing physical coordination tests for the purposes of this section.

NOTE: (6) Reasonable grounds.

(7) Sections 88.01(4), 88.02(3), 88.03(3) and 88.1(5) are repealed.

NOTE: (7) Sections 88.01(4), 88.02(3), 88.03(3) and 88.1(5) presently read:

88.01(4) The peace officer shall advise the novice driver of the novice driver's right to voluntarily undergo the applicable test, analysis or evaluation referred to in section 88.11(2).

88.02(3) The peace officer shall advise the driver of the driver's right to voluntarily undergo the applicable test, analysis or evaluation referred to in section 88.11(2).

88.03(3) The peace officer shall advise the driver of the driver's right to voluntarily undergo the applicable test, analysis or evaluation referred to in section 88.11(2).

88.1(5) The peace officer shall advise the driver of the driver's right to voluntarily undergo the applicable test, analysis or evaluation referred to in section 88.11(2).

(8) The following is added after section 88.1:

Demands

88.101 A peace officer may make one or more demands under section 320.27 or 320.28 of the *Criminal Code* (Canada) for the purpose of establishing reasonable grounds under this Act or otherwise enforcing a provision of this Act.

NOTE: (8) Demands.

(9) Section 88.11 is repealed.

NOTE: (9) Section 88.11 presently reads:

88.11(1) In this section,

(a) "approved drug screening equipment" means equipment that is designed to ascertain the presence of a drug in a person's body and that is

(i) approved drug screening equipment within the meaning of section 320.11 of the Criminal Code (Canada), or

(ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;

(b) "approved instrument" means a device that is designed to receive and make an analysis of a sample of the breath of a person in order to measure the concentration of alcohol in that person's blood and that is

(i) an approved instrument within the meaning of section 320.11 of the Criminal Code (Canada), or

(ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;

(c) "approved screening device" means a device that is designed to ascertain the presence of alcohol in a person's blood and that is

(i) an approved screening device within the meaning of section 320.11 of the Criminal Code (Canada), or

(ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;

(d) "drug recognition evaluation" means an evaluation conducted by an evaluating officer for the purpose of determining the presence of a drug and whether the person's ability to operate a motor vehicle is impaired by a drug, or a combination of alcohol and a drug;

(e) "evaluating officer" means an evaluating officer as defined in section 320.11 of the Criminal Code (Canada).

(2) Notwithstanding that a notice of administrative penalty has been issued to a driver under section 88.01, 88.02, 88.03 or 88.1, where a driver requests an appeal of that notice of administrative penalty and voluntarily attends immediately at a place designated by the peace officer and accompanies the peace officer to that place, if necessary, the driver shall immediately

(a) where the basis for issuing the notice of administrative penalty was an initial test performed on an approved screening device, provide a sample of breath that in the opinion of the peace officer is suitable for analysis on a different approved screening device, or on an approved instrument, at the discretion of the peace officer,

(b) where the basis for issuing the notice of administrative penalty was an initial test on an approved instrument, provide a sample of breath that in the opinion of the peace officer is suitable for analysis on an approved instrument,

(c) where the basis for issuing the notice of administrative penalty was an initial test on approved drug screening equipment, provide a 2nd sample of oral fluid that in the opinion of the peace officer is suitable for analysis by approved drug screening equipment,

(d) where the basis for issuing the notice of administrative penalty was performance of a drug

recognition evaluation, provide a sample of blood or urine that in the opinion of the peace officer is suitable for analysis, at the discretion of the peace officer,

(e) where the basis for issuing the notice of administrative penalty was an analysis of blood, provide an additional sample of blood that in the opinion of the peace officer is suitable for analysis,

(f) where the basis, in whole or part, for issuing the notice of administrative penalty was reasonable grounds to believe there was alcohol in the driver's body, and an initial test, evaluation or analysis referred to in clause (a), (b), (d) or (e) was not performed on the driver, provide a sample of breath that in the opinion of the peace officer is suitable for analysis on either an approved screening device or approved instrument, at the discretion of the officer,

(g) where the basis, in whole or part, for issuing the notice of administrative penalty was reasonable grounds to believe there was a drug in the driver's body, and an initial test, evaluation or analysis referred to in clause (c), (d) or (e) was not performed on the driver,

(i) provide a sample of oral fluid that in the opinion of the peace officer is suitable for analysis on approved drug screening equipment,

(ii) undergo a drug recognition evaluation, or

(iii) provide a sample of blood or urine that in the opinion of the peace officer is suitable for analysis,

at the discretion of the peace officer, or

(h) where the basis for issuing the notice of administrative penalty was reasonable grounds to believe that the driver had both alcohol and a drug in the driver's body,

(i) provide a sample of breath that in the opinion of the peace officer is suitable for analysis on an approved screening device or approved instrument, at the discretion of the officer, and

(ii) either

(A) provide a sample of oral fluid that in the opinion of the peace officer is suitable for analysis on approved drug screening equipment or undergo a drug recognition evaluation, or

(B) provide a sample of blood or urine that in the opinion of the peace officer is suitable for analysis,

at the discretion of the peace officer.

(3) Where the result of a test, evaluation or analysis pursuant to an appeal under subsection (2) of a notice of administrative penalty issued to a novice driver under section 88.01 shows the novice driver does not have alcohol or a drug in the novice driver's body, the peace officer shall cancel the notice of administrative penalty and immediately return the novice operator's licence, if any, to the novice driver.

(4) Where the result of a test, evaluation or analysis pursuant to an appeal under subsection (2) of a notice of administrative penalty issued to the driver of a commercial vehicle under section 88.02 shows the driver does not have alcohol or a drug in the driver's body, the peace officer shall cancel the notice of administrative penalty and immediately return the operator's licence, if any, to the driver.

(5) Where the result of a test or analysis pursuant to an appeal under subsection (2) of a notice of administrative penalty issued to a driver under section 88.03 shows the driver does not have a blood alcohol concentration that is equal to or exceeds 50 milligrams of alcohol in 100 millilitres of blood, the peace officer shall cancel the notice of administrative penalty and immediately return the operator's licence, if any, to the driver.

(6) Where the result of a test, evaluation or analysis pursuant to an appeal under subsection (2) of a notice of administrative penalty issued to a driver under section 88.1(1)(b), (c) or (d) is that the driver no longer meets the conditions in those provisions in respect of which the notice of administrative penalty was issued, the peace officer shall cancel the notice of administrative penalty and immediately return the operator's licence, if any, to the driver.

(7) Despite subsection (6),

(a) if the result of the test, evaluation or analysis referred to in subsection (2) indicates that the driver's blood alcohol concentration is equal to or greater than 50 milligrams of alcohol in 100 millilitres of blood but less than 80 milligrams of alcohol in 100 millilitres of blood, the peace officer shall take the action set out in section 88.03(1) and (2)(a);

(b) if the result of the test, evaluation or analysis referred to in subsection (2) indicates the presence of alcohol in the driver's body and

(i) the driver is a novice driver as defined in section 88.01(1)(a), the peace officer shall take the action set out in section 88.01(2) and (3)(b), or

(ii) the driver is the driver of a commercial vehicle, the peace officer shall take the action set out in section 88.02(1);

(c) if the result of the test, evaluation or analysis referred to in subsection (2) indicates the presence of a drug in the driver's body and

(i) the driver is a novice driver as defined in section 88.01(1)(a), the peace officer shall take the action set out in section 88.01(2) and (3)(b), or

(ii) the driver is the driver of a commercial vehicle, the peace officer shall take the action set out in section 88.02(1).

(8) No person may seek a roadside appeal under this section of a notice of administrative penalty

(a) issued under section 88.01 as a result of subsection (7)(b)(i),

(b) issued under section 88.02 as a result of subsection (7)(b)(ii),

(c) issued under section 88.03 as a result of subsection (7)(a), or

(d) issued based on reasonable grounds that were formed after the time of the contravention and where in the opinion of the peace officer a roadside appeal could no longer provide any evidence of the blood alcohol or blood drug concentration of the recipient at the time of driving.

(10) This section, except subsections (2) and (4), comes into force on Proclamation.

NOTE: (10) Coming into force.

Vital Statistics Act

Amends SA 2007 cV-4.1

19(1) The *Vital Statistics Act* is amended by this section.

NOTE: 19(1) Amends chapter V-4.1 of the Statutes of Alberta, 2007.

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

NOTE: (2) Section 1(1)(m) presently reads:

1(1) In this Act,

(m) "medical examiner" means a medical examiner appointed under the Fatality Inquiries Act;

(3) Section 33 is amended

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

Medical certificate of death

33(1) In this section,

(a) "International Classification" means the International Statistical Classification of Diseases and Related Health Problems as last revised by the International Conference assembled for that purpose and published by the World Health Organization;

(b) "nurse practitioner" means a regulated member of the College of Registered Nurses of Alberta who is authorized to use the title "nurse practitioner" under the *Health Professions Act*.

(b) in subsection (2)

(i) in clause (a)

(A) by adding "or nurse practitioner" **after** "physician";

(B) in subclause (i) by striking out "14 days" **and substituting** "30 days";

(C) in subclause (iii) by adding "or investigator" **after** "medical examiner";

(ii) in clause (b) by adding "or nurse practitioner" **after** "physician";

(iii) by striking out "the physician or the medical examiner" **and substituting** "the physician, nurse practitioner or medical examiner";

(c) in subsections (3) and (4) by striking out "the physician or the medical examiner" **and substituting** "the physician,

nurse practitioner or medical examiner, as the case may be,";

(d) in subsection (5)

(i) in clause (a)

(A) by adding "or nurse practitioner" **after** "physician";

(B) by striking out "14 days" **and substituting** "30 days";

(ii) in clause (b) by adding "or nurse practitioner" **after** "physician".

NOTE: (3) Section 33 presently reads in part:

33(1) In this section, "International Classification" means the International Statistical Classification of Diseases and Related Health Problems as last revised by the International Conference assembled for that purpose and published by the World Health Organization.

(2) When

(a) a physician

(i) has attended the deceased person in relation to the deceased's final illness at least once during the 14 days immediately preceding the death,

(iii) has no reason to believe that the deceased died under circumstances that require the notification of a medical examiner under the Fatality Inquiries Act,

(b) the death was natural or occurred during an operative procedure or within 10 days after an operative procedure and a physician

(i) is able to certify the medical cause of death with reasonable accuracy, and

(ii) is authorized to complete and sign the medical certificate of death under section 19(7) of the Fatality Inquiries Act,

the physician or the medical examiner, as the case may be, shall within 48 hours of the death complete, sign and deliver to the Registrar a medical certificate of death in the form required by the Registrar stating the cause of death according to the International Classification.

(3) Notwithstanding subsection (2), the physician or the medical examiner may issue an interim medical certificate of death in the form required by the Registrar if

(4) When an interim medical certificate of death is issued under subsection (3), the physician or the medical examiner shall complete, sign and deliver to the Registrar the medical certificate of death referred to in subsection (2)

(5) Notice must be given in accordance with the regulations if

(a) a death occurs without the attendance of a physician in relation to the final illness of the deceased during the 14 days immediately preceding the death, or

(b) the physician who attended the deceased is for any reason unable to complete the medical certificate of death or interim medical certificate of death within 48 hours of the death.

(4) This section comes into force on Proclamation.

NOTE: (4) Coming into force.

Wildlife Act

Amends RSA 2000 cW-10

20(1) The *Wildlife Act* is amended by this section.

NOTE: **20**(1) Amends chapter W-10 of the Revised Statutes of Alberta 2000.

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

(a.1) "appointed officer" means a wildlife officer appointed under section 1.1(1) who is

(i) an employee of the Crown and subject to the *Public Service Act*,

(ii) a police officer of the independent agency police service as defined in the *Police Act*, including the chief of the independent agency police service, or

(iii) an employee of the independent agency police service as defined in the *Police Act*;

NOTE: (2) Section 1(1)(a.1) presently reads:

1(1) In this Act,

(a.1) "appointed officer" means a wildlife officer appointed under section 1.1(1) who is an employee of the Crown and subject to the Public Service Act;

(3) Section 1.2 is amended by striking out "and" **at the end of clause (b) and by adding the following after clause (c):**

(d) the chief of the independent agency police service, under section 33.5 of the *Police Act*, and

(e) police officers of the independent agency police service, under section 33.6 of the *Police Act*.

NOTE: (3) Adds to list of wildlife officers by virtue of their appointments to other offices.

RECORD OF DEBATE

Stage	Date	Member	From	To

		Interventions	From	To

Stage	Date	Member	From	To

		Interventions	From	To

Stage	Date	Member	From	To

		Interventions	From	To

Stage	Date	Member	From	To

		Interventions	From	To

Stage	Date	Member	From	To

		Interventions	From	To

Stage	Date	Member	From	To

		Interventions	From	To