



Province of Alberta

# **MISCELLANEOUS STATUTES AMENDMENT ACT, 2020**

Statutes of Alberta, 2020  
Chapter 23

Assented to July 23, 2020

© Published by Alberta Queen's Printer

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Bill 34

## MISCELLANEOUS STATUTES AMENDMENT ACT, 2020

### Chapter 23

*(Assented to July 23, 2020)*

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

#### **Alberta Personal Income Tax Act**

**Amends RSA 2000 cA-30**

**1(1) The *Alberta Personal Income Tax Act* is amended by this section.**

**(2) Section 38 is amended by striking out “15, 16, 17, 18, 19 and 20” wherever it occurs and substituting “17, 18 and 19”.**

#### **Child, Youth and Family Enhancement Act**

**Amends RSA 2000 cC-12**

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

**(2) Section 8(1) is amended by striking out “in the prescribed form”.**

**(3) Section 9 is amended by striking out “in the prescribed form”.**

**(4) Section 14(1) is amended by striking out “in the prescribed form”.**

**(5) Section 34(10) is amended by striking out “in the prescribed form”.**

**(6) Section 43.1(3)(b)(ii) is amended by striking out “in the prescribed form”.**

**(7) Section 44(4)(b) is amended by striking out** “in the prescribed form”.

**(8) Section 52 is amended**

**(a) in subsection (1.1) by striking out** “in the form required in the regulations”;

**(b) in subsection (1.3) by striking out** “, made in accordance with the regulations,”.

**(9) Section 57.2 is amended**

**(a) in subsection (1) by striking out** “in the prescribed form”;

**(b) in subsection (2) by striking out** “in the prescribed form”;

**(c) in subsection (3)(b) by striking out** “, in the prescribed form,”.

**(10) Section 57.4(1) is amended by striking out** “in the prescribed form”.

**(11) Section 57.8(1) is amended by striking out** “in accordance with the regulations”.

**(12) Section 63 is amended**

**(a) in subsection (1)(f) by striking out** “, made in accordance with the regulations,”;

**(b) in subsection (2)(f) by striking out** “, made in accordance with the regulations,”;

**(c) in subsection (3)(e) by striking out** “, made in accordance with the regulations,”.

**(13) Section 117.1(1) is amended by striking out** “in the prescribed form”.

**(14) Section 120(3) is amended by striking out** “in the prescribed form”.

**(15) Section 131(2)(II) is repealed.**

**(16) This section has effect on September 30, 2020.**

### Condominium Property Act

#### Amends RSA 2000 cC-22

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

**(2)** Section 50(1) is amended by striking out “section 49” and substituting “sections 37(3) and 49”.

### Electronic Transactions Act

#### Amends SA 2001 cE-5.5

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

**(2)** Section 1(1) is amended by adding the following after clause (c):

- (c.1) “interests in land” means interests in land that require registration to be effective against third parties;

### Family Law Act

#### Amends SA 2003 cF-4.5

**5(1)** The *Family Law Act* is amended by this section.

**(2)** Section 1 is amended in clauses (d) and (k) by striking out “means” and substituting “means, except where used in an express reference to the *Divorce Act (Canada)*,”.

**(3)** Section 38(1)(g) is repealed and the following is substituted:

- (g) “time with a child clause” means a provision granting time with a child at determinable times, on determinable days or dates or for determinable periods that is contained in one of the following orders, whether interim or from an extra-provincial tribunal or otherwise:
- (i) a parenting order or contact order under this Act,
  - (ii) a parenting order or contact order under the *Divorce Act (Canada)*, or
  - (iii) an order granting decision-making responsibility, parenting time, contact or a right of custody or access in respect of a child under legislation that is similar to this Act or the *Divorce Act (Canada)*, but not including an order under the *Child, Youth and Family Enhancement Act* or similar legislation.

**(4) Section 45.1 is repealed and the following is substituted:**

**Effect of divorce proceedings**

**45.1** The jurisdiction of the court to make or vary a guardianship order, parenting order or contact order under this Act continues in effect unless and until a court makes an interim or final parenting order under the *Divorce Act* (Canada) or an interim or final contact order under that Act in divorce proceedings.

**(5) This section has effect on the coming into force of section 12 of *An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act and to make consequential amendments to another Act*, chapter 16 of the Statutes of Canada, 2019.**

**Fiscal Measures and Taxation Act, 2019**

Amends SA 2019 c20

**6(1) The *Fiscal Measures and Taxation Act, 2019* is amended by this section.**

**(2) Section 9(32)(a) is repealed.**

**Garage Keepers' Lien Act**

Amends RSA 2000 cG-2

**7(1) The *Garage Keepers' Lien Act* is amended by this section.**

**(2) Section 6(2)(a) is amended by striking out “a warrant in the prescribed form” and substituting “a warrant in a form set by the Registrar”.**

**Interpretation Act**

Amends RSA 2000 cI-8

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

**(2) Section 20 is amended by adding the following after subsection (3):**

**(3.1)** If a person is appointed by or under the authority of an enactment to an office for a specified term of office and resigns before the term of office expires, that person's resignation is deemed to terminate that appointment.

**(3.2)** A resignation from a term of office under subsection (3.1) is not effective unless it is provided in writing.

**(3.3)** The effective date of the resignation from a term of office referred to in subsection (3.1) is the later of

- (a) the date the resignation is provided, or
- (b) the date specified in the written resignation.

### **Jury Act**

**Amends RSA 2000 cJ-3**

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

**(2) Section 4(k)(iv) is repealed and the following is substituted:**

- (iv) members and employees of the Department of Justice of Canada, the Department of Public Safety and Emergency Preparedness, the Canadian Security Intelligence Service, the Canadian Border Services Agency and the Parole Board of Canada.

### **Marriage Act**

**Amends RSA 2000 cM-5**

**10(1) The *Marriage Act* is amended by this section.**

**(2) Section 14(1) is amended by striking out “in the prescribed form” and substituting “in a form set by the Registrar”.**

**(3) Section 19(1) is repealed and the following is substituted:**

#### **Consent**

**19(1)** Subject to this section, the consent of each guardian of a person under 18 years of age is required, in a form set by the Registrar, in order for that person to marry.

### **Motor Vehicle Accident Claims Act**

**Amends RSA 2000 cM-22**

**11(1) The *Motor Vehicle Accident Claims Act* is amended by this section.**

**(2) Section 23 is repealed.**

### **Petty Trespass Act**

**Amends RSA 2000 cP-11**

**12(1) The *Petty Trespass Act* is amended by this section.**

**(2) Section 1 is amended by striking out “section (1.1)” and substituting “section 1.1”.**

#### **Protection of Sexually Exploited Children Act**

**Amends RSA 2000 cP-30.3**

**13(1) The *Protection of Sexually Exploited Children Act* is amended by this section.**

**(2) Section 7.1(2) is amended by striking out “be in the form provided for in the regulations and must”.**

**(3) Section 7.2(2) is amended by striking out “be in the form provided for in the regulations and must”.**

**(4) This section has effect on September 30, 2020.**

#### **Provincial Offences Procedure Act**

**Amends RSA 2000 cP-34**

**14(1) The *Provincial Offences Procedure Act* is amended by this section.**

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

##### **Failure to attend**

**5(1)** A person who, being at large on a release order, fails without lawful excuse, the proof of which lies on the person, to attend Court in accordance with that release order, or to surrender themselves in accordance with that release order or an order of a justice, as the case may be, is guilty of an offence.

**(2)** A person who, being at large on a release order, fails without lawful excuse, the proof of which lies on the person, to comply with a condition of that release order, is guilty of an offence.

**(3)** A person who is served with a summons and who fails without lawful excuse, the proof of which lies on the person, to attend Court in accordance with that summons is guilty of an offence.

**(4)** A person who is named in

(a) an appearance notice, or

(b) an undertaking,



that has been confirmed by a justice and who fails without lawful excuse, the proof of which lies on the person, to attend Court in accordance with the appearance notice or undertaking is guilty of an offence.

**(5)** A person who, without lawful excuse, the proof of which lies on the person, fails to comply with any condition of an undertaking is guilty of an offence.

**(6)** For the purpose of subsection (4), it is not a lawful excuse that an appearance notice or undertaking does not correctly state the substance of the alleged offence.

**(7)** If at the trial of a person for an offence that person does not appear at the time and place appointed for the trial or the resumption of the trial and the justice proceeds to conduct the trial *ex parte*, no proceedings shall be instituted under this section arising out of the failure of the person to appear.

**(8)** In proceedings under subsection (1), (3) or (4), a certificate purporting to be signed by the clerk or a justice before whom the person is alleged to have failed to attend, stating that

- (a) in the case of proceedings under subsection (1), a person who being at large on a release order failed to attend Court,
- (b) in the case of proceedings under subsection (3), a summons was issued to and served on the person and the person failed to attend Court in accordance with the summons, and
- (c) in the case of proceedings under subsection (4), the person was named in an appearance notice or undertaking that was confirmed by a justice, and the accused failed to attend Court in accordance with the appearance notice or undertaking,

is evidence of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

**(9)** A person against whom a certificate described in subsection (8) is produced may, with the permission of the Court, require the attendance of the person producing the certificate for the purpose of cross-examination.

**(10)** A certificate shall not be received in evidence pursuant to subsection (8) unless the party intending to produce it has,

before the trial, given to the accused reasonable notice of the party's intention, together with a copy of the certificate.

### **Public Service Act**

#### **Amends RSA 2000 cP-42**

**15(1) The *Public Service Act* is amended by this section.**

**(2) Section 25.01 is amended**

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

**(i) by adding** “and sections 25.02 and 25.04” **after** “section”;

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

**(c) “office of the Legislature” means**

- (i) the Legislative Assembly Office,
- (ii) the Office of the Auditor General,
- (iii) the Office of the Ombudsman,
- (iv) the Office of the Chief Electoral Officer,
- (v) the Office of the Ethics Commissioner,
- (vi) the Office of the Information and Privacy Commissioner,
- (vii) the Office of the Child and Youth Advocate, and
- (viii) the Office of the Public Interest Commissioner.

**(b) by repealing subsection (6) and substituting the following:**

**(6) No severance pay shall be provided under subsection (4) without the approval of**

- (a) in the case of termination of an employee of an office of the Legislature, the deputy head of that office, or
- (b) in the case of the termination of an employee other than an employee of an office of the Legislature, the Commissioner and the Deputy Attorney General.

**(c) in subsection (7) by striking out “subsection (6)” and substituting “subsection (6)(b)”.**

**(3) Section 25.02 is amended**

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

**Repayment**

**25.02(1)** Where an employee who has received severance pay becomes employed with any of the following employers during the period of notice to which the severance pay is attributable, the employee shall repay the amount determined under subsection (1.1):

- (a) the Crown in right of Alberta;
- (b) a public agency to which the *Alberta Public Agencies Governance Act* applies;
- (c) an office of the Legislature.

**(1.1)** The amount to be repaid under subsection (1) is the lesser of

- (a) the gross amount of severance pay received by the employee, and
- (b) the gross amount of earnings of the employee from employment with the employer referred to in subsection (1) during the period of notice to which the severance pay received by the employee is attributable.

- (b) in subsection (2) by striking out “by the Crown to the employee” and substituting “to the employee by the employer referred to in that subsection”.**

**(4) Section 25.04(1) is amended by adding “, or against the Legislative Assembly, the Speaker of the Legislative Assembly, an office of the Legislature, or any agents, appointees or employees of the Legislative Assembly or an office of the Legislature” after “appointees or employees”.**

**Religious Societies’ Land Act****Amends RSA 2000 cR-15**

**16(1) The *Religious Societies’ Land Act* is amended by this section.**

**(2) Section 12(2)(b) is repealed.**

**(3) Section 22(2) is repealed.**

**Safer Communities and Neighbourhoods Act****Amends SA 2007 cS-0.5****17(1) The *Safer Communities and Neighbourhoods Act* is amended by this section.****(2) Section 3(1)(e)(i) is amended by adding “or cannabis” after “liquor”.****Teaching Profession Act****Amends RSA 2000 cT-2****18(1) The *Teaching Profession Act* is amended by this section.****(2) Section 16(h) is repealed and the following is substituted:**

- (h) “Registrar” means the Registrar appointed under the regulations made under the *Education Act*.







