

BILL 30-2

2002

ADULT INTERDEPENDENT RELATIONSHIPS ACT

(Assented to , 2002)

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Preamble

WHEREAS marriage is an institution that has traditional religious, social and cultural meaning for many Albertans; and

WHEREAS it is recognized in Alberta as a fundamental principle that marriage is a union between a man and a woman to the exclusion of all others; and

WHEREAS the Legislature of Alberta affirms that a spouse is a person who is married; and

WHEREAS there are Albertans in interdependent relationships outside marriage; and

WHEREAS it is appropriate to define a legal context for the nature of those interdependent relationships and to set out the applicability of Alberta laws to them;

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

Interpretation

1(1) In this Act,

- (a) “adult interdependent partner” means an adult interdependent partner within the meaning of section 3, but does not include a former adult interdependent partner;
- (b) “adult interdependent partner agreement” means an agreement referred to in section 7;
- (c) “adult interdependent relationship” means the relationship between 2 persons who are adult interdependent partners of each other;
- (d) “former adult interdependent partner” means a former adult interdependent partner within the meaning of section 9;
- (e) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (f) “relationship of interdependence” means a relationship outside marriage in which any 2 persons
 - (i) share one another’s lives,
 - (ii) are emotionally committed to one another, and
 - (iii) function as an economic and domestic unit;
- (g) “spouse” means the husband or wife of a married person.

(2) In determining whether 2 persons function as an economic and domestic unit for the purposes of subsection (1)(f)(iii), all the

circumstances of the relationship must be taken into account, including such of the following matters as may be relevant:

- (a) whether or not the persons have a conjugal relationship;
- (b) the degree of exclusivity of the relationship;
- (c) the conduct and habits of the persons in respect of household activities and living arrangements;
- (d) the degree to which the persons hold themselves out to others as an economic and domestic unit;
- (e) the degree to which the persons formalize their legal obligations, intentions and responsibilities toward one another;
- (f) the extent to which direct and indirect contributions have been made by either person to the other or to their mutual well-being;
- (g) the degree of financial dependence or interdependence and any arrangements for financial support between the persons;
- (h) the care and support of children;
- (i) the ownership, use and acquisition of property.

Application of Act

2 This Act applies to adult interdependent relationships arising before or after this Act comes into force.

Adult interdependent partner

3 A person is the adult interdependent partner of another person if

- (a) the person has lived with the other person in a relationship of interdependence
 - (i) for a continuous period of not less than 3 years, or
 - (ii) of some permanence, if there is a child of the relationship by birth or adoption,

or

- (b) the person has entered into an adult interdependent partner agreement with the other person under section 7.

Relationship of interdependence

4(1) A relationship of interdependence may exist between 2 persons who are related to each other by blood or adoption except where one of the persons is a minor.

(2) A relationship of interdependence does not exist between 2 persons where one of the persons provides the other with domestic support and personal care for a fee or other consideration or on behalf of another person or organization, including a government.

Restrictions

5(1) A person cannot at any one time have more than one adult interdependent partner.

(2) A married person cannot become an adult interdependent partner while living with his or her spouse.

Minors

6 Subject to sections 4(1) and 7(2), a minor may be an adult interdependent partner.

Adult interdependent partner agreement

7(1) Subject to subsection (2), any 2 persons who are living together or intend to live together in a relationship of interdependence may enter into an adult interdependent partner agreement in the form provided for by the regulations.

(2) A person may not enter into an adult interdependent partner agreement if the person

- (a) is a party to an existing adult interdependent partner agreement,
- (b) is married, or
- (c) is a minor, unless
 - (i) the minor is at least 16 years of age, and

- (ii) the minor's guardians have given their prior written consent.

Validity of adult interdependent partner agreement

8(1) An adult interdependent partner agreement is invalid if

- (a) one of the parties was induced by fraud, duress or undue influence to enter into the agreement,
- (b) one of the parties lacked the mental capacity to understand the nature of the agreement,
- (c) the parties were neither living together nor intending to live together in a relationship of interdependence when the agreement was entered into, or
- (d) one of the parties was prohibited by section 7(2) from entering into the agreement.

(2) A person who

- (a) purports to enter into an adult interdependent partner agreement in circumstances in which the person is prohibited from doing so by section 7(2), or
- (b) induces another person to enter into an adult interdependent partner agreement with the person in circumstances referred to in subsection (1)(a),

is liable in damages to compensate the other party to the adult interdependent partner agreement for pecuniary and non-pecuniary loss incurred as a consequence of the invalid adult interdependent partner agreement.

(3) A person who uses an adult interdependent partner agreement to claim an adult interdependent relationship with another person knowing that the agreement is invalid is liable in damages to compensate a person who is not a party to the adult interdependent partner agreement for pecuniary loss incurred in reliance on the invalid adult interdependent partner agreement.

Former adult interdependent partner

9(1) Unless another enactment provides otherwise, an adult interdependent partner becomes the former adult interdependent partner of another person when the earliest of the following occurs:

- (a) the adult interdependent partners enter into a written agreement that provides evidence that the adult interdependent partners intend to live separate and apart without the possibility of reconciliation;
- (b) the adult interdependent partners live separate and apart for more than one year and one or both of the adult interdependent partners intend that the adult interdependent relationship not continue;
- (c) the adult interdependent partners marry each other or one of the adult interdependent partners marries a third party;
- (d) in the case of an adult interdependent partner referred to in section 3(a), the adult interdependent partner enters into an adult interdependent partner agreement with a third party.

(2) For the purposes of subsection (1)(b), a period of living separate and apart is not considered interrupted or terminated

- (a) by reason only that either adult interdependent partner has become incapable of forming the intention to live separate and apart, or
- (b) by reason only that the adult interdependent partners have resumed living together during a single period of not more than 90 days with reconciliation as its primary purpose.

(3) An adult interdependent partner agreement expires when the parties become former adult interdependent partners under subsection (1).

Partnership Act does not apply

10 The *Partnership Act* does not apply to an adult interdependent relationship.

Regulations

11 The Minister may make regulations

- (a) respecting the form, contents and execution of an adult interdependent partner agreement and other forms to be used under this Act;
- (b) respecting any other matter or thing that the Minister considers necessary to carry out the intent of this Act.

Consequential Amendments and Coming into Force

Amends RSA 2000 cA-2

12(1) The *Administration of Estates Act* is amended by this section.

(2) Section 7 is amended

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

Notice to dependants

7(1) When an application is made for a grant of probate or administration, the applicant shall send a copy of the application and a notice pertaining to the rights of dependants under the *Dependants Relief Act* to

- (a) the spouse of the deceased, if the spouse is not the sole beneficiary under the will of the deceased or under the *Intestate Succession Act* and if the spouse resided in Canada at the date of the death of the deceased,
- (b) the adult interdependent partner of the deceased, if the adult interdependent partner is not the sole beneficiary under the will of the deceased or under the *Intestate Succession Act* and if the adult interdependent partner resided in Canada at the date of the death of the deceased, and
- (c) each child of the deceased who was an adult at the date of the death of the deceased and is unable by reason of physical disability to earn a livelihood and who resided in Canada at the date of the death of the deceased.

- (b) in subsection (5) by striking out “*Family Relief Act*” and substituting “*Dependants Relief Act*”.**

(3) The following is added after section 63:

Transitional

64(1) In this section, “previous Act” means the *Administration of Estates Act* as it read immediately before it was amended by the *Adult Interdependent Relationships Act*.

(2) The previous Act continues to apply in cases of death occurring before this section comes into force.

Amends RSA 2000 cA-18

13(1) The *Alberta Evidence Act* is amended by this section.

(2) Section 4(2) is amended by striking out “husbands and wives” and substituting “spouses and adult interdependent partners”.

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

Evidence as to intercourse

5 Without limiting the generality of section 4, a spouse or an adult interdependent partner may in an action give evidence that he or she did or did not have sexual intercourse with the other spouse or adult interdependent partner at any time or within any period of time before or during the marriage or adult interdependent relationship.

(4) Section 8 is repealed and the following is substituted:

Communications made during marriage or adult interdependent relationship

8 A spouse or an adult interdependent partner is not compellable to disclose any communication made to him or her by the other spouse or adult interdependent partner during the marriage or adult interdependent relationship.

Amends RSA 2000 cA-20

14(1) The *Alberta Health Care Insurance Act* is amended by this section.

(2) Section 3(2)(a) is amended by adding “or adult interdependent partner” after “spouse”.

(3) Section 41(4)(a) is amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cA-30

15(1) The *Alberta Personal Income Tax Act* is amended by this section.

(2) Section 8 is amended

- (a) by repealing the heading “Spousal credit” and substituting “Marital status”;**
- (b) in subsection (1)(a) by adding “or a person who is in a common-law partnership” after “married person”;**
- (c) in subsection (1)(a) by adding “or common-law partner” after “spouse” wherever it occurs;**
- (d) in subsection (1)(a) by adding “or common-law partnership” after “marriage” wherever it occurs;**
- (e) in subsection (1)(a) by adding “or common-law partner’s” after “spouse’s”;**
- (f) in subsection (1)(a) by adding “or in the common-law partnership” after “while married”;**
- (g) by repealing the heading “Equivalent to spouse credit - single status” and substituting “Wholly dependent person”;**
- (h) by repealing subsection (1)(b)(i) and substituting the following:**
 - (i) is**
 - (A) a person who is unmarried and who does not live in a common-law partnership, or**

(B) a person who is married or in a common-law partnership, who neither supported nor lived with his or her spouse or common-law partner and who is not supported by that spouse or common-law partner, and

(i) **in subsection (1)(d)(ii)(B) by adding** “or common-law partner” **after** “spouse”.

(3) Section 12(1) is amended by adding “or common-law partner” **after** “spouse”.

(4) Section 20(3) is amended by adding “or common-law partner” **after** “spouse” **wherever it occurs**.

(5) Section 28 is amended

(a) **in clause (a) by adding** “or common-law partner” **after** “spouse”;

(b) **in clause (b) by striking out** “cohabiting spouse” **and substituting** “cohabiting spouse or common-law partner”;

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

(b.1) “cohabiting spouse or common-law partner” has the meaning given to it in section 122.6 of the federal Act;

(6) Section 32(1) and (2) are amended by adding “or common-law partner” **after** “cohabiting spouse” **wherever it occurs**.

Amends RSA 2000 cA-37

16(1) The *Alberta Treasury Branches Act* is amended by this section.

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

(i) “relative” means a person who is related by blood, marriage or adoption or by virtue of an adult interdependent relationship;

(j) “spouse” means the husband or wife of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have

separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;

(3) Section 4(5)(d) and (e) are amended by adding “or adult interdependent partner” after “spouse”.

(4) Section 21(b) and (c) are amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cA-45

17(1) *The Assured Income for the Severely Handicapped Act* is amended by this section.

(2) Section 1 is amended

(a) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(a) “cohabiting partner” means a cohabiting partner as defined in the regulations for the purposes of this Act;

(b) by repealing clause (i).

(3) Section 4(2) and (3)(c) and (d) are amended by adding “or cohabiting partner” after “spouse”.

(4) Section 7(2), (3) and (4) are amended by adding “or cohabiting partner” after “spouse” wherever it occurs.

(5) Section 9(1) and (2) are amended by adding “or cohabiting partner” after “spouse” wherever it occurs.

(6) Section 10(1)(b) and (c) and (3) are amended by adding “or cohabiting partner” after “spouse” wherever it occurs.

(7) Section 12(a) and (c) are amended by adding “or cohabiting partner” after “spouse”.

(8) Section 14(4) and (5) are amended by adding “or cohabiting partner” after “spouse” wherever it occurs.

(9) Section 18(1) is amended

(a) in clauses (a) and (b) by adding “or cohabiting partner” after “spouse”;

- (b) in clause (i) by striking out “spouse” and substituting “cohabiting partner”.
- (10) Section 19(1) and (2) are amended by adding “or cohabiting partner” after “spouse”.

Amends RSA 2000 c6(Supp)

18(1) The Assured Income for the Severely Handicapped Amendment Act, RSA 2000 c6(Supp), is amended by this section.

(2) Section 2 is amended in the new section 4(2.1) by adding “or cohabiting partner” after “spouse”.

(3) Section 4 is amended in the new section 18(1)(j) by adding “or cohabiting partner” after “spouse”.

Amends RSA 2000 cB-7

19(1) The Builders’ Lien Act is amended by this section.

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

Land owned by married person or adult interdependent partner

14(1) When work is done or material is furnished in respect of land in which a married person or an adult interdependent partner has an estate or interest, if the work is done or the material is furnished with the privity of the spouse of the married person or the other adult interdependent partner then, for the purposes of this Act, the spouse or other adult interdependent partner is conclusively presumed to be acting as the agent of the married person or the adult interdependent partner as well as for himself or herself.

(2) The presumption arising under subsection (1) applies only in respect of that part of the work done or portion of the materials furnished before the person doing the work or furnishing the materials has had actual notice that the spouse or the other adult interdependent partner is not the agent of the married person or the adult interdependent partner who has an estate or interest in the land.

Amends RSA 2000 cB-9

20(1) The Business Corporations Act is amended by this section.

(2) Section 1 is amended

(a) in clause (e)(iv) and (v) by adding “or adult interdependent partner” after “spouse”;

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

(ii.1) “spouse” means the husband or wife of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;

Amends RSA 2000 cC-7

21(1) The *Change of Name Act* is amended by this section.

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

(c) “child” means a minor child who is neither married nor an adult interdependent partner;

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

Change of child’s surname

5(1) Subject to sections 11(5) and 12, the surname of a child may be changed only to a surname that

- (a) is the surname or maiden surname of the mother,
- (b) is the surname of the father,
- (c) is the surname of the spouse or adult interdependent partner of the mother or of the father, or
- (d) consists of not more than 2 of the surnames referred to in clauses (a) to (c), combined or hyphenated.

(2) If a person referred to in subsection (1)(a) to (c) has a hyphenated or combined surname, only one of the names of that surname shall be used.

(4) The following is added after section 6:

Application by adult interdependent partner

6.1(1) An adult interdependent partner may apply

- (a) to change a given name or the surname of the other partner;
- (b) to change a given name or the surname of a child of the adult interdependent partner who is also a child of the other partner.

(2) An adult interdependent partner may not apply under this section

- (a) to change a given name or the surname of the other partner, or
- (b) to change a given name or the surname of a child of the adult interdependent partner who is also a child of the other partner,

without the consent of the other partner.

(5) Sections 7 to 11 are repealed and the following is substituted:

Children of widowed person

7(1) A widowed person may apply to change a given name or the surname of a child of the widowed person who is also the child of the deceased spouse or deceased adult interdependent partner of the widowed person, as the case may be.

(2) A widowed person who marries or becomes an adult interdependent partner may apply to change the surname of a child of the widowed person who is also the child of the deceased spouse or deceased adult interdependent partner to the surname of the present spouse or present adult interdependent partner but only with the consent of the present spouse or present adult interdependent partner, if living.

Children of divorced couples

8(1) A person whose marriage has been dissolved and who has lawful custody of a child of the dissolved marriage may, with the consent of the other parent of the child, if living, apply to change a given name or the surname of the child.

(2) A person whose marriage has been dissolved who remarries or becomes an adult interdependent partner may apply to change the surname of a child of the dissolved marriage of whom the person has lawful custody to the surname of the spouse or adult interdependent partner, but the consent of the present spouse or present adult interdependent partner, if living,

is required in addition to the consent of the other parent required under subsection (1).

Children of former adult interdependent relationship

8.1(1) A former adult interdependent partner who has lawful custody of a child of the former adult interdependent relationship may, with the consent of the other parent of the child, if living, apply to change a given name or the surname of the child.

(2) A former adult interdependent partner who marries or becomes an adult interdependent partner may apply to change the surname of a child of the former adult interdependent relationship of whom the person has lawful custody to the surname of the present spouse or present partner, but the consent of the present spouse or present partner, if living, is required in addition to the consent of the other parent required under subsection (1).

Children of annulled marriages

9(1) A person whose marriage has been annulled and who has lawful custody of a child of the annulled marriage may, with the consent of the other parent of the child, if living, apply to change a given name or the surname of the child.

(2) A person whose marriage has been annulled and who

- (a) has lawful custody of a child of the annulled marriage, and
- (b) remarries or enters into an adult interdependent relationship

may apply to change the surname of the child to the surname of the present spouse or present adult interdependent partner, but the consent of the present spouse or present adult interdependent partner, if living, is required in addition to the consent of the other parent required under subsection (1).

Change of former surname

10 If a person

- (a) who is married adopts the surname of that person's spouse,
- (b) who is an adult interdependent partner adopts the surname of the other partner, or

- (c) who is widowed, whose marriage has been dissolved or who becomes a former adult interdependent partner adopted the surname of the deceased spouse or of the former spouse, or of the deceased adult interdependent partner or of the former adult interdependent partner, as the case may be,

that person may, without the consent of that person's spouse or adult interdependent partner or child, if any, apply to change a surname that that person had prior to the marriage or the adult interdependent relationship to another surname.

Child born out of wedlock

11(1) This section does not apply to a child of a marriage that has been annulled.

(2) A parent who has lawful custody of a child born out of wedlock and outside of an adult interdependent relationship may apply to change a given name of the child.

(3) Subject to this section, a parent who has lawful custody of a child born out of wedlock and outside of an adult interdependent relationship may apply to change the surname of the child to the surname or proposed surname of the parent who has lawful custody.

(4) If a parent who has lawful custody of a child born out of wedlock and outside of an adult interdependent relationship marries or enters into an adult interdependent relationship and the spouse or adult interdependent partner is not a parent of the child, the parent may apply to change the surname of the child to the surname of the spouse or adult interdependent partner only with the consent of the spouse or adult interdependent partner, if living.

(5) If a parent who has lawful custody of a child born out of wedlock and outside of an adult interdependent relationship is not married to, and is not the adult interdependent partner of, but is cohabiting with, a person in a relationship of interdependence as defined in the *Adult Interdependent Relationships Act*, the parent may apply to change the surname of the child to the surname of the person with whom the parent is cohabiting only with the consent of that person.

(6) A mother who has lawful custody of a child born out of wedlock and outside of an adult interdependent relationship and who is not cohabiting with the putative father of the child may

apply to change the surname of the child to the surname of the putative father of the child if

- (a) the putative father has been declared by a court to be the father of the child, or
- (b) the putative father acknowledges during his lifetime that he is the father of the child.

(6) Section 13 is repealed.

(7) Section 16 is amended by adding the following after subsection (3):

(3.1) An application under section 8.1 shall be accompanied with any proof that is required that the applicant is a former adult interdependent partner and that the applicant has lawful custody of the child named in the application.

Amends RSA 2000 cC-15

22(1) The *Civil Enforcement Act* is amended by this section.

(2) Section 104(d) is amended by adding “or an adult interdependent partner” after “spouse”.

Amends RSA 2000 cC-21

23(1) The *Companies Act* is amended by this section.

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

- (aa) “spouse” means the husband or wife of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;

(3) Section 95(1)(b)(iii) is amended by adding “or adult interdependent partner” after “spouse” wherever it occurs.

Amends RSA 2000 cC-23

24(1) The *Conflicts of Interest Act* is amended by this section.

(2) Section 1 is amended

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

- (l) “spouse” means the husband or wife of a married person who is a Member but does not include a spouse who is living separate and apart from the Member if the Member and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;

(b) by repealing subsection (5)(a) and substituting the following:

- (a) the Member’s spouse or adult interdependent partner,

(3) Section 7(1) and (2) are amended by adding “or adult interdependent partner” after “spouse” wherever it occurs.

(4) Section 12 is amended by adding “or adult interdependent partner” after “spouse” wherever it occurs.

(5) Section 13 is amended by adding “or adult interdependent partner” after “spouse” wherever it occurs.

(6) Section 14 is amended

(a) in subsections (1) and (2) by adding “or adult interdependent partner” after “spouse” wherever it occurs;

(b) by repealing subsection (4)(c) and (d) and substituting the following:

- (c) information identifying a home or recreational property occupied by the Member, the Member’s spouse or adult interdependent partner or one of the Member’s family;
- (d) things used personally by a Member, the Member’s spouse or adult interdependent partner or one of the Member’s family;

(c) in subsection (7) by adding “or adult interdependent partner” after “spouse” wherever it occurs.

Amends RSA 2000 cC-28

25(1) The *Co-operative Associations Act* is amended by this section.

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

- (h.1) “spouse” means the husband or wife of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;

(3) Section 18(1)(a)(i) is amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cC-28.1

26(1) The *Cooperatives Act* is amended by this section.

(2) Section 1(1) is amended

(a) in clause (d)(vi) and (vii) by adding “or adult interdependent partner” after “spouse” wherever it occurs;

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

- (ww.1) “spouse” means the husband or wife of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written

separation agreement or if their support obligations and family property have been dealt with by a court order;

Amends RSA 2000 cC-32

27(1) The *Credit Union Act* is amended by this section.

(2) Section 2(4)(b) and (c) are amended by adding “or adult interdependent partner” after “spouse”.

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

(5) In subsection (4),

- (a) “officer” includes a person who has been appointed or elected or selected for employment as an officer but who has not yet assumed the office;
- (b) “relative” means a relative by blood, marriage or adoption or by virtue of an adult interdependent relationship;
- (c) “spouse” means the husband or wife of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

Amends RSA 2000 cD-11

28(1) The *Dependent Adults Act* is amended by this section.

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

- (i) spouse or adult interdependent partner;

(3) Section 46(2)(a) is amended by adding “or adult interdependent partner” after “spouse”.

(4) Section 81(2)(a) is amended by adding “or by virtue of an adult interdependent relationship” after “marriage”.

Amends RSA 2000 cD-14

29(1) The *Domestic Relations Act* is amended by this section.

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

Definitions

1 In this Act,

- (a) “adult interdependent partner” includes a former adult interdependent partner;
- (b) “Court” means the Court of Queen’s Bench.

(3) Section 7 is amended by striking out “spousal support under section 17” and substituting “support under section 17 or 17.1”.

(4) The heading to Part 3 is amended by striking out “Spousal”.

(5) Section 17 is amended

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

Support order – spouse

17(1) The Court may make a support order on application by either or both of the spouses where the spouses are living separate and apart and there is no possibility of reconciliation.

(b) in subsection (2) by striking out “The Court making a spousal support order” and substituting “The Court, in making a support order,”;

(c) in subsection (4)

(i) by striking out “(2)” and substituting “(1)”;

(ii) in clause (a) by striking out “cohabited” and substituting “lived together”;

(iii) in clause (b) by striking out “cohabitation,” and substituting “period they lived together,”;

(d) in subsection (5)

- (i) by striking out “A” and substituting “The”;
- (ii) by striking out “spousal” wherever it occurs;
- (e) in subsection (6)(a) by striking out “spousal”;
- (f) in subsection (7)
 - (i) by striking out “spousal” wherever it occurs;
 - (ii) in clause (a) by striking out “or the common law relationship”.

(6) The following is added after section 17:

Support order – adult interdependent partner

17.1(1) The Court may make a support order on application by either or both of the adult interdependent partners where the adult interdependent partners are living separate and apart and there is no possibility of reconciliation.

(2) The Court, in making a support order, may direct an adult interdependent partner to pay periodic sums or a lump sum, or both, for any period and on any terms that the Court thinks reasonable for the support of the other adult interdependent partner.

(3) Where an application is made for an order under subsection (1), the Court may, on application by either or both of the adult interdependent partners, make an interim order requiring an adult interdependent partner to pay periodic sums or a lump sum, or both, for any period and on any terms that the Court thinks reasonable for the support of the other adult interdependent partner, pending the determination of the application under subsection (1).

(4) In making an order under subsection (1) or an interim order under subsection (3), the Court must take into consideration the condition, means, needs and other circumstances of each adult interdependent partner, including

- (a) the length of time the adult interdependent partners lived together,
- (b) the functions performed by each adult interdependent partner during the period they lived together, and

(c) any order, agreement or arrangement between the adult interdependent partners.

(5) The Court may make a variation order varying, rescinding or suspending, prospectively or retroactively, a support order or any provision of a support order on application by either or both of the adult interdependent partners.

(6) Before the Court makes a variation order, the Court must satisfy itself

- (a) that a change in the condition, means, needs or other circumstances of either adult interdependent partner has occurred since the making of the support order or the last variation order made in respect of that order, or
- (b) that evidence of a substantial nature that was not available at the previous hearing has become available,

and, in making the variation order, the Court must take that change of circumstances or evidence into consideration.

(7) Where a support order provides for support for a definite period or until a specified event occurs, the Court may not, on an application instituted after the expiration of that period or the occurrence of the event, make a variation order for the purpose of resuming that support unless the Court is satisfied that

- (a) a variation order is necessary to relieve economic hardship arising from a change described in subsection (6)(a) that is related to the adult interdependent relationship, and
- (b) the changed circumstances, had they existed at the time of the making of the support order or the last variation order made in respect of that order, as the case may be, would likely have resulted in a different order.

(7) Section 21 is amended by striking out “spousal support under section 17” and substituting “support under section 17 or 17.1”.

(8) Section 27 is repealed and the following is substituted:

Support agreement

27(1) Subject to subsection (2), an agreement containing support provisions, whether entered into before or after the enactment of this section, prevails over section 17 or 17.1.

(2) The Court may disregard the support provisions of an agreement referred to in subsection (1) if any of the following circumstances apply and the Court is of the opinion that the agreement would be inequitable:

- (a) the spouse or adult interdependent partner who challenges the agreement or a provision of it entered into the agreement without receiving independent legal advice;
- (b) in the case of spouses, a consideration in making the agreement or a provision of it was the removal by one spouse of barriers that would prevent the other spouse's remarriage within that spouse's faith;
- (c) in the case of adult interdependent partners, they married each other after they entered into the agreement;
- (d) one of the spouses or adult interdependent partners is on social assistance without reasonable support from the other spouse or adult interdependent partner.

(9) Section 48 is repealed.

Amends RSA 2000 cE-1

30(1) The *Election Act* is amended by this section.

(2) Section 44(2)(a) is amended by adding "or adult interdependent partner" after "spouse".

Amends RSA 2000 cE-8

31(1) The *Employment Pension Plans Act* is amended by this section.

(2) Section 1(1) is amended

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

(ff.1) "pension partner" means, in relation to another person,

- (i) a person who, at the relevant time, was married to that other person and had not been living separate and apart from that other person for 3 or more consecutive years, or
- (ii) if there is no person to whom subclause (i) applies, a person who, immediately preceding the relevant time, had lived with that other person in a conjugal relationship
 - (A) for a continuous period of at least 3 years, or
 - (B) of some permanence, if there is a child of the relationship by birth or adoption;

(b) by repealing clause (rr).

(3) Sections 39(9) and 41 are amended by striking out “spouse’s” wherever it occurs and substituting “pension partner’s”.

(4) Section 40(4)(a) is amended by striking out “spousal” and substituting “pension partner”.

(5) Section 46(5)(a) is amended by striking out “spousal” and substituting “pension partner”.

(6) The heading preceding section 58 is amended by striking out “Spousal”.

(7) Sections 63(2) and 66 are amended by striking out “member-spouse’s” and substituting “member-pension-partner’s”.

(8) Section 69(2) is amended by striking out “spouses’ ” and substituting “pension partners’ ”.

(9) In the following provisions “spouses” is struck out wherever it occurs and “pension partners” is substituted:

section 55(2)(a);
section 60(2)(b);
section 63(2) and (3);
section 67(3).

(10) In the following provisions “member-spouse” is struck out and “member-pension-partner” is substituted:

section 15(1)(k);
section 58(1)(c), (d) and (f);
section 60(1);
section 62;
section 64(2).

(11) In the following provisions “non-member-spouse” is struck out wherever it occurs and “non-member-pension-partner” is substituted:

section 15(1)(k);
section 58(1)(c) and (d);
section 60(1);
section 62.

(12) In the following provisions “non-member-spouse’s” is struck out and “non-member-pension-partner’s” is substituted:

section 62;
section 63(1) and (4);
section 64(1), (2) and (3);
section 65.

(13) In the following provisions “spouse” is struck out wherever it occurs and “pension partner” is substituted:

section 15(1)(f);
section 35(1)(b)(ii);
section 39(1)(a) and (b), (4) to (10);

section 40(1) and (4);
section 41;
section 43(2) and (3);
section 46(1), (3) and (5);
section 49(2);
section 58(1)(c) and (e);
section 63(5);
section 65(a) and (b);
section 67(3).

Amends RSA 2000 cF-2

32(1) The *Fair Trading Act* is amended by this section.

(2) Section 43(a) is amended by adding “or adult interdependent partner’s” after “spouse’s”.

(3) Section 116(1)(j) and (m) are amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cF-5

33(1) The *Family Relief Act* is amended by this section.

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

**Dependants Relief Act
Chapter D-10.5**

(3) Section 1 is amended

(a) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(a) “adult interdependent partner agreement” means an adult interdependent partner agreement as defined in the *Adult Interdependent Relationships Act*;

(b) by repealing clause (d) and substituting the following:

(d) “dependant” means

(i) the spouse of the deceased,

(ii) the adult interdependent partner of the deceased,

(iii) a child of the deceased who is under the age of 18 years at the time of the deceased’s death, and

(iv) a child of the deceased who is 18 years of age or over at the time of the deceased’s death and unable by reason of mental or physical disability to earn a livelihood;

(4) Section 2 is renumbered as section 2(1) and the following is added after subsection (1):

(2) If

(a) a judge makes a declaration of presumption of death, and

- (b) the spouse of the person presumed to be dead enters into an adult interdependent partner agreement with another person,

then notwithstanding that it is later found that the person presumed to be dead was alive when the adult interdependent partner agreement was entered into, the parties to the adult interdependent partner agreement and their children have the same rights under this Act as they would have had if the person presumed dead had in fact died before the adult interdependent partner agreement was entered into.

(5) Section 7 is amended

- (a) **by striking out** “spouse or” **wherever it occurs and substituting** “spouse, adult interdependent partner or”;
- (b) **by striking out** “spouse’s or” **and substituting** “spouse’s, adult interdependent partner’s or”.

(6) Section 14 is amended

- (a) **by adding** “or adult interdependent partners” **after** “death the spouses”;
- (b) **by adding** “or by the adult interdependent partners or either of them, as the case may be” **after** “them”.

(7) The following is added after section 21:

Transitional

22(1) In this section, “previous Act” means the *Family Relief Act* as it read immediately before it was amended by the *Adult Interdependent Relationships Act*.

(2) The previous Act continues to apply in cases of death occurring before this section comes into force.

Amends RSA 2000 cF-8

34(1) The *Fatal Accidents Act* is amended by this section.

(2) Section 1(b) and (d) are repealed.

(3) Section 3(1)(a) is amended by striking out “wife, husband, cohabitant,” **and substituting** “spouse, adult interdependent partner,”.

(4) Section 7(d) is amended by striking out “cohabitant” and substituting “adult interdependent partner”.

(5) Section 8 is amended

(a) in subsection (2)

(i) in clause (a) by striking out “cohabitant” and substituting “adult interdependent partner”;

(ii) in clause (b)(ii) by striking out “was not living with a cohabitant” and substituting “had no adult interdependent partner”;

(iii) in clause (c)(ii) by striking out “is not living with a cohabitant” and substituting “has no adult interdependent partner”;

(b) in subsection (3) by striking out “spouse if the spouse” and substituting “spouse or adult interdependent partner if the spouse or adult interdependent partner”;

(c) by repealing subsection (4).

(6) The following is added after section 10:

Transitional

11(1) In this section, “previous Act” means the *Fatal Accidents Act* as it read immediately before it was amended by the *Adult Interdependent Relationships Act*.

(2) The previous Act continues to apply in cases of death occurring before this section comes into force.

Amends RSA 2000 cF-9

35(1) The *Fatality Inquiries Act* is amended by this section.

(2) Section 1 is amended

(a) by repealing clause (e);

(b) in clause (k) by striking out “common law spouse” and substituting “adult interdependent partner”.

(3) Section 28(2) is amended by striking out “common law spouse” wherever it occurs and substituting “adult interdependent partner”.

Amends RSA 2000 cF-25

36(1) The *Freedom of Information and Protection of Privacy Act* is amended by this section.

(2) Section 40(1) is amended

(a) in clause (s) by adding “or adult interdependent partner” after “spouse”;

(b) in clause (cc) by adding “the surviving spouse or adult interdependent partner or” after “to”.

(3) Section 65(4) is amended by striking out “A” and substituting “The surviving spouse or adult interdependent partner or a”.

Amends RSA 2000 cG-1

37(1) The *Gaming and Liquor Act* is amended by this section.

(2) Section 87(3) is amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cH-6

38(1) The *Health Insurance Premiums Act* is amended by this section.

(2) Section 4 is amended

(a) in subsection (1) by adding “or adult interdependent partner” after “spouse” wherever it occurs;

(b) in subsection (2) by adding “or adult interdependent partner” after “spouse”.

(3) Section 25 is amended

(a) in subsection (7)(a) and (b) by adding “or adult interdependent partner” after “spouse” wherever it occurs;

(b) in subsection (8)

- (i) **by adding** “or adult interdependent partner” **after** “spouse” **wherever it occurs**;
- (ii) **in clause (b) by striking out** “the spouse’s” **and substituting** “his or her”.

Amends RSA 2000 cH-12

39(1) The *Hospitals Act* is amended by this section.

(2) Section 30 is amended

(a) in subsection (1)

- (i) **in clause (a) by striking out** “unmarried” **and substituting** “is unmarried and is not an adult interdependent partner”;
- (ii) **in clause (b) by adding** “or adult interdependent partner” **after** “spouse”;
- (iii) **in clause (c) by adding** “or in an adult interdependent relationship” **after** “married”;
- (iv) **in clause (c) by adding** “or adult interdependent partner” **after** “spouse”;

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

(2) Notwithstanding subsection (1), a spouse or adult interdependent partner is not liable to pay for hospital charges incurred by the other spouse or adult interdependent partner

- (a) if the other spouse or adult interdependent partner has deserted the spouse or adult interdependent partner and has not contributed to the spouse’s or adult interdependent partner’s support for at least 6 months immediately preceding the hospitalization,
- (b) if the spouses are legally separated from each other, or

- (c) if the spouses or adult interdependent partners are living separate and apart and a spouse or an adult interdependent partner, as the case may be, has not contributed to the other spouse's or adult interdependent partner's support for at least 6

months immediately preceding the hospitalization.

Amends RSA 2000 cH-15

40(1) The *Human Tissue Gift Act* is amended by this section.

(2) Section 5 is amended

- (a) in subsection (1)(a) and (b) by adding “or adult interdependent partner” after “spouse”;**
- (b) in subsection (2) by adding “or adult interdependent partner” after “spouse” wherever it occurs.**

Amends RSA 2000 c15(Supp)

41 The *Human Tissue Donation Procedures Statutes Amendment Act*, RSA 2000 c15(Supp), is amended by repealing section 2(4).

Amends RSA 2000 cl-1

42(1) The *Income Support Recovery Act* is amended by this section.

(2) Section 15(5) is amended by adding “or adult interdependent partner” after “spouse”.

(3) Section 27(2) is amended by striking out “wife” and substituting “spouse”.

(4) Section 34(2) is amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cl-3

43(1) The *Insurance Act* is amended by this section.

(2) Section 1 is amended

- (a) by repealing clause (i.1);**
- (b) by repealing clause (ggg) and substituting the following:**

(ggg) “relative”, when used with respect to individuals, means related by blood, marriage or adoption or by virtue of an adult interdependent relationship;

(c) by repealing clause (mmm.1) and substituting the following:

(mmm.1) “spouse” means the husband or wife of a married person but does not, for the purposes of sections 256, 314 and 434, include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;

(3) Section 256(d) and (e) are amended by adding “or adult interdependent partner” after “spouse”.

(4) Section 314(4)(k) is amended by adding “or adult interdependent partner” after “spouse”.

(5) Section 434(1)(c) and (h) are amended by adding “or adult interdependent partner” after “spouse”.

(6) Section 440(h)(iii) and (i)(iii) are amended by adding “or adult interdependent partner” after “spouse”.

(7) Section 554(f) is amended by adding “or by virtue of an adult interdependent relationship” after “adoption”.

(8) Section 563(b) is amended by adding “or adult interdependent partner” after “spouse”.

(9) Section 580(2) is amended by adding “or adult interdependent partner” after “spouse”.

(10) Section 616(3)(a) is amended by adding “or adult interdependent partner” after “spouse”.

(11) Section 626(4)(c) is amended by adding “or adult interdependent partner” after “spouse”.

(12) Section 640(1)(d) is amended by adding “or adult interdependent partner” after “spouse”.

(13) Section 641(1)(b) is amended by adding “or adult interdependent partner” after “spouse”.

(14) Section 642(1)(b) is amended by adding “or adult interdependent partner” after “spouse”.

(15) Section 662(g) is amended by adding “or by virtue of an adult interdependent relationship” after “adoption”.

(16) Section 676(b) is amended by adding “or adult interdependent partner” after “spouse”.

(17) Section 688(2) is amended by adding “or adult interdependent partner” after “spouse”.

(18) Section 694 is amended by striking out “by blood or adoption or connection by marriage”.

Amends RSA 2000 cl-8

44(1) The *Interpretation Act* is amended by this section.

(2) Section 28(1) is amended

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

(b.1) “adult interdependent partner” means an adult interdependent partner as defined in the *Adult Interdependent Relationships Act*;

(b.2) “adult interdependent relationship” means an adult interdependent relationship as defined in the *Adult Interdependent Relationships Act*;

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

(p.1) “former adult interdependent partner” means a former adult interdependent partner as defined in the *Adult Interdependent Relationships Act*;

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

(zz.1) “spouse” means the husband or wife of a married person;

Amends RSA 2000 cl-10

45(1) The *Intestate Succession Act* is amended by this section.

(2) Sections 1, 2, 3, 3.1 and 3.2 are repealed and the following is substituted:

Definitions

1 In this Act,

- (a) “estate” includes both real and personal property;
- (b) “issue” includes all lineal descendants, whether born within or outside marriage, of the ancestor;
- (c) “net value” means the value of the estate wherever situated, both within and outside Alberta, after payment of the charges on it and the debts, funeral expenses, expenses of administration, estate tax and succession duty.

Spouse or adult interdependent partner and no issue

2 If an intestate dies leaving a surviving spouse but no issue or leaving a surviving adult interdependent partner but no issue, the intestate’s estate goes to the spouse or adult interdependent partner, as the case may be.

Spouse’s or adult interdependent partner’s share

3(1) When an intestate dies leaving a surviving spouse and issue or leaving a surviving adult interdependent partner and issue,

- (a) if the net value of the intestate’s estate does not exceed \$40 000, the estate goes to the spouse or adult interdependent partner, as the case may be, and
- (b) if the net value of the intestate’s estate exceeds \$40 000, the spouse or adult interdependent partner, as the case may be, is entitled to \$40 000 and has a charge on the estate for that amount with interest from the date of death.

(2) After payment to the surviving spouse or adult interdependent partner under subsection (1),

- (a) if the intestate dies leaving a surviving spouse and one child or leaving a surviving adult interdependent

partner and one child, 1/2 of the residue of the intestate's estate goes to the spouse or adult interdependent partner, as the case may be;

- (b) if the intestate dies leaving a surviving spouse and more than one child or leaving a surviving adult interdependent partner and more than one child, 1/3 of the residue goes to the spouse or adult interdependent partner, as the case may be.

(3) If a child of the intestate has died during the lifetime of the intestate leaving issue, one or more of whom are alive at the date of the intestate's death, the surviving spouse or adult interdependent partner shall take the same share of the intestate's estate as if the child had been living at that date.

Spouse and adult interdependent partner

3.1(1) The following applies where an intestate dies leaving both a surviving spouse and a surviving adult interdependent partner:

- (a) if the spouse was living with the intestate at the time of the intestate's death, the spouse shall receive the spouse's share of the intestate's estate and the adult interdependent partner shall take no part in the estate as an adult interdependent partner;
- (b) if the adult interdependent partner was living with the intestate at the time of the intestate's death, the adult interdependent partner shall receive the adult interdependent partner's share of the intestate's estate and the spouse shall take no part in the estate as a spouse.

(2) If at the time of the intestate's death neither the surviving spouse nor the surviving adult interdependent partner was living with the intestate, whichever of them last lived with the intestate shall receive the spouse's or adult interdependent partner's share of the intestate's estate, as the case may be, and the other shall take no part in the estate as a spouse or adult interdependent partner, as the case may be.

Share limited

3.2 A person who is entitled to take a part of the intestate's estate as an adult interdependent partner is not entitled under this Act to take any further part of the estate in another capacity.

(3) The following is added after section 13:

Transitional

14(1) In this section, “previous Act” means the *Intestate Succession Act* as it read immediately before it was amended by the *Adult Interdependent Relationships Act*.

(2) The previous Act continues to apply in cases of death occurring before this section comes into force.

Amends RSA 2000 cl-11

46(1) The *Irrigation Districts Act* is amended by this section.

(2) Section 33 is amended

(a) in clause (b) by adding “or adult interdependent partner” after “spouse” wherever it occurs;

(b) by repealing clause (c) and substituting the following:

(c) “spouse” means the husband or wife of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

(3) Section 35(4)(a)(i) is amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cL-4

47(1) The *Land Titles Act* is amended by this section.

(2) Section 126 is repealed and the following is substituted:

Change of name of married person or adult interdependent partner

126(1) When a married person or adult interdependent partner who is the owner of an interest in land adopts the surname of the spouse or adult interdependent partner, the Registrar may make a memorandum of the change of name on the appropriate certificate of title on production of

(a) an affidavit by that person verifying

- (i) the date of the marriage or the existence of an adult interdependent relationship,
- (ii) the place where the marriage was solemnized, if applicable, and
- (iii) the spouse's or adult interdependent partner's full name,

and

- (b) a certificate of marriage or an agreement made under section 7 of the *Adult Interdependent Relationships Act*, if applicable, or any other evidence that the Registrar may require to substantiate the identity of that person.

(2) When an interest in land is registered in the name of a person under the surname of that person's spouse or former spouse or adult interdependent partner or former adult interdependent partner and that person now uses

- (a) that person's original surname,
- (b) a hyphenated surname that incorporates that person's original surname and the surname of that person's spouse or former spouse or adult interdependent partner or former adult interdependent partner, or
- (c) the surname of a spouse or adult interdependent partner from a previous marriage or adult interdependent relationship,

the Registrar may make a memorandum of the change of name on the appropriate certificate of title on production of evidence referred to in subsection (3).

(3) The following evidence may be provided in respect of a person referred to in subsection (2):

- (a) an affidavit by that person verifying the surname now used by that person, and
 - (i) a certificate of marriage, or
 - (ii) a copy of an agreement made under section 7 of the *Adult Interdependent Relationships Act*, or

an affidavit by that person declaring that the person is an adult interdependent partner or is a former adult interdependent partner,

or

- (b) any other evidence that the Registrar may require to substantiate the identity of that person.

Amends RSA 2000 cL-7

48(1) The *Law of Property Act* is amended by this section.

(2) Section 47(4)(c) is amended by adding “or adult interdependent partner” after “spouse” wherever it occurs.

Amends RSA 2000 cL-20

49(1) The *Loan and Trust Corporations Act* is amended by this section.

(2) Section 1(1) is amended

(a) in clause (jj) by adding “or by virtue of an adult interdependent relationship” after “adoption”;

(b) by repealing clause (oo) and substituting the following:

(oo) “spouse” means the husband or wife of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;

(3) Section 2(7)(g) and (h) are amended by adding “or adult interdependent partner” after “spouse”.

(4) Section 76(1)(d) and (e) are amended by adding “or adult interdependent partner” after “spouse”.

(5) Section 103(4)(g) is amended by adding “or adult interdependent partner” after “spouse”.

(6) Section 142(2)(b)(i) is amended by adding “or adult interdependent partner” after “spouse” wherever it occurs.

(7) Section 169(1)(a)(ii) and (iii) and (b)(ii) and (iii) are amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cL-21

50(1) The *Local Authorities Election Act* is amended by this section.

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

(z.1) “spouse” means the husband or wife of a married person but does not, for the purposes of section 22(4), include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;

(3) Section 12(b)(iii) is amended by adding “or adult interdependent partner” after “spouse”.

(4) Section 22(4) is amended in clauses (a)(i) and (b) by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cM-1

51(1) The *Maintenance Enforcement Act* is amended by this section.

(2) Section 41 is repealed.

Amends RSA 2000 cM-8

52(1) The *Matrimonial Property Act* is amended by this section.

(2) Section 15(c) is amended by striking out “*Family Relief Act*” and substituting “*Dependants Relief Act*”.

(3) Section 18 is repealed and the following is substituted:

Effect on Dependents Relief Act

18(1) Nothing in this Act affects the right of a surviving spouse to make an application under the *Dependents Relief Act*.

(2) An application by a surviving spouse under the *Dependents Relief Act* may be joined with an application under this Part.

Amends RSA 2000 cM-12

53(1) The *Members of the Legislative Assembly Pension Plan Act* is amended by this section.

(2) Section 1(1) of Schedule 1 is amended

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

(r.1) “pension partner” means

- (i) a person who, at the relevant time, was married to an officer or former officer, and
 - (A) was not judicially or otherwise separated from him or her, or
 - (B) if so separated, was wholly or substantially dependent on him or her,
- (ii) if there is no person to whom subclause (i) applies, a person who, as at and up to the relevant time, had lived with the officer or former officer in a conjugal relationship
 - (A) for a continuous period of at least 3 years, or
 - (B) of some permanence, if there is a child of the relationship by birth or adoption,

and was, during that period or that relationship, as the case may be, held out by the officer or former officer in the community in which they lived as being in that conjugal relationship, or

- (iii) if there is no person to whom subclause (i) or (ii) applies, a person who was married to but separated from the officer or former officer and

not wholly or substantially dependent on him or her at the relevant time;

(b) by repealing clause (z).

(3) Section 15(7) of Schedule 1 is amended by striking out “spouses” and substituting “pension partners”.

(4) Section 23(3)(a)(i) of Schedule 1 is amended by striking out “spouse’s” and substituting “pension partner’s”.

(5) Section 17(7) of Schedule 2 is amended by striking out “spouses” and substituting “pension partners”.

(6) In the following provisions “spouse” is struck out wherever it occurs and “pension partner” is substituted:

Schedule 1, section 18(5);
Schedule 1, section 23(1)(b), (2) and (3);
Schedule 1, section 26(a) and (b);
Schedule 1, section 27;
Schedule 1, section 31(4) and (5);
Schedule 1, section 32;
Schedule 1, section 46(e);
Schedule 2, section 1(2);
Schedule 2, section 17(9);
Schedule 2, section 26.

Amends RSA 2000 cM-13

54(1) The *Mental Health Act* is amended by this section.

(2) Section 1 is amended

(a) in clause (i)(i)(A) by adding “or adult interdependent partner” after “spouse”;

(b) by repealing clause (q).

(3) Section 36(2) is amended

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

(a) related to the patient by blood or marriage or by virtue of an adult interdependent relationship,

- (b) in clause (b) by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cM-14

55(1) The *Metis Settlements Act* is amended by this section.

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

- (u) “spouse” means the husband or wife of a married settlement member, but does not include, for the purposes of section 16(1)(b), a spouse who is living separate and apart from the settlement member if the member and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

(3) Section 16(1)(b) is amended by adding “or adult interdependent partner” after “spouse”.

(4) Section 91(2) is amended by adding “or adult interdependent partner” after “spouse”.

(5) Section 95(2) is amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cM-18

56(1) The *Minors’ Property Act* is amended by this section.

(2) Section 12(1) is amended by adding “or on becoming or in contemplation of becoming an adult interdependent partner” after “marriage”.

Amends RSA 2000 cM-23

57(1) The *Motor Vehicle Administration Act* is amended by this section.

(2) Section 11 is amended

- (a) in subsection (2)(c) by adding “or an adult interdependent partner” after “married person”;

(b) in subsection (4)(b) by adding “nor an adult interdependent partner” after “married”.

(3) Section 41(7)(a) is amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cM-26

58(1) The *Municipal Government Act* is amended by this section.

(2) Section 169 is amended

(a) in clause (b) by adding “or adult interdependent partner” after “spouse” wherever it occurs;

(b) by repealing clause (c) and substituting the following:

(c) “spouse” means the husband or wife of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

Amends RSA 2000 cP-3

59(1) The *Partnership Act* is amended by this section.

(2) Section 4(c)(iii) is amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cP-5

60(1) The *Perpetuities Act* is amended by this section.

(2) Section 5(2)(e) is amended by adding “or adult interdependent partner” after “spouse” wherever it occurs.

Amends RSA 2000 cP-6

61(1) The *Personal Directives Act* is amended by this section.

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

(i) spouse or adult interdependent partner;

(3) Section 5(2)(b) and (3) are amended by adding “or adult interdependent partner” after “spouse” wherever it occurs.

(4) Section 29 is amended

(a) by adding “or adult interdependent partner” after “spouse”;

(b) in clause (d) by striking out “*Family Relief Act*” and substituting “*Dependants Relief Act*”.

Amends RSA 2000 cP-20

62(1) The *Powers of Attorney Act* is amended by this section.

(2) Section 2(3)(b) and (4)(b), (c) and (e) are amended by adding “or adult interdependent partner” after “spouse”.

(3) Section 7(b) is repealed and the following is substituted:

(b) may exercise the attorney’s authority for the maintenance, education, benefit and advancement of the donor’s spouse, adult interdependent partner and dependent children, including the attorney if the attorney is the donor’s spouse, adult interdependent partner or dependent child.

Amends RSA 2000 cP-27

63(1) The *Protection Against Family Violence Act* is amended by this section.

(2) Section 1(d) is amended

(a) by repealing subclause (i) and substituting the following:

(i) persons who are or have been married to one another, who are or have been adult interdependent partners of one another or who are residing or have resided together in an intimate relationship,

(b) by repealing subclause (iii) and substituting the following:

- (ii) persons who reside together and are related to one or more persons in the household by blood, marriage or

adoption or by virtue of an adult interdependent relationship,

Amends RSA 2000 cP-29

64(1) The *Protection for Persons in Care Act* is amended by this section.

(2) Section 4(3) is amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cP-31

65(1) The *Provincial Court Act* is amended by this section.

(2) Section 16(1) is amended by adding “or adult interdependent partner” after “spouse” wherever it occurs.

(3) Section 19(1)(b) is amended by adding “or by virtue of an adult interdependent relationship” after “adoption”.

Amends RSA 2000 cP-40

66(1) The *Public Lands Act* is amended by this section.

(2) Section 105(4) is amended by adding “or adult interdependent partner” after “spouse”.

(3) Section 109(2) is amended by adding “or adult interdependent partner” after “spouse” wherever it occurs.

Amends RSA 2000 cP-44

67(1) The *Public Trustee Act* is amended by this section.

(2) Section 9(2)(b)(ii) is amended

(a) in paragraph (A) by striking out “a” and substituting “the”;

(b) by adding the following after paragraph (A):

(A.1) the adult interdependent partner of the missing person,

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

(2) In this section, “next of kin”

(a) means the spouse, adult interdependent partner and children of the deceased person, or

(b) if there is no spouse, adult interdependent partner or children, means the persons who are entitled to share in the estate of the deceased person under the *Intestate Succession Act*.

(4) The following is added after section 39:

Transitional

40(1) In this section, “previous Act” means the *Public Trustee Act* as it read immediately before it was amended by the *Adult Interdependent Relationships Act*.

(2) Section 20 of the previous Act continues to apply in cases of death occurring before this section comes into force.

Amends RSA 2000 cR-6

68(1) The *Reciprocal Enforcement of Judgments Act* is amended by this section.

(2) Section 1(1)(b) is amended by adding “or an adult interdependent partner or former adult interdependent partner” after “former spouse”.

Amends RSA 2000 cS-3

69(1) The *School Act* is amended by this section.

(2) Section 80 is amended

(a) in subsection (1) by adding the following after clause (b):

(c) “spouse” means the husband or wife of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

(b) in subsection (2) by adding “or adult interdependent partner” after “spouse” wherever it occurs.

(3) Section 81(1)(a) and (c) are amended by adding “or adult interdependent partner” after “spouse”.

(4) Section 82(1)(e)(iii) is amended

(a) by adding “or adult interdependent partner” after “spouse”;

(b) by adding “or adult interdependent partner’s” after “spouse’s”.

(5) Section 84(d) is amended

(a) by adding “or adult interdependent partner” after “spouse”;

(b) by adding “or adult interdependent partner’s” after “spouse’s”.

Amends SA 2002 c23

70(1) The *School Trustee Statutes Amendment Act, 2002* is amended by this section.

(2) Section 2(2) is amended in the new section 80(2) by adding “or adult interdependent partner” after “spouse”.

(3) Section 2(3) is amended in the new section 81(1)(a) and (c) by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cS-4

71(1) The *Securities Act* is amended by this section.

(2) Section 1 is amended in clause (c)(iv)(A) and (B) by adding “or adult interdependent partner” after “spouse”.

(3) Section 86(1)(ff)(iii) is amended by adding “or adult interdependent partner” after “spouse”.

(4) Section 131(1)(bb)(iii) is amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cS-10

72(1) The *Social Care Facilities Licensing Act* is amended by this section.

(2) Section 1(h)(iv) is amended by adding “or by virtue of an adult interdependent relationship” after “marriage”.

Amends RSA 2000 cS-11

73(1) The *Social Care Facilities Review Committee Act* is amended by this section.

(2) Section 1(b)(ii) is amended by adding “or by virtue of an adult interdependent relationship” after “marriage”.

Amends RSA 2000 cS-12

74(1) The *Social Development Act* is amended by this section.

(2) Section 1(c)(i) is amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cT-5

75(1) The *Tort-feasors Act* is amended by this section.

(2) Section 3(1)(b)(ii) is amended by striking out “wife,

husband” **and substituting** “spouse or adult interdependent partner”.

Amends RSA 2000 cV-3

76(1) The *Victims of Crime Act* is amended by this section.

(2) Section 1(c) is repealed.

(3) In the following provisions “, cohabitant” is struck out and “or adult interdependent partner” is substituted:

section 1(e);
section 4(2);
section 12(1)(b)(i) and (4)(c).

(4) Section 13.1(4)(b) is amended by adding “or adult interdependent partner” after “spouse”.

Amends RSA 2000 cV-4

77(1) The *Vital Statistics Act* is amended by this section.

(2) Section 3 is amended

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

(3) Where the parents of a child are neither married to each other nor adult interdependent partners of one another, the father of the child is not required to comply with subsection (2).

(b) by adding the following after subsection (8):

(8.1) Where the person acknowledging himself to be the father under subsection (8) is the adult interdependent partner of the unmarried woman, a joint request is required only for the purpose of subsection (8)(b).

Amends RSA 2000 cW-12

78(1) The *Wills Act* is amended by this section.

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

Definitions

1 In this Act,

- (a) “adult interdependent partner agreement” means an adult interdependent partner agreement as defined in the *Adult Interdependent Relationships Act*;
- (b) “will” includes a testament, a codicil, an appointment by will or by writing in the nature of a will in exercise of a power and any other testamentary disposition.

(3) Section 9 is amended

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

- (a) has or has had a spouse or adult interdependent partner,

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

- (b) has no spouse or adult interdependent partner, and

(4) Section 13(1) is amended

(a) by striking out “wife or husband” and substituting “spouse or adult interdependent partner”;

(b) by striking out “wife or the husband” and substituting “spouse or the adult interdependent partner”.

(5) Section 14 is amended by striking out “wife or husband” and substituting “spouse or adult interdependent partner”.

(6) Section 16 is amended by adding the following after clause (a):

- (a.1) the testator’s entering into an adult interdependent partner agreement, subject to section 17.1,

(7) The following is added after section 17:

Revocation by entering into an adult interdependent partner agreement

17.1 A will is revoked by the testator's entering into an adult interdependent partner agreement except when

- (a) there is a declaration in the will that it is made in contemplation of entering into an adult interdependent partner agreement, or
- (b) the will is made in exercise of a power of appointment of real or personal property that would not in default of the appointment pass to the heir, executor or administrator of the testator or to the persons entitled to the estate of the testator if the testator died intestate.

(8) Section 35(1) is amended by adding “or adult interdependent partner” **after** “surviving spouse”.

Amends RSA 2000 cW-15

79(1) The *Workers' Compensation Act* is amended by this section.

(2) Section 1 is amended

- (a) **in subsection (1)(q) by adding** “or adult interdependent partner” **after** “spouse”;
- (b) **by repealing subsection (3).**

(3) Section 49 is amended by adding “or adult interdependent partner” **after** “spouse” **wherever it occurs.**

(4) Section 70 is amended

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

Compensation for death

70(0.1) For the purposes of this Act, if at the time of the worker's death there is both a spouse and an adult interdependent partner of the worker, then

- (a) if the spouse is a dependent spouse, the spouse is entitled to a pension under this section, or

- (b) if the spouse is not a dependent spouse and the adult interdependent partner is a dependant, the adult interdependent partner is entitled to a pension under this section,

and nothing in this subsection affects the rights under this Act of dependent children of either relationship.

- (b) in subsection (1) by adding “or dependent adult interdependent partner” after “dependent spouse” wherever it occurs;**
- (c) in subsection (2)**
 - (i) by adding “or dependent adult interdependent partner” after “dependent spouse” wherever it occurs;**
 - (ii) by adding “or adult interdependent partner” after “dependent spouse” wherever it occurs;**
 - (iii) by adding “or adult interdependent partner’s” after “dependent spouse’s” wherever it occurs;**
- (d) in subsections (3), (4), (5), (6), (8), (9), (11) and (12) by adding “or dependent adult interdependent partner” after “dependent spouse” wherever it occurs;**
- (e) in subsections (4), (5), (6), (7), (8) and (9) by adding “or adult interdependent partner” after “the spouse” wherever it occurs.**

(5) Section 71 is amended by adding “or dependent adult interdependent partner” after “spouse” wherever it occurs.

(6) Section 72 is amended by adding “or adult interdependent partner” after “spouse” wherever it occurs.

(7) Section 73 is amended by adding “or dependent adult interdependent partner” after “spouse”.

(8) Section 74 is amended

- (a) in subsection (1) by adding “or dependent adult interdependent partner” after “spouse”;**

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

(c) becomes an adult interdependent partner,

(9) Section 75(1) and (2) are amended by adding “or dependent adult interdependent partner” after “spouse” wherever it occurs.

(10) Section 76(1) is amended by adding “dependent adult interdependent partner or dependent” before “child”.

(11) Section 89(2) and (3) are amended by adding “or dependent adult interdependent partner” after “spouse” wherever it occurs.

(12) Section 134(1)(b)(i) is repealed and the following is substituted:

(i) individuals connected by blood relationship, marriage or adoption or by virtue of an adult interdependent relationship,

Amends RSA 2000 cY-1

80(1) The *Young Offenders Act* is amended by this section.

(2) Section 10(5) is repealed and the following is substituted:

(5) If a young person described in subsection (4) is married or is an adult interdependent partner, a notice under this section may be given to the spouse or the adult interdependent partner of the young person instead of a parent.

(3) Section 14(2)(a) is amended by striking out “, the young person’s spouse” and substituting “or is an adult interdependent partner, the young person’s spouse or adult interdependent partner”.

(4) Section 15(1)(a) is amended by striking out “, the young person’s spouse” and substituting “or is an adult interdependent partner, the young person’s spouse or adult interdependent partner”.

(5) Section 18(1), (6) and (11) are amended by striking out “, if the young person is married” and substituting “or adult

interdependent partner, if the young person is married or is an adult interdependent partner”.

(6) Section 22(1) is amended by striking out “, the young person’s spouse” and substituting “or is an adult interdependent partner, the young person’s spouse or adult interdependent partner”.

(7) Section 25(2)(b) is amended by adding “or adult interdependent partner” after “spouse”.

Coming into force

81(1) This Act, except sections 15, 24, 50, 58 and 69 and subsection (2) of this section, comes into force on Proclamation.

(2) Subject to subsection (3),

- (a) section 15 is deemed to have come into force on January 1, 2001;
- (b) section 24 comes into force on the date that a writ of election is issued under section 40 of the *Election Act* for the next general election;
- (c) section 50 comes into force on September 1, 2004;
- (d) sections 58 and 69 come into force on October 18, 2004.

(3) Subsection (2) comes into force on the coming into force of section 3.

Explanatory Notes

12(1) Amends chapter A-2 of the Revised Statutes of Alberta 2000.

(2) Section 7 presently reads in part:

7(1) When an application is made for a grant of probate or administration, the applicant shall send a copy of the application and a notice pertaining to the rights of dependants under the Family Relief Act to

- (a) *the spouse of the deceased, if the spouse is not the sole beneficiary under the will of the deceased or under the Intestate Succession Act and if the spouse resided in Canada at the date of death of the deceased, and*
 - (b) *each child of the deceased who was an adult at the time of the deceased's death and is unable by reason of physical disability to earn a livelihood and who resided in Canada at the date of death of the deceased.*
- (5) *If the deceased is survived by a child who was an adult at the time of the deceased's death and is unable by reason of mental disability to earn a livelihood but for whose estate there is no committee, the judge may, having regard to the value of the estate, the circumstances of the child and the likelihood of success of an application made on the child's behalf under the Family Relief Act,*
- (a) *direct that a grant for probate or administration in the deceased's estate not be issued until a committee of the child's estate has been appointed, and*
 - (b) *direct that the applicant or some other person apply to have a trustee of the child's estate appointed under the Dependent Adults Act*

(3) Transitional.

13(1) Amends chapter A-18 of the Revised Statutes of Alberta 2000.

(2) Section 4(2) presently reads:

(2) The husbands and wives of the parties and persons mentioned in subsection (1) are, except as otherwise provided in this Act, competent and compellable to give evidence on behalf of any of the parties.

(3) Section 5 presently reads:

5 Without limiting the generality of section 4, a husband or wife may in an action give evidence that the husband or the wife did or did not have sexual intercourse with the other party to the marriage at any time or within any period of time before or during the marriage.

(4) Section 8 presently reads:

8 A husband is not compellable to disclose any communication made to him by his wife during the marriage nor is a wife compellable to disclose any communication made to her by her husband during the marriage.

14(1) Amends chapter A-20 of the Revised Statutes of Alberta 2000.

(2) Section 3(2) presently reads:

(2) The Minister shall, in accordance with the regulations, provide extended health services to a resident and the resident's dependants if

(a) the resident or the resident's spouse is 65 years of age or older, or

(b) the resident is receiving a widow's pension.

(3) Section 41(4) presently reads:

(4) Subsection (3) does not apply if

(a) the resident or the resident's spouse is 65 years of age or over, or

(b) the resident is receiving a widow's pension

at the time of enrolment.

15(1) Amends chapter A-30 of the Revised Statutes of Alberta 2000.

(2) Section 8 presently reads in part:

8(1) For the purpose of computing the tax payable under this Act for a taxation year by an individual, there may be deducted the amount determined by the formula

A x B

where

A is the specified percentage for the year;

B is the total of

Spousal credit

(a) in the case of an individual who at any time in the year is a married person who supports the individual's spouse and is not living separate and apart from the spouse because of a breakdown of their marriage, an amount equal to the total of

(i) \$12 900, and

(ii) an amount determined by the formula

\$12 900 – C

where

C is the income of the individual's spouse for the year or, where the individual and the individual's spouse are

living separate and apart at the end of the year because of a breakdown of their marriage, the spouse's income for the year while married and not so separated,

Equivalent to spouse credit - single status

- (b) in the case of an individual who does not claim a deduction for the year under clause (a) and who, at any time in the year,*
 - (i) is an unmarried person or a married person who neither supported nor lived with the married person's spouse and is not supported by the spouse, and*

In-home care of relative credit

- (d) in the case of an individual who, at any time in the year alone or jointly with one or more persons, maintains a self-contained domestic establishment that is the ordinary place of residence of the individual and of a particular person*
 - (i) who has attained the age of 18 years before that time,*
 - (ii) who*
 - (A) is the individual's child or grandchild, or*
 - (B) is resident in Canada and is the parent, grandparent, brother, sister, aunt, uncle, nephew or niece of the individual or of the individual's spouse, and*

(3) Section 12(1) presently reads:

12(1) For the purpose of computing the tax payable under this Act for a taxation year by an individual, there may be deducted the amount determined by the formula

$$A \times (B - C) - D$$

where

- A is the specified percentage for the year;*
- B is the amount determined in the description of B in subsection 118.2(1) of the federal Act;*
- C is the lesser of \$1678 and 3% of the individual's income for the year;*
- D is 32% of the total of all amounts each of which is the amount, if any, by which*

(a) *the income for the year of a person (other than the individual and the individual's spouse) in respect of whom an amount is included in computing the individual's deduction under this section for the year*

exceeds

(b) *\$12 900.*

(4) Section 20(3) presently reads:

(3) In applying sections 118.8, 118.81 and 118.9 of the federal Act for the purposes of this section, where a spouse or individual did not reside in Alberta on the last day of the calendar year, any credits transferred by the spouse or individual to another individual for the year under this section are to be computed on the basis that the spouse or individual were liable under section 3 to pay tax for the year.

(5) Section 28 presently reads:

28 In this Division,

(a) *“adjusted earned income” of an individual for a taxation year means the total of all amounts each of which is the earned income for the year of the individual or of the person who was the individual's cohabiting spouse at the end of the year;*

(b) *“adjusted income”, “base taxation year”, “cohabiting spouse”, “eligible individual”, “qualified dependant” and “return of income” have the same meanings as in section 122.6 of the federal Act;*

(c) *“earned income” of an individual for a taxation year has the same meaning as in subsection 63(3) of the federal Act;*

(d) *“overpayment” means an overpayment that an individual is deemed to have made under section 30.*

(6) Section 32 presently reads:

32(1) Despite section 30, if an individual has a cohabiting spouse at the end of a base taxation year, the individual is not deemed to have made an overpayment in respect of the base taxation year unless the cohabiting spouse has filed a return of income for the base taxation year.

(2) The Provincial Minister may waive the requirement for an individual's cohabiting spouse to file a return of income under

subsection (1) if the individual has made an election under subsection 122.62(5) or (6) of the federal Act.

16(1) Amends chapter A-37 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(i) “relative” means a person who is related by blood, marriage or adoption;

(j) “spouse” means the person of the opposite sex to whom a person is married or with whom a person is living in a conjugal relationship outside marriage;

(3) Section 4(5) presently reads in part:

(5) An individual is not eligible to be an unaffiliated director if that individual

(d) is a spouse of an individual referred to in clause (a), (b) or (c),

(e) is a relative, other than a spouse, of an individual referred to in clause (a), (b) or (c) who has the same residence as the individual, or

(4) Section 21 presently reads:

21 Alberta Treasury Branches shall not enter into a business transaction with

(a) a director who is not an officer or employee of Alberta Treasury Branches,

(b) the spouse of a director referred to in clause (a),

(c) a relative, other than the spouse, of a director referred to in clause (a) who has the same residence as the director, or

(d) an entity in which a director referred to in clause (a) has a significant interest

at rates or under terms that are more favourable than the rates or terms that are offered generally to customers of Alberta Treasury Branches in the ordinary course of business of Alberta Treasury Branches.

17(1) Amends chapter A-45 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(i) “spouse” means a spouse as defined in the regulations for the purposes of this Act.

(3) Section 4 presently reads in part:

(2) A handicap benefit includes the provision of health benefits in accordance with the regulations to or for the benefit of a person who is eligible under subsection (3), the person’s spouse who resides with the person and the person’s dependent children who reside with the person.

(3) A person is eligible to receive a handicap benefit if the person satisfies the Director that

(c) the portion of the income of the person and the person’s spouse that is not exempt under the regulations is less than the maximum amount of the handicap benefit prescribed in the regulations, and

(d) the value of all assets owned by the person and the person’s spouse that are not exempt under section 8 and the regulations is \$100 000 or less.

(4) Section 7 presently reads in part:

(2) A recipient continues to be eligible for a handicap benefit only if the value of all assets owned by the recipient and the recipient’s spouse that are not exempt under section 8 and the regulations is \$100 000 or less.

(3) The Director may require a recipient and the recipient’s spouse to provide any information respecting assets owned by the recipient and the recipient’s spouse that the Director considers necessary for the purpose of determining whether the recipient continues to be eligible to receive a handicap benefit.

(4) If a recipient or a recipient's spouse refuses or neglects to submit any evidence required by the Director to establish continuing eligibility for a handicap benefit, the Director may discontinue or reduce the handicap benefit as the Director considers appropriate.

(5) Section 9 presently reads:

9(1) Where the Director, in calculating under section 4 or 7 the value of the assets of a person and the person's spouse, determines that, in the opinion of the Director, an asset has been given, transferred or otherwise disposed of to another person for less than its fair market value for the purpose of establishing or maintaining a person's eligibility for a handicap benefit, the Director shall deem the asset to be owned by the person or the person's spouse, as the case may be, and include its value in the calculation.

(2) The Director may, in determining a person's eligibility for a handicap benefit and calculating the amount of a handicap benefit, deem that the person is entitled to receive all or part of the principal and any income that may be produced by any trust of which the person, the person's spouse or any of the person's dependent children is a beneficiary.

(6) Section 10 presently reads in part:

10(1) A person who receives a handicap benefit shall notify the Director forthwith of any material change in any of the following:

- (a) the handicap of the person;*
- (b) the income of the person or of the person's spouse;*
- (c) the value of any assets owned by the person or the person's spouse.*

(3) If the spouse of an applicant for a handicap benefit or of a person who receives a handicap benefit has, in the opinion of the Director, refused or neglected

- (a) to collect income to which the spouse is entitled, or*
- (b) to claim, collect or use the benefit of any asset to which the spouse is entitled,*

the Director is under no obligation to provide or continue to provide a handicap benefit to the applicant or person who receives the handicap benefit and may discontinue, suspend or vary the handicap benefit provided.

(7) Section 12 presently reads:

12 The Director may,

- (a) *if the Director is satisfied that the income of the person who receives a handicap benefit or of the person's spouse has changed, increase, reduce or discontinue the handicap benefit as the Director considers appropriate,*
- (b) *if the Director is satisfied that the person who receives a handicap benefit is no longer severely handicapped, discontinue the handicap benefit, or*
- (c) *if the Director is satisfied that the value of the assets owned by the person who receives a handicap benefit and the person's spouse that are not exempt under section 8 and the regulations has changed and is greater than \$100 000, discontinue the handicap benefit.*

(8) Section 14 presently reads in part:

(4) Where the spouse of a person who is eligible to receive or receives a handicap benefit has a right to maintenance or alimony under an Act, order of a court or agreement, the Director may, at the request of the spouse, act on behalf of the spouse in any way referred to in subsection (1).

(5) Where a dependent child of a person who is eligible to receive or receives a handicap benefit has a right to maintenance under an Act, order of a court or agreement, the Director may, at the request of the person who is eligible to receive or receives a handicap benefit or that person's spouse, act on behalf of the dependent child in any way referred to in subsection (1).

(9) Section 18(1) presently reads in part:

18(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the income of a person and the person's spouse that may be partially exempt, wholly exempt or not exempt for the purpose of determining the amount of a handicap benefit payable to that person;*
- (b) respecting the assets of a person and the person's spouse that may be exempt or not exempt for the purpose of determining the person's eligibility for a handicap benefit;*

- (i) *defining for the purposes of this Act “dependent child”, “principal residence”, “severe handicap” and “spouse” and any other word or phrase used in this Act but not defined in this Act.*

(10) Section 19 presently reads in part:

19(1) No person shall disclose to any other person

(a) any file, document or paper kept by any person in any place, that has come into existence through anything done under or pursuant to this Act, or

(b) any information obtained by the person in the performance of any duties under this Act,

that deals with the personal history or record of a person who has applied for or has received a handicap benefit or a spouse of that person, except with the written consent of the Minister or an authorized official responsible for the administration of this Act.

(2) Subsection (1) does not apply to a disclosure considered necessary in the administration of this Act or in the best interests of a person who has applied for or has received a handicap benefit and the person’s spouse,

18(1) Amends chapter 6(Supp) of the Revised Statutes of Alberta 2000.

(2) Section 2 presently reads:

2 Section 4 is amended by adding the following after subsection (2):

(2.1) The Director may vary the amount of a handicap benefit in accordance with the regulations to take into account whether the person who receives or is eligible to receive the handicap benefit has a spouse or dependent children, or both.

(3) Section 4 presently reads:

4 Section 18(1) is amended by adding the following after clause (i):

(j) respecting variations in the amount of handicap benefit to take into account whether the person who receives or is eligible to receive a handicap benefit has a spouse or dependent children, or both;

19(1) Amends chapter B-7 of the Revised Statutes of Alberta 2000.

(2) Section 14 presently reads:

14(1) When work is done or material is furnished in respect of land in which a married person has an estate or interest, if the work is done or the material is furnished with the privity of the spouse of the married person then, for the purposes of this Act, the spouse shall be conclusively presumed to be acting as the agent of the married person as well as for himself or herself.

(2) The presumption arising under subsection (1) applies only in respect of that part of the work done or portion of the materials furnished before the person doing the work or furnishing the materials has had actual notice that the spouse is not the agent of the married person who has an estate or interest in the land.

20(1) Amends chapter B-9 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(e) “associate”, when used to indicate a relationship with any person, means

(iv) a spouse of that person, or

(v) a relative of that person or of that person’s spouse if that relative has the same residence as that person;

21(1) Amends chapter C-7 of the Revised Statutes of Alberta 2000.

(2) Section 1(c) presently reads:

1 In this Act,

(c) “child” means an unmarried minor child;

(3) Section 5 presently reads:

5(1) Subject to sections 11(5) and 12, the surname of a child may be changed only to a surname that

(a) is the surname or maiden surname of the mother,

(b) is the surname of the husband or father, or

(c) consists of the surname or maiden surname of the mother hyphenated or combined with the surname of the husband or father.

(2) No surname shall contain more than 2 surnames combined or hyphenated, and if the husband or father, as the case may be, or the mother, or both, have a hyphenated surname, only one of the names of that surname shall be used.

(4) Application by adult interdependent partner.

(5) Sections 7 to 11 presently read:

7(1) A widowed person may apply to change a given name or the surname of a child of the widowed person who is also the child of the deceased spouse of the widowed person.

(2) A widowed person who remarries may apply to change the surname of a child of the widowed person who is also the child of the deceased spouse to the surname of the present spouse but only with the consent of the present spouse, if living.

8(1) A person whose marriage has been dissolved and who has lawful custody of a child of the dissolved marriage may, with the consent of the other parent of the child, if living, apply to change a given name or the surname of the child.

(2) A person whose marriage has been dissolved and who remarries may apply to change the surname of a child of the dissolved marriage of whom the person has lawful custody to the surname of the spouse but the consent of the spouse, if living, is required in addition to the consent of the former spouse required under subsection (1).

9(1) A person whose marriage has been annulled and who has lawful custody of a child of the annulled marriage may, with the consent of the other parent of the child, if living, apply to change a given or the surname of the child.

(2) A person whose marriage has been annulled and who

(a) has lawful custody of a child of the annulled marriage, and

(b) remarries

may apply to change the surname of the child to the surname of the present spouse, but the consent of the present spouse, if living, is required in addition to the consent of the other parent required under subsection (1).

10 If a person

*(a) who is married adopts the surname of that person's spouse,
or*

*(b) who is widowed or whose marriage has been dissolved,
adopted the surname of the deceased spouse or former
spouse, as the case may be,*

that person may, without the consent of that person's spouse or child, if any, apply to change a surname that that person had prior to the marriage to another surname.

11(1) This section does not apply to a child of a marriage that has been annulled.

(2) A parent who has lawful custody of a child born out of wedlock may apply to change a given name of the child.

(3) Subject to this section, a parent who has lawful custody of a child born out of wedlock may apply to change the surname of the child to the surname or proposed surname of the parent who has lawful custody.

(4) If a parent who has lawful custody of a child born out of wedlock marries and the spouse is not a parent of the child, the parent may apply to change the surname of the child to the surname of the spouse only with the consent of the spouse, if living.

(5) If a parent who has lawful custody of a child born out of wedlock is not married to but is cohabiting with a person of the opposite sex as husband and wife, the parent may apply to change the surname of the child to the surname of the person with whom the parent is cohabiting only with the consent of that person.

(6) A mother who has lawful custody of a child born out of wedlock and who is not cohabiting with the putative father of the child may apply to change the surname of the child to the surname of the putative father of the child if

(a) the putative father has been declared by a court to be the father of the child, or

(b) the putative father has acknowledged during his lifetime that he was the father of the child.

(6) Section 13 presently reads:

13 A person may not apply for a change of surname so as to acquire the surname of another person whom the applicant is not married to but is cohabiting with as husband and wife.

(7) Section 16(3) presently reads:

(3) An application under section 8 shall be accompanied with any proof that is required of the dissolution of the marriage and that the applicant has lawful custody of the child named in the application.

22(1) Amends chapter C-15 of the Revised Statutes of Alberta 2000.

(2) Section 104 presently reads in part:

104 In carrying out a distress by a landlord for rent, the following applies:

- (d) except in the case where a tenant has absconded or is about to abscond from Alberta without leaving in Alberta a spouse or any children under the age of majority,*
- (i) in the case of a residential tenancy, the property set out in section 88(a), (b), (c), (e), (h) and (i), and*
- (ii) in the case of a non-residential tenancy, the property set out in section 88(a), (b), (c), (e) and (i)*

is exempt to a value not exceeding an amount prescribed by the regulations, and sections 89 to 92 apply in the same manner as if the tenant or the person who is liable for the rent were an enforcement debtor and the distress proceedings were writ proceedings.

23(1) Amends chapter C-21 of the Revised Statutes of Alberta 2000.

(2) Adds definition.

(3) Section 95(1)(b) presently reads:

95(1) In this Division,

- (b) “associate”, when used to indicate a relationship with any person, means*
 - (i) any company of which that person beneficially owns, directly or indirectly, equity shares carrying more than 10% of the voting rights attached to all equity shares of the company for the time being outstanding,*
 - (ii) any trust or estate in which that person has a substantial beneficial interest or as to which that person serves as trustee or in a similar capacity, or*
 - (iii) any relative or spouse of that person or any relative of that spouse who, in any such case, has the same home as that person;*

24(1) Amends chapter C-23 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1(1) *In this Act,*

(1) *“spouse” includes a party to a relationship between a man and a woman who are living together on a bona fide domestic basis, but does not include a spouse who is living apart from the Member if the Member and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order;*

(5) *For the purposes of this Act, a person is directly associated with a Member if that person is*

(a) *the Member’s spouse,*

(3) Section 7(1) and (2) presently read:

7(1) *A Member breaches this Act if the Member or, to the knowledge of the Member, the Member’s spouse or minor child accepts from a person other than the Crown a fee, gift or other benefit that is connected directly or indirectly with the performance of the Member’s office.*

(2) *Subsection (1) does not apply to a fee, gift or other benefit that is accepted by the Member or the Member’s spouse or minor child as an incident of protocol or of the social obligations that normally accompany the responsibilities of the Member’s office if*

(a) *the total value of the fees, gifts and benefits given from the same source to the Member and the Member’s spouse and minor children in any calendar year is \$200 or less, or*

(b) *the Member applies to the Ethics Commissioner*

(i) *as soon as practicable after the fee, gift or benefit is received by the Member, or*

(ii) *as soon as practicable after the Member has knowledge that the fee, gift or benefit has been accepted by the Member’s spouse or minor child,*

and either obtains the Ethics Commissioner’s approval for its retention, on any conditions the Ethics Commissioner prescribes, or, if the approval is refused, takes any steps that the Ethics Commissioner directs with respect to the disposition of the fee, gift or benefit.

(4) Section 12 presently reads:

12 *A disclosure statement*

(a) *shall include a statement, as of a date determined by the Ethics Commissioner, of the assets, liabilities and financial interests of the Member, of any private corporation controlled by the Member and of any private corporation*

controlled by a combination of the Member and the Member's spouse or minor children, but not including investments in a blind trust,

(b) shall include a statement, as of a date determined by the Ethics Commissioner, of the assets, liabilities and financial interests of the Member's spouse and minor children and of any private corporation controlled by the Member's spouse, minor children or any combination of them, so far as known to the Member after the Member has requested information from the Member's spouse,

(c) need not include obligations being incurred for ordinary living expenses that will be discharged in the ordinary course of the Member's affairs,

(d) shall include a statement

(i) of the income that the Member and persons referred to in clause (a), and

(ii) of the income that, so far as known to the Member after the Member has requested information from the Member's spouse, any other person mentioned in clause (b)

have received in the preceding 12 months or expect to receive in the next 12 months and, to the extent required by the Ethics Commissioner, of the sources of the income, and

(e) shall include a list of all fees, gifts and benefits approved for retention under section 7(2)(b).

(5) Section 13 presently reads:

13 The Ethics Commissioner shall, as soon as practicable after a Member has filed a disclosure statement, meet with the Member and the Member's spouse, if available, to ensure that the Member has made adequate disclosure and to advise about the Member's obligations under this Act.

(6) Section 14 presently reads:

14(1) After meeting with the Member, and with the Member's spouse if the spouse is available, the Ethics Commissioner shall prepare a public disclosure statement.

(2) Where a Member files an amending disclosure statement, the Ethics Commissioner, after consulting the Member and the Member's spouse, if available, shall, if the Ethics Commissioner considers it necessary, prepare either a new public disclosure statement or a supplementary public disclosure statement, which shall form part of the Member's public disclosure statement.

(3) Except as provided in this section, a public disclosure statement shall identify

- (a) *the assets, liabilities, financial interests and sources of income, and*
- (b) *the fees, gifts or benefits approved for retention under section 7(2)(b),*

as disclosed in the Member's disclosure statement, but shall not state the amount or value of them.

(4) The following shall be excluded from a public disclosure statement unless the Ethics Commissioner is of the opinion that disclosure of the asset, liability, financial interest, source of income or information is likely to be material to the determination of whether a Member is or is likely to be in breach of this Act:

- (a) *assets, liabilities or interests having a value of less than \$1000;*
- (b) *a source of income of less than \$1000 per year;*
- (c) *information identifying a home or recreational property occupied by the Member or one of the Member's family;*
- (d) *things used personally by a Member or one of the Member's family;*
- (e) *unpaid taxes, except property taxes under the Municipal Government Act and taxes under the School Act;*
- (f) *support obligations.*

(5) The Ethics Commissioner may from time to time establish other categories of matters to be excluded from public disclosure statements on the grounds that they are of little or no importance and are not likely to be material to the determination of whether a Member is or is likely to be in breach of this Act.

(6) If in the opinion of the Ethics Commissioner disclosure of the amount or value of an asset, liability, financial interest or source of income is likely to be material to the determination of whether a Member is or is likely to be in breach of this Act, the amount or value shall be included in the public disclosure statement.

(7) The Ethics Commissioner may exclude from the public disclosure statement a source of income received by a Member's spouse or minor child or a private corporation if

- (a) *the income is or will be received in respect of services or things that are customarily provided on a confidential basis, or*
- (b) *the possibility of serious harm to a business of the spouse, minor child or private corporation justifies a departure from the general principle of public disclosure.*

(8) Information included in a disclosure statement or amending disclosure statement of a Member to the Ethics Commissioner and

not included in the Member's public disclosure statement is confidential unless it is relevant to a proceeding under Part 5.

(9) On completion of a public disclosure statement or a supplementary disclosure statement, the Ethics Commissioner shall file it with the Clerk of the Legislative Assembly.

25(1) Amends chapter C-28 of the Revised Statutes of Alberta 2000.

(2) Adds definition.

(3) Section 18(1)(a) presently reads:

18(1) A member, if the member is 16 years or over, may by writing under the member's hand delivered at or sent to the head office of the association, but not otherwise,

(a) nominate

(i) the member's spouse, father, mother, child, sister, brother, nephew or niece, or

(ii) any other person who is not an officer or servant of the association

as the person to whom the shares of the member in the association shall be transferred at the member's death, and

26(1) Amends chapter C-28.1 of the Revised Statutes of Alberta 2000.

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

1(1) In this Act,

(d) "associate", in respect of a relationship with a person, means

(vi) a spouse or child of the person;

(vii) any of the following who has the same residence as the person:

(A) a relative of the person;

(B) the spouse of a relative of the person;

(C) a relative of the person's spouse;

- (D) *the spouse of a relative referred to in paragraph (C);*
- (ww) *“special resolution” means a resolution that is submitted to a meeting of the cooperative or a meeting of the directors and passed at the meeting by at least 2/3 of the votes cast;*

27(1) Amends chapter C-32 of the Revised Statutes of Alberta 2000.

(2) Section 2(4) presently reads in part:

(4) For the purposes of this Act, a person is a related party with respect to a credit union or Central if that person

- (a) is a director or officer of that body corporate,*
- (b) is the spouse of such a director or officer,*
- (c) is a relative of or a relative of the spouse of, and has the same home as, such a director or officer,*

(3) Section 2(5) presently reads:

(5) In subsection (4),

- (a) “officer” includes a person who has been appointed or elected, or selected for employment, as an officer but who has not yet assumed the office;*
- (b) “relative” means a relative by blood, marriage or adoption;*
- (c) “spouse” includes an individual of the opposite sex who is held out by the director or officer in the community in which they live as the director’s or officer’s consort.*

28(1) Amends chapter D-11 of the Revised Statutes of Alberta 2000.

(2) Section 1(n) presently reads:

1 In this Act,

(n) “nearest relative” means with respect to any person, the relative of that person first listed in the following subclauses, relatives of the whole blood being preferred to relatives of the same description of the half-blood and the elder or eldest of 2 or more relatives described in any subclause being preferred to the other of those relatives regardless of sex:

- (i) husband or wife;*
- (ii) son or daughter;*

- (iii) *father or mother;*
- (iv) *brother or sister;*
- (v) *grandfather or grandmother;*
- (vi) *grandson or granddaughter;*
- (vii) *uncle or aunt;*
- (viii) *nephew or niece;*

(3) Section 46(2) presently reads:

(2) A trustee may, subject to this Act and with respect to the estate under the trustee's trusteeship, exercise the trustee's authority for the maintenance, education, benefit and advancement of

- (a) the spouse of the dependent adult, if any,*
- (b) any minor child of the dependent adult,*
- (c) any adult child of the dependent adult who by reason of physical or mental disability is unable to earn a living, or*
- (d) with the consent of the Court, any other person,*

or all or any of them.

(4) Section 81(2) presently reads:

- (2) No person who is*
- (a) related by blood or marriage to a person applying to an appeal panel,*
 - (b) a person who is treating or who has treated a person applying to an appeal panel, or*
 - (c) a solicitor who is acting or who has acted for a person applying to an appeal panel,*

is eligible to be appointed as or to sit as a member or alternate member of an appeal panel for an application by that person.

29(1) Amends chapter D-14 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads:

1(1) In this Act, except in Part 7, "Court" means the Court of Queen's Bench.

(2) In sections 17 and 27,

(a) *“common law relationship” means a relationship between 2 people of the opposite sex who although not legally married to each other*

(i) *continuously cohabited in a marriage-like relationship for at least 3 years, or*

(ii) *if there is a child of the relationship by birth or adoption, cohabited in a marriage-like relationship of some permanence.*

(b) *“spouse” means*

(i) *a spouse of a married person, and*

(ii) *a party to a common law relationship;*

(3) Section 7 presently reads:

7 The Court has jurisdiction to hear an action for judicial separation or restitution of conjugal rights, an application for spousal support under section 17 or an application for alimony, when both the parties to the action

(a) *are domiciled in Alberta when the action is commenced,*

(b) *had a home in Alberta when their cohabitation ceased or when the events occurred on which the claim for separation is based, or*

(c) *are resident in Alberta when the action is commenced.*

(4) Housekeeping change.

(5) Section 17 presently reads:

17(1) The Court may make a spousal support order on application by either or both of the spouses where the spouses are living separate and apart and there is no possibility of reconciliation.

(2) The Court making a spousal support order may direct a spouse to pay periodic sums or a lump sum, or both, for any period and on any terms that the Court thinks reasonable for the support of the other spouse.

(3) Where an application is made for an order under subsection (1), the Court may, on application by either or both of the spouses, make an interim order requiring a spouse to pay periodic sums or a lump sum, or both, for any period and on any terms that the Court thinks reasonable for the support of the other spouse, pending the determination of the application under subsection (1).

(4) In making an order under subsection (2) or an interim order under subsection (3), the Court must take into consideration the condition, means, needs and other circumstances of each spouse, including

- (a) the length of time the spouses cohabited,*
- (b) the functions performed by each spouse during the cohabitation, and*
- (c) any order, agreement or arrangement between the spouses.*

(5) A Court may make a variation order varying, rescinding or suspending, prospectively or retroactively, a spousal support order or any provision of a spousal support order on application by either or both of the spouses or former spouses.

(6) Before the Court makes a variation order, the Court must satisfy itself

- (a) that a change in the condition, means, needs or other circumstances of either spouse or former spouse, as the case may be, has occurred since the making of the spousal support order or the last variation order made in respect of that order, or*
- (b) that evidence of a substantial nature that was not available at the previous hearing has become available,*

and, in making the variation order, the Court must take that change of circumstances or evidence into consideration.

(7) Where a spousal support order provides for support for a definite period or until a specified event occurs, the Court may not, on an application instituted after the expiration of that period or the occurrence of the event, make a variation order for the purpose of resuming that support unless the Court is satisfied that

- (a) a variation order is necessary to relieve economic hardship arising from a change described in subsection (6)(a) that is related to the marriage or the common law relationship, and*
- (b) the changed circumstances, had they existed at the time of the making of the spousal support order or the last variation order made in respect of that order, as the case may be, would likely have resulted in a different order.*

(6) Support for adult interdependent partners.

(7) Section 21 presently reads:

21 An order or judgment for alimony or for spousal support under section 17, whether interim or otherwise, may be registered in any

land titles office, and the registration so long as the order or judgment remains in force,

- (a) binds the estate and interest of every description that the defendant has in any land, and*
- (b) operates thereon in the same manner and with the same effect as a registration of a charge by the defendant of a life annuity on the defendant's land.*

(8) Section 27 presently reads:

27(1) Subject to subsection (2), an agreement containing spousal support provisions, whether entered into before or after the enactment of this section, prevails over section 17.

(2) The Court may disregard the spousal support provisions of an agreement referred to in subsection (1), if any of the following circumstances apply and the Court is of the opinion that the agreement would be inequitable:

- (a) the spouse who challenges the agreement or provision entered into the agreement without receiving independent legal advice;*
- (b) a consideration in making the agreement or provision was the removal by one spouse of barriers that would prevent the other spouse's remarriage within that spouse's faith;*
- (c) in the case of an agreement entered into by the spouses while living together in a common law relationship, the spouses married each other;*
- (d) one of the spouses is on social assistance without reasonable support from the other spouse.*

(9) Repeals redundant definition.

30(1) Amends chapter E-1 of the Revised Statutes of Alberta 2002.

(2) Section 44(2) presently reads:

(2) A person who

- (a) is the spouse or a dependant of and is ordinarily resident with a person described in subsection (1), and*
- (b) is otherwise eligible as an elector,*

is, for the purposes of voting, deemed to be and to have been for the required period ordinarily resident in the same subdivision as the person described in subsection (1) and is eligible to have the

person's name entered on the list of electors for that subdivision and to vote at an election.

31(1) Amends chapter E-8 of the Revised Statutes of Alberta 2000.

- (2) Adds and deletes a definition.
- (3) Changes “spouse’s”: to “pension partner’s”.
- (4) Changes “spousal” to “pension partners”.
- (5) Changes “spousal” to “pension partners”.
- (6) The heading preceding section 58 presently reads:

*Part 4
Division and Distribution of Benefits
on Spousal Relationship Breakdown*

- (7) Changes “member-spouse’s” to “member-pension-partner’s”.
- (8) Changes “spouses’ ” to “pension partners’ ”.
- (9) Changes “spouses” to “pension partners”.
- (10) Changes “member-spouse” to “member-pension-partner”.
- (11) Changes “non-member-spouse” to “non-member-pension-partner”.
- (12) Changes “non-member-spouse’s” to “non-member-pension-partner’s”.
- (13) Changes “spouse” to “pension partner”.

32(1) Amends chapter F-2 of the Revised Statutes of Alberta 2000.

- (2) Section 43 presently reads in part:

43 In this Part,

- (a) *“credit information” means information about an individual’s name, age, occupation, previous employers, place of residence, previous places of residence, marital status, spouse’s name and age, number of dependants, educational or professional qualifications, places of*

employment, estimated income, paying habits, outstanding debt obligations, cost of living obligations and assets;

(3) Section 116(1) presently reads in part:

116(1) No collection agency or collector may

- (j) make telephone calls or personal calls of such nature or with such frequency as to constitute harassment of the debtor, the debtor's spouse or any member of the debtor's family or household;*
- (m) contact a debtor's employer, spouse, relatives, neighbours or friends unless*
 - (i) the person contacted is the employer of the debtor and the collection agency or collector is contacting the employer for the purpose of verifying the employment of the debtor, or*
 - (ii) the contact is made for the purpose of obtaining the debtor's address or telephone number;*

33(1) Amends chapter F-5 of the Revised Statutes of Alberta 2000.

(2) The title and chapter number presently read:

FAMILY RELIEF ACT
Chapter F-5

(3) Section 1 presently reads in part:

1 In this Act,

- (a) "application" means an application for maintenance and support under this Act;*
- (d) "dependant" means*
 - (i) the spouse of the deceased,*
 - (ii) a child of the deceased who is under the age of 18 years at the time of the deceased's death, and*
 - (iii) a child of the deceased who is 18 years of age or over at the time of the deceased's death and unable by reason of mental or physical disability to earn a livelihood;*

(4) Section 2 presently reads:

2 If

- (a) a judge makes a declaration of presumption of death, and*

(b) *the spouse of the person presumed to be dead goes through a form of marriage with another person in accordance with the law in force at the place where the marriage ceremony is performed,*

then, notwithstanding that it is later found that the person presumed to be dead was alive when that marriage ceremony was performed,

the parties to the marriage ceremony and their children have the same rights under this Act as they would have had if the person presumed to be dead had in fact died before the marriage ceremony.

(5) Section 7 presently reads:

7 When, under a testator's will, distribution of the estate is postponed until after the death of the spouse or any other dependant, if the spouse or other dependant has obtained an order under this Act, or under The Widows' Relief Act, RSA 1942 c304, making more adequate provision out of the estate for the spouse's or other dependant's maintenance and support, a judge may, on the application of any person interested and on any notice that the judge considers proper, direct immediate distribution of the residue of the estate remaining after providing for the payment or for the securing of the payment of the portion awarded under this Act to the spouse or other dependant.

(6) Section 14 presently reads:

14 If it appears that at the date of the deceased's death the spouses were living together and

(a) *all the children of the deceased who at the date of the deceased's death were under the age of 18 years, and*

(b) *all the children of 18 years of age or over who by reason of mental or physical disability were unable to earn a livelihood,*

were living with or being supported by the spouses or either of them, there is no obligation on the guardian, Public Trustee or other person representing a child who is a dependant under this Act to make an application on behalf of the child if the guardian, Public Trustee or other person is satisfied that the child is receiving adequate maintenance and support.

(7) Transitional.

34(1) Amends chapter F-8 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads

1 In this Act,

- (a) “child” includes a son, daughter, grandson, granddaughter, stepson, stepdaughter and illegitimate child;
 - (b) “cohabitant” means a person of the opposite sex to the deceased who lived with the deceased for the 3-year period immediately preceding the death of the deceased and was during that period held out by the deceased in the community in which they lived as the deceased’s consort;
 - (c) “parent” includes a father, mother, grandfather, grandmother, stepfather and stepmother;
 - (d) “spouse” means husband or wife.
- (3) Section 3 presently reads in part:

3(1) An action under this Act

- (a) shall be for the benefit of the wife, husband, cohabitant, parent, child, brother or sister of the person whose death has been so caused, and
- (b) shall be brought by and in the name of the executor or administrator of the person deceased,

and in the action the court may give to the persons respectively for whose benefit the action has been brought those damages that the court considers appropriate to the injury resulting from the death.

- (4) Section 7 presently reads in part:

7 If an action is brought under this Act and if any of the following expenses and fees were reasonably incurred by any of the persons by whom or for whose benefit the action is brought, then those expenses and fees, in a reasonable amount, may be included in the damages awarded:

- (d) fees paid for grief counselling that was provided for the benefit of the spouse, cohabitant, parent, child, brother or sister of the person deceased.

- (5) Section 8 presently reads in part:

(2) If an action is brought under this Act, the court, without reference to any other damages that may be awarded and without evidence of damage, shall award damages for grief and loss of the guidance, care and companionship of the deceased person of

- (a) subject to subsections (3) and (4), \$75 000 to the spouse or cohabitant of the deceased person,
- (b) \$75 000 to the parent or parents of the deceased person if the deceased person, at the time of death,
 - (i) was a minor, or

(ii) *was not a minor but was unmarried and was not living with a cohabitant,*

to be divided equally if the action is brought for the benefit of both parents, and

(c) *\$45 000 to each child of the deceased person who, at the time of the death of the deceased person,*

(i) *is a minor, or*

(ii) *is not a minor but is unmarried and is not living with a cohabitant.*

(3) *The court shall not award damages under subsection (2)(a) to the spouse if the spouse was living separate and apart from the deceased person at the time of death.*

(4) *The court shall award damages under subsection (2)(a) to the cohabitant and not to the spouse if at the time of death the deceased person was living separate and apart from the spouse and was living with the cohabitant.*

(6) *Transitional.*

35(1) Amends chapter F-9 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act

(e) *“common law spouse” means, with reference to a deceased person, a man or woman who, although not legally married to the deceased, lived and cohabited with the deceased immediately prior to the deceased’s death as the deceased’s spouse and was known as such in the community in which they lived;*

(k) *“next of kin” means the mother, father, children, brothers, sisters, spouse and common law spouse of a deceased person, or any of them;*

(3) Section 28(2) presently reads:

(2) *Copies of an order under subsection (1) shall be sent by registered mail at least 48 hours before the disinterment to*

(a) *the spouse, common law spouse or, if there is no spouse or common law spouse, any other of the adult next of kin of the deceased who is resident in Alberta,*

(b) *the Director of Vital Statistics, and*

(c) *the owner or the person in charge of the cemetery or mausoleum where the body is buried or stored.*

36(1) Amends chapter F-25 of the Revised Statutes of Alberta 2000.

(2) Section 40(1)(s) and (cc) presently read:

40(1) A public body may disclose personal information only

(s) so that the spouse, relative or friend of an injured, ill or deceased individual may be contacted,

(cc) to a relative of a deceased individual if, in the opinion of the head of the public body, the disclosure is not an unreasonable invasion of the deceased's personal privacy,

(3) Section 65(4) presently reads:

(4) A relative of a deceased individual may ask the Commissioner to review a decision of a head of a public body under section 40(1)(cc) not to disclose personal information.

37(1) Amends chapter G-1 of the Revised Statutes of Alberta 2000.

(2) Section 87(3) presently reads:

(3) An adult who is the parent, guardian or spouse of a minor and who is in lawful possession of liquor may give the liquor to a minor in a residence or a temporary residence.

38(1) Amends chapter H-6 of the Revised Statutes of Alberta 2000.

(2) Section 4 presently reads:

4(1) If a registrant or the registrant's spouse is receiving a benefit under the Seniors Benefit Act, the registrant is not liable for the payment of premiums on behalf of the registrant, the registrant's spouse or the registrant's dependants.

(2) Subsection (1) does not apply to premiums that have become due or become due during a period of time when the registrant or the registrant's spouse is not receiving a benefit under the Seniors Benefit Act.

(3) Section 25 presently reads in part:

(7) Notwithstanding subsections (1) and (6),

- (a) *the spouse of the registrant who filed a declaration may file with the Minister an election to have the spouse and the dependants excluded from the declaration, and*
- (b) *a dependant other than the spouse of that registrant may file with the Minister an election to have that dependant excluded from the declaration, if no election has been filed under clause (a),*

and an election so filed takes effect on the first day of the month next following the month in which it is filed.

(8) *If a spouse files an election under subsection (7)(a),*

- (a) *the declaration does not extend to or apply to the spouse and dependants of the registrant during the period that the election is in effect, and*
- (b) *the spouse is liable for the payment of premiums in respect of the spouse and the spouse's dependants during the period that the election is in effect.*

39(1) Amends chapter H-12 of the Revised Statutes of Alberta 2000.

(2) Section 30 presently reads in part:

30(1) When hospital, medical or other services are provided by a board to a person,

- (a) *if the person is a minor and unmarried, that person and that person's parents or guardians and their respective executors and administrators are liable to the board of the hospital for the payment of all proper charges for any services so provided;*
- (b) *if the person is an adult, that person and the spouse, if any, of that person and their respective executors and administrators are liable to the board of the hospital for the payment of all proper charges for any services so provided;*
- (c) *if that person is a minor and married, that person and the spouse of that person and their respective executors and administrators are liable to the board of the hospital for the payment of all proper charges for any services so provided;*
- (d) *if the person or any other person signs an agreement, admission form or other document assuming responsibility for the payment of charges as a result of which act the admission of the patient to the hospital is gained or hospital services are obtained, the person or persons who sign the document and their respective executors and administrators, notwithstanding the Guarantees Acknowledgment Act, are*

liable to the board of the hospital for the payment of all proper charges for any services so provided.

(2) Notwithstanding subsection (1), a spouse is not liable to pay for hospital charges incurred by the husband or wife

- (a) if the husband or wife has deserted the spouse and has not contributed to the spouse's support for at least 6 months immediately preceding the hospitalization,*
- (b) if the husband or wife is legally separated from the spouse, or*
- (c) if the husband and wife are living separate and apart and the husband or wife has not contributed to the spouse's support for at least 6 months immediately preceding the hospitalization.*

40(1) Amends chapter H-15 of the Revised Statutes of Alberta 2000.

(2) Section 5 presently reads in part:

5(1) When a person of any age who has not given a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and the person's death is imminent,

- (a) the person's spouse of any age, or*
- (b) if none, or if the person's spouse is not readily available, any one of the person's adult children, or*

may consent to the body or the part or parts of it specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

(2) A spouse, relative or other person who gives a consent under this section shall give that consent

- (a) in a writing signed by the spouse, relative or other person,*
- (b) orally by the spouse, relative or other person in the presence of at least 2 witnesses, or*
- (c) by the telegraphic, recorded telephonic or other recorded message of the spouse, relative or other person.*

41 Amends chapter 15(Supp) of the Revised Statutes of Alberta 2000. Section 2 presently reads:

2(1) The Human Tissue Gift Act is amended by this section.

(2) *The following preamble is added:*

WHEREAS an increase in human tissue donations and transplants will greatly enhance and restore the health and well-being of Albertans in need of transplants; and

WHEREAS the Legislative Assembly believes in the right of Albertans to donate human tissue and encourages them to do so;

(3) *The enacting clause is amended by adding “THEREFORE” before “HER MAJESTY”.*

(4) *Section 1 is amended by adding the following after clause (d):*

(d.1) *“spouse” includes a common law spouse who cohabited with the person for*

(i) *at least the 5 years immediately preceding the person’s death, or*

(ii) *at least the 2 years immediately preceding the person’s death, if there is a child of the common law relationship;*

42(1) Amends chapter I-1 of the Revised Statutes of Alberta 2000.

(2) Section 15(5) presently reads:

(5) Notwithstanding any other law to the contrary, in all proceedings under this Part the spouse of the recipient is a competent and compellable witness.

(3) Section 27(2) presently reads:

(2) If no agreement to pay is entered into by a parent, or on the failure of a parent to comply with the terms of an agreement, the Director may make an application to a provincial judge for an order for maintenance and sections 30 to 39 of the Domestic Relations Act apply, with all necessary modifications, and all proceedings shall be conducted in the same manner and to the same effect as if the application in respect of maintenance were made by a wife where the application is restricted to the maintenance of a child.

(4) Section 34(2) presently reads:

(2) Notwithstanding any other law to the contrary, in all proceedings under this Part the spouse of the recipient is a competent and compellable witness.

43(1) Amends chapter I-3 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(i.1) *“common law relationship” means a relationship between 2 people of the opposite sex who although not legally married to each other*

(i) *have continuously cohabited in a marriage-like relationship for at least 3 years, or*

(ii) *if there is a child of the relationship by birth or adoption, have cohabited in a marriage-like relationship of some permanence;*

(ggg) *“relative”, when used with respect to individuals, means related by blood, marriage or adoption;*

(mmm.1) *“spouse” means*

(i) *a spouse of a married person, and*

(ii) *a party to a common law relationship;*

(3) Section 256 presently reads in part:

256 For the purposes of this section, section 244 and sections 257 to 265, a person is deemed to be related to

(d) *the spouse of the person,*

(e) *every relative of the person, or of the person’s spouse, who resides in the same home as the person, and*

(4) Section 314(4) presently reads in part:

(4) *An individual is an affiliated director of a provincial company if the individual*

(k) *is the spouse of an individual described in any of clauses (a) to (j), or*

(5) Section 434 presently reads in part:

434(1) For the purposes of this Subpart, a person is a related party of a provincial company if the person

(c) *is the spouse, or a child who is less than 18 years of age, of a person described in clause (a) or (b),*

(h) *is an entity in which the spouse, or a child who is less than 18 years of age, of a person who controls the company has a substantial investment, or*

(6) Section 440 presently reads in part:

440 *A provincial company or its subsidiary may with the prior approval of the directors of the company*

- (h) *make a loan to*
 - (i) *a director or senior official of the company,*
 - (ii) *an employee of a prescribed class of the company, or*
 - (iii) *the spouse of a director or senior official of the company or of an employee referred to in subclause (ii)*

on the security of the residence of the person to whom the loan is made, and the loan must be at fair market rate except in the case of a loan to an employee of the prescribed class, to a senior official or to a director who is a senior official or who is an employee of the prescribed class,

- (i) *make a personal loan to*
 - (i) *a senior official of the company,*
 - (ii) *an employee of a prescribed class of the company, or*
 - (iii) *the spouse of a senior official of the company or of an employee referred to in subclause (ii)*

that is fully secured other than by promissory note, and the loan must be at fair market rate except in the case of a loan to a senior official or to an employee of the prescribed class,

(7) Section 554 presently reads in part:

554 *In this Subpart,*

- (f) *“family insurance” means insurance in which the lives of the insured and one or more persons related to the insured by blood, marriage or adoption are insured under a single contract between an insurer and the insured;*

(8) Section 563 presently reads in part:

563 *Without restricting the meaning of the expression “insurable interest”, a person (the “primary person”) has an insurable interest in the primary person’s own life and in the life of*

- (a) *the primary person’s child or grandchild,*
- (b) *the primary person’s spouse,*

(9) Section 580(2) presently reads:

(2) *While a designation in favour of a spouse, child, grandchild or parent, or any of them, of a person whose life is insured is in effect, the insurance money and the rights and interests of the insured in*

the insurance money and in the contract are exempt from writ proceedings.

(10) Section 616(3) presently reads in part:

(3) If the named insured in an owner's policy dies, the following persons are deemed to be the insured under the policy:

(a) the spouse of the deceased insured if residing in the same dwelling place at the time of the deceased insured's death;

(11) Section 626(4) presently reads in part:

(4) Subsection (1)(c) does not include

(c) the use by an insured of the automobile for the carriage of a temporary or permanent domestic servant of the insured or the insured's spouse,

(12) Section 640 presently reads in part:

640(1) If an insurer provides in a contract insurance against loss resulting from bodily injury to or the death of a person insured arising out of an accident involving an automobile when

(a) there is legal liability of another person for the injury or death, and

(b) the other person has no insurance against the liability for the injury or death or cannot be identified,

that insurance applies only in respect of

(c) a person who sustains bodily injury or death while driving, being carried in or on or entering or getting on to or alighting from the described automobile in respect of which insurance against liability arising out of bodily injury to or the death of a person caused by an automobile or the use or operation of an automobile is provided under the contract, and

(d) the insured named in the contract and the spouse of the insured named in the contract and any dependent relative residing in the same dwelling place as the insured named in the contract who sustains bodily injury or death while driving, being carried in or on or entering or getting on to or alighting from or as a result of being struck by any other automobile that is defined in the contract for the purposes of that insurance.

(13) Section 641 presently reads in part:

641(1) When in a contract an insurer provides insurance against expenses for medical, surgical, dental, ambulance, hospital,

professional nursing or funeral services, the insurance applies only in respect of reasonable expenses

- (a) *of or incurred for any person who sustains bodily injury or death while driving or being carried in or on or entering or getting on to or alighting from or, if not the occupant of another automobile, as a result of being struck by an automobile owned by the insured named in the contract in respect of which insurance against liability arising out of bodily injury to or the death of a person caused by an automobile or the use or operation of an automobile is provided under the contract, and*
- (b) *of the insured named in the contract and the spouse of the insured named in the contract and any dependent relative residing in the same dwelling place as the insured named in the contract who sustains bodily injury or death while driving or being carried in or on or entering or getting on to or alighting from or as a result of being struck by any other automobile that is defined in the contract for the purposes of that insurance.*

(14) Section 642 presently reads in part:

642(1) When in a contract an insurer provides accident insurance benefits in respect of the death of or injury to an insured arising out of an accident involving an automobile, the insurance applies only in respect of

- (a) *any person who sustains bodily injury or death while driving or being carried in or on or entering or getting on to or alighting from or, if not the occupant of another automobile, as a result of being struck by an automobile owned by the insured named in the contract in respect of which insurance against liability arising out of bodily injury to or the death of a person caused by an automobile or the use or operation of an automobile is provided under the contract, and*
- (b) *the insured named in the contract and the spouse of the insured named in the contract and any dependent relative residing in the same dwelling place as the insured named in the contract who sustains bodily injury or death while driving or being carried in or on or entering or getting on to or*

alighting from or as a result of being struck by any other automobile that is defined in the policy for the purposes of the insurance.

(15) Section 662(g) presently reads:

662 In this Subpart,

(g) “family insurance” means insurance in which the lives or well-being or the lives and well-being of the insured and one or more persons related to the insured by blood, marriage or adoption are insured under a single contract between an insurer and the insured;

(16) Section 676 presently reads in part:

676 Without restricting the meaning of the expression “insurable interest”, a person (the “primary person”) has an insurable interest in the primary person’s own life and well-being and in the life and well-being of

(a) the primary person’s child or grandchild,

(b) the primary person’s spouse,

(17) Section 688(2) presently reads:

(2) While there is in effect a designation of beneficiary in favour of any one or more of a spouse, child, grandchild or parent of the person insured or group person insured, the rights and interests of the insured in the insurance money and in the contract so far as either relate to accidental death benefits are exempt from writ proceedings.

(18) Section 694 presently reads:

694 Even though insurance money is payable to a person, the insurer may if the contract so provides, but subject always to the rights of an assignee, pay an amount not exceeding \$2000 to

(a) a relative by blood or adoption or connection by marriage of a person insured or the group person insured, or

(b) any person appearing to the insurer to be equitably entitled to the insurance money by reason of having incurred expense for the maintenance, medical attendance or burial of a person insured or the group person insured, or to have a

claim against the estate of a person insured or the group person insured in relation to those expenses,

and the payment discharges the insurer to the extent of the amount paid.

44(1) Amends chapter I-8 of the Revised Statutes of Alberta 2000.

(2) Adds definitions to general definitions section.

45(1) Amends chapter I-10 of the Revised Statutes of Alberta 2000.

(2) Sections 1, 2, 3, 3.1 and 3.2 presently read:

1 In this Act,

(a) *“adult interdependent partner” means, in reference to an intestate, a person, including a minor, who lived with the intestate in a conjugal relationship, outside marriage,*

(i) for a continuous period of not less than 3 years immediately before the intestate’s death, or

(ii) of some permanence immediately before the intestate’s death, if there is a child of the relationship by birth or adoption;

(a.1) *“estate” includes both real and personal property;*

(b) *“issue” includes all lineal descendants, whether born within or outside marriage, of the ancestor;*

(c) *“net value” means the value of the estate wherever situated, both within and outside Alberta, after payment of the charges on it and the debts, funeral expenses, expenses of administration, estate tax and succession duty;*

(d) *“spouse” means, in reference to an intestate, a person who at the time of the intestate’s death was married to the intestate.*

2 If an intestate dies leaving a surviving spouse but no issue, the intestate’s estate goes to the spouse.

3(1) *When an intestate dies on or after January 1, 1976 leaving a surviving spouse and issue,*

- (a) *if the net value of the estate does not exceed \$40 000, the estate goes to the spouse, and*
- (b) *if the net value of the estate exceeds \$40 000, the spouse is entitled to \$40 000 and has a charge on the estate for that amount with interest from the date of death.*

(2) *If an intestate died prior to January 1, 1976 leaving a surviving spouse and issue,*

- (a) *if the net value of the estate does not exceed \$20 000, the estate goes to the spouse, and*
- (b) *if the net value of the estate exceeds \$20 000, the spouse is entitled to \$20 000 and has a charge on the estate for that amount with interest from the date of death.*

(3) *After payment to the surviving spouse pursuant to subsection (1) or (2),*

- (a) *if the intestate died leaving a surviving spouse and one child, 1/2 of the residue of the estate goes to the surviving spouse;*
- (b) *if the intestate died leaving a surviving spouse and more than one child, 1/3 of the residue of the estate goes to the surviving spouse.*

(4) *If a child of the intestate has died during the lifetime of the intestate leaving issue, one or more of whom are alive at the date of the intestate's death, the surviving spouse shall take the same share of the estate of the intestate as if the child had been living at that date.*

3.1 *If an intestate dies leaving no surviving spouse but leaving a surviving adult interdependent partner, the surviving adult*

interdependent partner shall be treated for the purposes of this Act as if he or she were the surviving spouse of the intestate.

3.2 *If an intestate dies leaving a surviving spouse and a surviving adult interdependent partner,*

- (a) *the surviving spouse shall take no part in the intestate's estate, and*

(b) the surviving adult interdependent partner shall be treated for the purposes of this Act, except clause (a), as if he or she were the surviving spouse of the intestate.

(3) Transitional.

46(1) Amends chapter I-11 of the Revised Statutes of Alberta 2000.

(2) Section 33(b) and (c) presently read:

33 For the purposes of sections 34 and 35,

(b) “member of the board’s family” means the member’s spouse, the member’s children, the parents of the member and the parents of the member’s spouse;

(c) “spouse”

(i) includes a party to a relationship between a man and a woman who are living together on a bona fide domestic basis, and

(ii) does not include a spouse who is living apart from the other spouse if the spouses have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

(3) Section 35(4)(a) presently reads:

(4) Subsection (2) does not prevent a person from becoming a member of the board of a district by reason only that that person

(a) is a shareholder in a corporation that has a contract with the district

(i) unless that person or that person together with that person’s spouse, parents, children, brothers and sisters holds more than 25% of the issued capital stock of the corporation, or

(ii) unless the contract is for the building, construction or repair of the irrigation works of the district,

47(1) Amends chapter L-4 of the Revised Statutes of Alberta 2000.

(2) Section 126 presently reads:

126(1) When a married person who is the owner of an interest in land adopts the surname of the spouse, the Registrar may make a memorandum of the change of name on the appropriate certificate of title on production of

(a) an affidavit by that person verifying

(i) the date of the marriage,

(ii) the place where the marriage was solemnized, and

(iii) the spouse's full name,

and

(b) a certificate of marriage or any other evidence that the Registrar may require to substantiate the identity of that person.

(2) When an interest in land is registered in the name of a person under the surname of that person's spouse or former spouse and that person now uses

(a) that person's original surname,

(b) a hyphenated surname that incorporates that person's original surname and the surname of that person's spouse or former spouse, or

(c) the surname of a spouse from a previous marriage,

the Registrar may make a memorandum of the change of name on the appropriate certificate of title on production of an affidavit by that person verifying the surname now used by that person and a certificate of marriage or any other evidence that the Registrar may require to substantiate the identity of that person.

48(1) Amends chapter L-7 of the Revised Statutes of Alberta 2000.

(2) Section 47 presently reads in part:

(4) In this section,

(c) “member of that individual’s family” means

(i) an individual’s grandparent, parent, sibling, child, niece, nephew or spouse, and

(ii) a grandparent, parent, sibling, child, niece or nephew of the individual’s spouse;

49(1) Amends chapter L-20 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1(1) In this Act,

(jj) “relative”, when used with respect to individuals, means related by blood, marriage or adoption;

(oo) “spouse” means the person of the opposite sex to whom a person is married or with whom the person is living in a conjugal relationship outside marriage;

(3) Section 2(7) presently reads in part:

(7) For the purposes of this Act, a person is a restricted party with respect to a provincial corporation if that person

(g) is a spouse of a person referred to in clause (a) or (c),

(h) is a relative of, or a relative of the spouse of, a person referred to in clause (a) or (c), who has the same home as that person,

(4) Section 76 presently reads in part:

76(1) For the purposes of this section and sections 77 to 81, a person is deemed to be related to

(d) the spouse of the person,

(e) every relative of the person, or of the person’s spouse, who has the same home as the person, and

(5) Section 103(4) presently reads in part:

(4) An individual is not eligible to be an unaffiliated director of a provincial corporation for the purposes of subsection (3) if the individual

(g) is the spouse of an individual described in clause (a), (b), (c), (d), (e) or (f),

(6) Section 142(2) presently reads:

(2) For the purposes of this section,

(a) independence is a question of fact, and

(b) a person is deemed not to be independent if

(i) the person, the person's partner, the spouse of the person or partner, or a relative of, or a relative of the spouse of, the person or partner who has the same home as the person or partner,

(A) is a partner, director or officer of the provincial corporation or any of its affiliates,

(B) beneficially owns or exercises control or direction over any of the voting shares of the provincial corporation or any of its affiliates, or

(C) has been a receiver, a receiver and manager, a liquidator or a trustee in bankruptcy of the provincial corporation or any of its affiliates within 2 years of that person's proposed appointment as auditor of the corporation,

or

(ii) the person or the person's partner is an employee of the provincial corporation or any of its affiliates.

(7) Section 169(1) presently reads in part:

169(1) Subject to the prior approval of the board of directors of a provincial corporation, the corporation or its subsidiary may

(a) make a loan to

- (i) *a director, officer or prescribed employee of the corporation,*
- (ii) *the spouse of a director or officer of the corporation, or*
- (iii) *a relative of, or a relative of the spouse of, a director or officer of the corporation who has the same home as the director or officer*

on the security of the residence of the person to whom the loan is made if the loan qualifies as an investment under section 201 and, except in the case of a loan to a prescribed employee, an officer or a director who is an officer or prescribed employee, the loan is at fair market rate,

- (b) *make a personal loan to*
 - (i) *an officer or a prescribed employee of the corporation,*
 - (ii) *the spouse of an officer of the corporation, or*
 - (iii) *a relative of, or a relative of the spouse of, an officer of the corporation who has the same home as the officer*

if the loan qualifies as an investment under section 199 and, except in the case of a loan to an officer or prescribed employee of the corporation, the loan is at fair market rate,

50(1) Amends chapter L-21 of the Revised Statutes of Alberta 2000.

(2) Adds definition.

(3) Section 12 presently reads in part:

12 The provisions of this Act that apply to municipalities apply to summer villages except that in respect of a summer village

- (b) *a person is entitled to vote at an election if*
 - (i) *the person is eligible to vote under section 47,*

(ii) *the person is 18, a Canadian citizen and is named on the tax roll as the person liable to pay property taxes for property within the summer village, or*

(iii) *the person is 18, a Canadian citizen and is the spouse of a person referred to in subclause (ii),*

(4) Section 22(4) presently reads in part:

(4) *Subsection (1) does not apply to a person by reason only*

(a) *that the person is a shareholder in a corporation having a contract or dealings with the local jurisdiction or elected authority for which the election is being held,*

(i) *unless the person holds or there is held by the person and the person's spouse, parents, children, brothers and sisters more than 25% of the issued capital stock of the corporation, or*

(ii) *unless the contract or dealings are for the building or construction of a public work of the local jurisdiction;*

(b) *that the person has a contract with the local jurisdiction for the supplying to the person, the person's spouse or child of a service, utility or commodity that the local jurisdiction has statutory authority to supply;*

51(1) Amends chapter M-1 of the Revised Statutes of Alberta 2000.

(2) Section 41 presently reads:

41 For the purposes of the Income Tax Act (Canada), a spouse includes a person who is required to make periodic payments in respect of maintenance under a written agreement or a maintenance order.

52(1) Amends chapter M-8 of the Revised Statutes of Alberta 2000.

(2) Consequential to amendments to Family Relief Act.

(3) Section 18 presently reads:

18(1) Nothing in this Act affects the right of a surviving spouse to make an application under the Family Relief Act.

(2) An application by a surviving spouse under the Family Relief Act may be joined with an application under this Part.

53(1) Amends chapter M-12 of the Revised Statutes of Alberta 2000.

(2) Adds definition to Schedule 1. Schedule 1, section 1(1)(z) presently reads:

1(1) In this Schedule,

(z) “spouse” means

(i) a person who, at the relevant time, was married to an officer or former officer and

(A) was not judicially or otherwise separated from the officer, or

(B) if so separated, was wholly or substantially dependent on the officer,

(ii) if there is no person to whom subclause (i) applies, a person of the opposite sex who

(A) lived with the officer or former officer

(I) for the 5-year period immediately preceding the relevant time, or

(II) for the 2-year period immediately preceding the relevant time if there is a child born to that person and the officer, and

(B) was, during that period, held out by the officer or former officer in the community in which they lived as the officer’s consort, or

(iii) *if there is no person to whom subclause (i) or (ii) applies, a person who was married to but separated from the officer or former officer and not dependent on the officer at the relevant time;*

(3) Schedule 1, section 15(7) presently reads:

(7) The estates, spouses and beneficiaries of a deceased person are exempt from the application of subsections (5) and (6).

(4) Schedule 1, section 23(3) presently reads:

(3) Subsection (2) does not apply where there is filed with the Minister, before the pension commences to be paid,

(a) a statutory declaration in the form prescribed by the Minister by the spouse that

(i) contains a statement indicating that the spouse is aware of the spouse's rights under this section and waiving those rights, and

(ii) is signed by the spouse in the presence of the person before whom the declaration is administered and outside the immediate presence of the pensioner, or

(b) a matrimonial property order.

(5) Schedule 2, section 17(7) presently reads:

(7) The estates, spouses and beneficiaries of a deceased person are exempt from the application of subsections (5) and (6).

(6) Changes reference from “spouse” to “pension partner”.

54(1) Amends chapter M-13 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(i) “nearest relative” means, with respect to a formal patient,

(i) the adult person first listed in the following paragraphs, relatives of the whole blood being preferred to relatives of

the same description of the half-blood and the elder or eldest of 2 or more relatives described in any paragraph being preferred to the other of those relatives regardless of gender:

- (A) *spouse;*
 - (q) *“spouse”, with respect to a formal patient, includes a person who although not married to the patient cohabited with the patient as the patient’s spouse immediately preceding the patient’s admission to a facility.*
- (3) Section 36(2) presently reads:
- (2) *A person who is*
 - (a) *related by blood or marriage to the patient,*
 - (b) *a spouse of the patient,*
 - (c) *a psychiatrist or physician or other person who is treating or who has treated the patient, or*
 - (d) *a lawyer who is acting or who has acted for the patient*
- is not eligible to be appointed as a member or to sit as a member of a review panel for an application relating to that patient.*

55(1) Amends chapter M-14 of the Revised Statutes of Alberta 2000.

(2) Adds definition.

(3) Section 16(1) presently reads:

16(1) In this section,

- (a) *“associates” means*
 - (i) *a partnership in which a candidate for councillor is a partner, or*
 - (ii) *a corporation in which the candidate for councillor holds 25% or more of the issued voting shares, or of which the candidate is a director;*

(b) “immediate family” means spouse, father, mother, brother, sister and children.

(4) Section 91(2) presently reads:

(2) The termination of settlement membership does not affect any right acquired by the spouse or minor children of the member to continue to reside on patented land.

(5) Section 95(2) presently reads:

(2) The loss of an interest in land under this section does not affect any right of the spouse or the minor children of the former member to continue to reside on the settlement land in which the member had an interest.

56(1) Amends chapter M-18 of the Revised Statutes of Alberta 2000.

(2) Section 12 presently reads in part:

12(1) Every minor on or in contemplation of marriage may, with the sanction of the Court, make a valid and binding settlement or contract for a settlement of all or any part of the property over which the minor has a power of appointment, whether real or personal and whether in possession, reversion, remainder or expectancy.

57(1) Amends chapter M-23 of the Revised Statutes of Alberta 2000.

(2) Section 11 presently reads in part:

(2) An operator’s licence shall not be issued to any person under the age of 18 years

(c) unless that person proves to the satisfaction of the Minister that the person is a married person.

(4) If a person who is under the age of 18 years has obtained an operator’s licence as authorized pursuant to subsection (2)

*(a) if the parent or guardian, in writing, withdraws the consent,
or*

- (b) *if proof is produced, satisfactory to the Minister, that the person was not self-supporting or was not married,*

the Minister shall suspend or cancel the operator's licence and shall not reinstate it or issue a new licence to that person until the person attains the age of 18 years or until a new application complying with subsection (2) is made.

(3) Section 41(7) presently reads in part:

(7) Notwithstanding anything in this section, when the ownership of a registered vehicle passes by reason of the death of the registered owner, the registration of the vehicle for that registration year does not expire and the following persons may during the remainder of that registration year continue to operate the vehicle under the registration of the deceased registered owner:

- (a) *the spouse of the deceased registered owner if normally residing in the same dwelling premises at the time of the deceased's death;*

58(1) Amends chapter M-26 of the Revised Statutes of Alberta 2000.

(2) Section 169 presently reads:

169 In this Division,

- (a) *“corporation”, “director”, “distributing corporation”, “officer”, “shareholder”, “voting rights” and “voting shares” have the meanings given to them in the Business Corporations Act;*
- (b) *“councillor's family” means the councillor's spouse, the councillor's children, the parents of the councillor and the parents of the councillor's spouse;*
- (c) *“spouse”*
- (i) *includes a party to a relationship between a man and a woman who are living together on a bona fide domestic basis, and*
- (ii) *does not include a spouse who is living apart from the other spouse if the spouses have separated pursuant to a*

written separation agreement or if their support obligations and family property have been dealt with by a court order.

59(1) Amends chapter P-3 of the Revised Statutes of Alberta 2000.

(2) Section 4(c)(iii) presently reads:

4 In determining whether a partnership does or does not exist, regard shall be had to the following rules:

(c) the receipt by a person of a share of the profits of a business is proof, in the absence of evidence to the contrary, that that person is a partner in the business, but the receipt of the share, or of a payment contingent on or varying with the profits of the business, does not of itself make the person receiving the share or payment a partner in the business, and in particular:

(iii) a person who is a surviving spouse or child of a deceased partner and who receives by way of annuity a portion of the profits made in the business in which the deceased person was a partner does not by reason only of that receipt become a partner in the business or liable as a partner;.

60(1) Amends chapter P-5 of the Revised Statutes of Alberta 2000.

(2) Section 5(2) presently reads in part:

(2) The persons referred to in subsection (1) are as follows:

(e) when a disposition is made in favour of a spouse of a person who is in being and ascertainable at the commencement of the perpetuity period, or when an interest is created by reference to the death of the spouse of such a person, or by reference to the death of the survivor, the same spouse whether or not he or she was in being or ascertainable at the beginning of the period.

61(1) Amends chapter P-6 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(i) “nearest relative” means, with respect to any person, the relative of that person first listed in the following subclauses, relatives of the whole blood being preferred to relatives of the same description of the half-blood and the elder or eldest of 2 or more relatives described in any subclause being preferred to the other of those relatives regardless of gender:

(i) husband or wife;

(ii) son or daughter;

(iii) father or mother;

(iv) brother or sister;

(v) grandfather or grandmother;

(vi) grandson or granddaughter;

(vii) uncle or aunt;

(viii) nephew or niece;

(3) Section 5 presently reads in part:

(2) The following persons may not sign a personal directive on behalf of the maker:

(a) a person designated in the directive as an agent;

(b) the spouse of a person designated in the directive as an agent.

(3) The following persons may not witness the signing of a personal directive:

(a) a person designated in the directive as an agent;

(b) the spouse of a person designated in the directive as an agent;

- (c) *the spouse of the maker;*
- (d) *a person who signs the directive on behalf of the maker;*
- (e) *the spouse of a person who signs the directive on behalf of the maker.*

(4) Section 29 presently reads:

29 If an agent has acted in good faith, a personal decision made by the agent does not affect the entitlement of the agent or the agent's spouse, or anyone claiming through either of them, to the following:

- (a) *a disposition under the will of the maker;*
- (b) *the proceeds of an insurance policy on the life of the maker;*
- (c) *a share of the estate of the maker under the Intestate Succession Act;*
- (d) *an order under the Family Relief Act.*

62(1) Amends chapter P-20 of the Revised Statutes of Alberta 2000.

(2) Section 2(3) and (4) presently read:

(3) The following persons may not sign an enduring power of attorney on behalf of the donor:

- (a) *a person designated in the enduring power of attorney as the attorney;*
- (b) *the spouse of a person designated in the enduring power of attorney as the attorney.*

(4) The following persons may not witness the signing of an enduring power of attorney:

- (a) *a person designated in the enduring power of attorney as the attorney;*
- (b) *the spouse of a person designated in the enduring power of attorney as the attorney;*
- (c) *the spouse of the donor;*

- (d) *a person who signs the enduring power of attorney on behalf of the donor;*
- (e) *the spouse of a person who signs the enduring power of attorney on behalf of the donor.*

(3) Section 7 presently reads:

7 Subject to this Act and any terms contained in an enduring power of attorney, an attorney

- (a) *has authority to do anything on behalf of the donor that the donor may lawfully do by an attorney, and*
- (b) *may exercise the attorney's authority for the maintenance, education, benefit and advancement of the donor's spouse and dependent children, including the attorney if the attorney is the donor's spouse or dependent child.*

63(1) Amends chapter P-27 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

- (d) *“family members” means*
 - (i) *a man and a woman who are or have been married to one another or who are residing or have resided together in an intimate relationship,*
 - (ii) *persons who are the parents of one or more children, regardless of their marital status or whether they have lived together at any time,*
 - (iii) *persons who reside together and are related to one or more persons in the household by blood, marriage or adoption,*
 - (iv) *any children in the care and custody of a person referred to in subclauses (i) to (iii), or*
 - (v) *persons who reside together where one of the persons has care and custody over the other pursuant to an order of the court;*

64(1) Amends chapter P-29 of the Revised Statutes of Alberta 2000.

(2) Section 4(3) presently reads:

(3) No agency or person shall alter, interrupt, discontinue or threaten to alter, interrupt or discontinue service to a client, or a client's spouse, child or parent who receives services from an agency, because the client is a complainant or is alleged to have been abused.

65(1) Amends chapter P-31 of the Revised Statutes of Alberta 2000.

(2) Section 16(1) presently reads:

16(1) On an application by a person ordered to pay maintenance or alimony to the person's spouse for an adjournment of a hearing, the Court may, as a condition of granting the adjournment, order that person to pay to that spouse a sum that the Court considers proper for the support of the spouse and the children, if any, during the period of the adjournment.

(3) Section 19(1) presently reads:

19(1) In this section,

(a) "child" means a person under the age of 16 years;

(b) "grandparent" means a grandparent of a child whether related to the child by blood, marriage or adoption.

66(1) Amends chapter P-40 of the Revised Statutes of Alberta 2000.

(2) Section 105(4) presently reads:

(4) When a grazing lessee is a grazing association, the association shall maintain a membership of at least 5 persons none of whom is the spouse of any of the others.

(3) Section 109(2) presently reads:

(2) The Minister may determine the area of land greater than that which is sufficient to graze 1000 or 600 animal units, as the case may be, pursuant to subsection (1), and for this purpose may include

- (a) any area of land held by the grazing lessee or the lessee's spouse, or both, under a grazing lease other than that from which the withdrawal is to be made,*
- (b) any area of land held by the grazing lessee or the lessee's spouse, or both, under a grazing lease within a special area,*
- (c) when the lessee or the lessee's spouse, or both, hold jointly with any other person land under a grazing lease, including land within a special area, an area that bears the same proportion to the total area of land held under the lease that the lessee or the lessee's spouse, or both, bears to the total number of the joint lessees including the lessee or the lessee's spouse, or both of them, and*
- (d) when the lessee or the lessee's spouse, or both, hold shares in a corporation that holds land under a grazing lease, including land within a special area, an area that bears the same proportion to the total area of land held by the corporation under the grazing lease that the number of shares held by the lessee or the lessee's spouse, or both, in that corporation bears to the total number of existing shares in the corporation.*

67(1) Amends chapter P-44 of the Revised Statutes of Alberta 2000.

(2) Section 9(2)(b) presently reads:

(2) The Public Trustee, on being appointed as trustee of the money and other property of the missing person, may

- (b) pay out of the capital or income of the money and other property, sums of money*
 - (i) that the missing person might otherwise have been liable to pay, and*
 - (ii) for the maintenance, education, benefit and advancement of*
 - (A) a spouse of the missing person,*

(B) *a minor child of the missing person,*

(C) *an adult child of the missing person who by reason of a physical or mental disability is unable to earn a living, or*

(D) *with the consent of the Court of Queen's Bench, any other person,*

or all of them.

(3) Section 20(2) presently reads:

(2) *In this section, "next of kin"*

(a) *means the spouse and children of the deceased person, or*

(b) *if there is no spouse or children, means the persons who are entitled to share under the Intestate Succession Act in the estate of the deceased person.*

(4) Transitional.

68(1) Amends chapter R-6 of the Revised Statutes of Alberta 2002.

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

1(1) In this Act,

(b) *"judgment" means a judgment or order of a court in a civil proceeding whereby a sum of money is made payable, and includes an award in an arbitration proceeding if the award, under the law in force in the jurisdiction where it was made, has become enforceable in the same manner as a judgment given by a court in that jurisdiction, but does not include an order for the payment of money as alimony or as maintenance for a spouse or former spouse or a child, or an order made against a putative father of an unborn child for the maintenance or support of the child's mother;*

69(1) Amends chapter S-3 of the Revised Statutes of Alberta 2000.

(2) Section 80 presently reads in part:

80(1) *In this Division,*

- (a) *“corporation”, “distributing corporation”, “shareholder”, “voting shares”, “voting rights”, “director” and “officer” have the meanings given to them in the Business Corporations Act;*
- (b) *“pecuniary interest” means, with respect to a person, an interest in a matter that could monetarily affect*
 - (i) *the person,*
 - (ii) *a corporation, other than a distributing corporation, in which the person is a shareholder, director or officer,*
 - (iii) *a distributing corporation in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer,*
 - (iv) *a partnership or firm of which the person is a member, or*
 - (v) *a corporation, partnership, firm, government or person that employs the person.*

(2) *For the purposes of this Division except section 81(1), the pecuniary interests*

- (a) *of the spouse, children or parents of a person, or*
- (b) *of the parents of the spouse of a person*

that are known to the person or of which the person reasonably should know are deemed to be the pecuniary interests of the person.

(3) Section 81(1) presently reads:

81(1) If a board passes a bylaw to that effect, each trustee of a board shall file with the board’s secretary a statement showing

- (a) *the names and employment of the trustee and the trustee’s spouse and children,*
- (b) *the names of the corporations, partnerships, firms, governments or persons in which the trustee has a pecuniary interest, and*

- (c) *the names of the corporations, partnerships, firms, governments or persons in which the trustee's spouse or children under 18 years of age have a pecuniary interest.*

(4) Section 82(1)(e) presently reads:

82(1) A person is disqualified from remaining as a trustee of a board if that person

- (e) *has a pecuniary interest in a contract with the board, other than*
 - (i) *a contract for the provision of goods or services in an emergency,*
 - (ii) *a contract for the sale of goods or services to the board at competitive prices by a dealer in those goods or services incidental to and in the ordinary course of the dealer's business,*
 - (iii) *a contract of employment with the trustee's spouse, child, parent or spouse's parent, or*
 - (iv) *a contract approved by the board pursuant to disclosure;*

(5) Section 84(d) presently reads:

84 No contract with a board under which a trustee of the board has an interest referred to in section 82(1)(c), (d) or (e) is binding on the board unless

- (d) *the contract is a contract of employment with the trustee's spouse, child, parent or spouse's parent.*

70(1) Amends chapter 23 of the Statutes of Alberta, 2002.

(2) Section 2(2) presently reads:

(2) Section 80 is amended by repealing subsection (2) and substituting the following:

(2) For the purposes of this Division except section 81(1), the pecuniary interests of the spouse of a person that are known to the person or of which the person reasonably should know are deemed to be the pecuniary interests of the person.

(3) Section 2(3) presently reads:

(3) Section 81 is amended by repealing subsection (1) and substituting the following:

81(1) Each trustee of a board shall file with the board's secretary a statement showing

- (a) the names and employment of the trustee and the trustee's spouse and children,*
- (b) the names of the corporations, partnerships, firms, governments or persons in which the trustee has a pecuniary interest, and*
- (c) the names of the corporations, partnerships, firms, governments or persons in which the trustee's spouse or children under 18 years of age have a pecuniary interest.*

71(1) Amends chapter S-4 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

- (c) "associate", when used to indicate a relationship with a person or company, means*
 - (i) an issuer of which the person or company beneficially owns or controls, directly or indirectly, voting securities entitling the person or company to more than 10% of the voting rights attached to outstanding securities of the issuer,*
 - (ii) any partner of the person or company,*
 - (iii) any trust or estate in which the person or company has a substantial beneficial interest or in respect of which a person or company serves as trustee or in a similar capacity,*
 - (iv) in the case of a person, a relative of that person, including*
 - (A) the spouse of that person, or*

(B) a relative of the person's spouse

if the relative has the same home as that person;

(3) Section 86(1)(ff) presently reads in part:

86(1) Subject to the regulations, registration is not required in respect of the following trades in securities:

(ff) a trade by an issuer with

(i) a senior officer or director of the issuer,

(ii) a senior officer or director of an affiliate of the issuer,

(iii) a spouse, parent, brother, sister or child of any person referred to in subclause (i) or (ii),

(4) Section 131(1)(bb) presently reads in part:

131(1) Subject to the regulations, sections 110 and 121 do not apply to a distribution where

(bb) the trade is made by an issuer with

(i) a senior officer or director of the issuer,

(ii) a senior officer or director of an affiliate of the issuer,

(iii) a spouse, parent, brother, sister or child of any person referred to in subclause (i) or (ii),

72(1) Amends chapter S-10 of the Revised Statutes of Alberta 2000.

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

1 In this Act,

(h) "social care facility" means

(iv) a building or part of a building, other than a home maintained by a person to whom the children living in that home are related by blood or marriage, in which care, supervision or lodging is provided for 4 or more children under the age of 18 years, but does not include a place of

accommodation designated by the Minister as not constituting a child caring institution, or

73(1) Amends chapter S-11 of the Revised Statutes of Alberta 2000.

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

1 In this Act,

(b) *“facility” means a place that is operated by or receives its current operating funds or part of them directly or indirectly from the Government of Alberta and that is*

(ii) *a building or part of a building, other than a home maintained by a person to whom the children living in that home are related by blood or marriage, in which care, supervision or lodging is provided for 4 or more children under the age of 18 years, but does not include a place of accommodation designated by the Minister as not constituting a child caring institution,*

74(1) Amends chapter S-12 of the Revised Statutes of Alberta 2000.

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

1 In this Act,

(c) *“dependant” means*

(i) *a spouse who is dependent for support on a person in need of assistance, or*

75(1) Amends chapter T-5 of the Revised Statutes of Alberta 2000.

(2) Section 3(1) presently reads in part:

3(1) When damage is suffered by any person as a result of a tort, whether a crime or not,

(b) *if more than one action is brought in respect of that damage*

- (i) *by or on behalf of the person by whom it was suffered, or*
- (ii) *for the benefit of the estate, or of the wife, husband, parent or child of that person,*

against tort-feasors liable in respect of the damage, whether as joint tort-feasors or otherwise, the sums recoverable under the judgments given in those actions by way of damages shall not in the aggregate exceed the amount of the damages awarded by the judgment first given, and in any of those actions, other than that in which judgment is first given, the plaintiff is not entitled to costs unless the court is of the opinion that there was reasonable ground for bringing the action, and

76(1) Amends chapter V-3 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

- (c) *“cohabitant” means a common law spouse of the opposite sex who cohabited with the victim for*
 - (i) *at least the 5 years immediately preceding the victim’s death, or*
 - (ii) *at least the 2 years immediately preceding the victim’s death, if there is a child of the common law relationship;*

(3) Replaces “cohabitant” with “adult interdependent partner”.

(4) Section 13.1(4) presently reads:

(4) The Director may disclose information, including personal information, collected under this Act

- (a) *to any person for the purpose of determining whether a person is eligible for financial benefits under this Act or determining the amounts of those financial benefits, or*
- (b) *to a parent, spouse, child or other family member of an applicant or victim or to a recognized victim services agency for the purpose of*

- (i) *confirming the existence or status of an application received from an applicant or victim, or*
- (ii) *disclosing the amount of any award if, in the Director's opinion, it would not be an unreasonable invasion of the applicant's or victim's personal privacy.*

77(1) Amends chapter V-4 of the Revised Statutes of Alberta 2000.

(2) Section 3 presently reads in part:

(3) The father of an illegitimate child is not required to comply with subsection (2).

(8) If a married woman who has made a statutory declaration under subsection (6) or an unmarried woman, as the case may be, and a person acknowledging himself to be the father jointly so request in writing

(a) the particulars of the person so acknowledging may be given as the particulars of the father, or

(b) the birth may be registered if the person so acknowledging and the mother jointly so request, showing

(i) one of their surnames, or

(ii) the surname of the person so acknowledging hyphenated or combined with the mother's surname

or both clauses (a) and (b).

78(1) Amends chapter W-12 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act, "will" includes a testament, a codicil, an appointment by will or by writing in the nature of a will in exercise of a power and any other testamentary disposition.

(3) Section 9 presently reads in part:

9(1) A will made by a person who is under the age of 18 years is not valid unless at the time of making the will the person

- (a) is or has been married,*
- (b) is a member of a component of the Canadian Forces*
 - (i) that is referred to in the National Defence Act (Canada) as a regular force, or*
 - (ii) while placed on active service under the National Defence Act (Canada),*
- or*
- (c) is a mariner or seaman.*

(3) Notwithstanding subsection (1), a person who

- (a) is under the age of 18 years,*
- (b) is unmarried, and*
- (c) has children,*

may make a valid will to the extent that that person makes a bequest, devise or other disposition to or for the benefit of any or all of those children.

(4) Section 13(1) presently reads:

13(1) If a will is attested by a person to whom or to whose then wife or husband a beneficial devise, bequest or other disposition or appointment of or affecting real or personal property, except charges and directions for payment of debt, is given or made in that will, the devise, bequest or other disposition or appointment is void so far only as it concerns the person so attesting, or the wife or the husband or a person claiming under any of them, but the person so attesting is a competent witness to prove the execution of the will or its validity or invalidity.

(5) Section 14 presently reads:

14 If real or personal property is charged by a will with a debt and a creditor or the wife or husband of a creditor whose debt is so charged attests a will, the person so attesting, notwithstanding that

charge, is a competent witness to prove the execution of the will or its validity or invalidity.

(6) Section 16 presently reads:

16 A will or part of a will is revoked only by

- (a) the marriage of the testator, subject to section 17,*
- (b) another will made in accordance with this Act,*
- (c) a writing declaring an intention to revoke and made in accordance with the provisions of this Act governing the making of a will, or*
- (d) burning, tearing or otherwise destroying it by the testator or by some person in the testator's presence and by the testator's direction with the intention of revoking it.*

(7) Revocation by entering into adult interdependent partner agreement.

(8) Section 35(1) presently reads:

35(1) Except when a contrary intention appears by the will, if a person dies in the lifetime of a testator either before or after the testator makes the will and that person

- (a) is a child or other issue or a brother or sister of the testator to whom, either as an individual or as a member of a class, is devised or bequeathed an estate or interest in real or personal property not determinable at or before that person's death, and*
- (b) leaves issue, any of whom is living at the time of the death of the testator,*

the devise or bequest does not lapse, but takes effect as if it had been made directly to the persons among whom and in the shares in which the estate of that person would have been divisible if that person had died intestate and without debts immediately after the death of the testator, except that the surviving spouse of that person is not entitled to receive a preferential share as provided under section 3 of the Intestate Succession Act.

79(1) Amends chapter W-15 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1(1) In this Act,

(q) “member of a family” means a spouse, parent, grandparent, step-parent, child, step-child, brother, sister, half-brother and half-sister of a worker;

(3) For the purposes of this Act, “spouse” includes a common law spouse who cohabited with the worker for

(a) at least the 5 years immediately preceding the worker’s death, or

(b) at least the 2 years immediately preceding the worker’s death, if there is a child of the common law relationship,

but if, at the time of the worker’s death there is also a legal spouse of the worker, then

(c) if the legal spouse is a dependent legal spouse, that spouse is the dependent spouse for the purposes of a pension under section 70,

(d) if the legal spouse is not a dependent legal spouse, the common law spouse is the dependent spouse for the purposes of a pension under section 70, and

(e) nothing in this subsection affects the rights under this Act of dependent children of either relationship.

(3) Section 49 presently reads:

49 If the Board is satisfied

(a) that a spouse or child dependent on the worker and residing in Alberta is without adequate means of support and is or is likely to become a charge on the Government or on the municipality where the spouse or child resides or on private charity, or

(b) that a spouse or child dependent on the worker and residing in or out of Alberta is not being supported by the worker and

an order has been made against the worker by a court for maintenance of the spouse or child or for alimony,

the Board may pay the compensation payable to the worker in whole or in part to the spouse or child.

(4) Section 70 presently reads:

70(1) If a worker dies as a result of an accident and leaves a dependent spouse, a pension is payable to the dependent spouse in an amount equal to the pension the worker would have received had the worker lived and been permanently totally disabled.

(2) Subject to this section, the pension referred to in subsection (1) shall, where there is a dependent spouse and dependent children, be paid to the spouse for the spouse's benefit and the benefit of the dependent children until the month in which the youngest dependent child reaches the age of 18 years, at which time a 5-year term pension is payable to the dependent spouse in the amounts specified in subsection (3).

(3) If the dependent spouse is gainfully employed when the youngest dependent child reaches the age of 18 years, the pension under subsection (1) terminates in the month in which the child reaches that age and a 5-year term pension is payable commencing in the month following that month in an amount equal to

- (a) for the first 12-month period, the full pension,*
- (b) for the 2nd 12-month period, 80% of the full pension,*
- (c) for the 3rd 12-month period, 60% of the full pension,*
- (d) for the 4th 12-month period, 40% of the full pension, and*
- (e) for the 5th 12-month period, 20% of the full pension*

that the worker would have received had the worker lived and been permanently totally disabled.

(4) If the dependent spouse is not gainfully employed when the youngest dependent child reaches the age of 18 years, the Board may, notwithstanding subsection (2), continue payment of the full pension under subsection (1) after the child reaches that age until

- (a) the spouse becomes gainfully employed, or*

(b) *the expiration of a period of 60 months after the month in which the child reaches the age of 18 years,*

whichever occurs first, at which time a 5-year term pension is payable to the spouse in the amounts specified in subsection (3) on

and from the month following the month in which the spouse becomes gainfully employed or the 60-month period terminates.

(5) *If, during the period of time referred to in subsection (4)(b), the dependent spouse neglects or refuses to accept vocational rehabilitation services provided under subsection (11), the spouse is entitled to receive only a 5-year term pension commencing in the month following the month in which the neglect or refusal occurred and in the amounts set out in subsection (3).*

(6) *If a worker dies as a result of an accident, leaving a dependent spouse and no dependent children, and if the spouse accepts vocational rehabilitation services provided under subsection (11), the spouse is entitled to a pension in the amount referred to in subsection (1) until*

(a) *the spouse becomes gainfully employed, or*

(b) *the expiration of a period of 60 months after the date of death of the worker,*

whichever occurs first, at which time a 5-year term pension is payable in the amounts set out in subsection (3) commencing in the month following the month in which the spouse becomes employed or the 60-month period expires.

(7) *In a case to which subsection (6) applies, if the spouse is gainfully employed at the time of the worker's death or neglects or refuses to accept vocational rehabilitation services provided under subsection (11), the spouse is entitled to receive only a 5-year term pension payable commencing in the month following the month in which the worker died and in the amounts set out in subsection (3).*

(8) *If a worker dies as a result of an accident and leaves a dependent spouse and no dependent children, and if the spouse is employed at the time of the death or afterwards becomes employed, but that employment does not constitute gainful employment, the Board may deduct from the pension payable under this Act an amount not to exceed the amount earned by the dependent spouse from that employment.*

(9) If a worker dies as a result of an accident and

(a) leaves dependent children but no dependent spouse, or

(b) leaves a dependent spouse and dependent children, but the spouse later dies,

the pension payable under this section shall be paid to the person who acts as guardian of the dependent children for the maintenance and education of the dependent children until the month in which the youngest child reaches 18 years of age, at which time a 5-year term pension is payable in the amounts set out in subsection (3), to be divided equally among the surviving children who were under the age of 18 years at the time of the worker's death.

(10) If more than one person is acting as a guardian under subsection (9), the Board may divide the amount payable under that subsection proportionately among those persons according to the number of children of whom they are the guardian.

(11) The Board may take whatever steps it considers necessary to provide the benefits and services referred to in section 89(1) to a dependent spouse.

(12) Notwithstanding anything in this Act, if the Board considers that a dependent spouse is an invalid or is incapable of substantially benefitting from rehabilitation services or of becoming gainfully employed, it may continue payment of the full pension payable under subsection (1), or a percentage of it that the Board considers appropriate, for as long as the dependent spouse remains an invalid or the incapability persists.

(5) Section 71 presently reads:

71 Notwithstanding any payment to a dependent spouse under section 70, the Board may pay compensation to a dependent child of the deceased worker who is not residing with the dependent spouse at the time of the worker's death in an amount not exceeding \$165 per month.

(6) Section 72 presently reads:

72 If a worker dies as a result of an accident and leaves no spouse, or if a surviving spouse subsequently dies or is confined to an institution, prison or correctional institution, the Board may make additional payments of not more than \$83 per month to a dependent child of the worker to assist in that child's maintenance and support.

(7) Section 73 presently reads:

73 If a worker dies as a result of an accident, the Board may pay to the worker's dependent spouse or dependent child, or both of them, who are in necessitous circumstances because of illness, any additional amount it considers appropriate.

(8) Section 74(1) presently reads:

74(1) If, with respect to an accident that occurs before January 1, 1982, the dependent spouse of the worker, on or after January 1, 1982,

(a) dies,

(b) marries, or

(c) enters into a common law relationship and cohabits with the common law spouse for a period of

(i) at least 5 years, or

(ii) at least 2 years, if there is a child of that common law relationship,

the Board shall, subject to subsection (2), pay to each dependent child of the worker who is not being maintained pursuant to section 75(4), compensation at the rate of \$165 per month.

(9) Section 75 presently reads in part:

75(1) A dependent spouse or a foster-parent receiving compensation under the former Workers' Compensation Act, RSA 1980 cW-15, in respect of an accident that occurred on or after January 1, 1974 but prior to January 1, 1982 shall be granted an additional payment of compensation sufficient to increase the monthly payment to the dependent spouse or the foster-parent, as the case may be, to,

(a) on and after January 1, 1982, the greater of

(i) \$675 per month, and

(ii) the amount of pension that person would otherwise receive under the former Workers' Compensation Act, RSA 1980 cW-15, as at December 31, 1981, plus 10% of that amount;

(b) *on and after July 1, 1986, the greater of*

(i) *\$730 per month, and*

(ii) *the amount of pension that person would otherwise receive under clause (a) plus 8% of that amount, not to exceed an amount equal to the maximum pension payable under section 56;*

(c) *on and after January 1, 1990, the greater of*

(i) *\$900 per month, and*

(ii) *the amount of pension that person would otherwise receive under clause (b) plus 10% of that amount, not to exceed an amount equal to the maximum pension payable under section 56.*

(2) A dependent spouse or a foster-parent receiving compensation under any predecessor of this Act in respect of an accident that occurred prior to January 1, 1974 shall be granted an additional payment of compensation sufficient to increase the monthly payment to the dependent spouse or the foster-parent, as the case may be, to \$900.

(10) Section 76(1) presently reads:

76(1) If the only dependant of a deceased worker is a person other than a dependent spouse or child of the worker, the Board shall pay

compensation to that dependent person in an amount the Board considers to be reasonable and proportionate to the pecuniary loss caused to that dependent person by the death of the worker, subject to the maximum amount payable pursuant to section 56.

(11) Section 89 presently reads in part:

(2) If a worker dies as a result of an accident, the worker's dependent spouse is entitled to receive the same benefits and services as would have been available to the worker under subsection (1) had the worker lived.

(3) The Board may, if it is of the opinion that such action will assist in the rehabilitation of a dependent spouse receiving benefits under section 70, provide that dependent spouse with a pension advance but the total of the term pension payments received and the pension advance shall not exceed the total amount payable under section 70.

(12) Section 134(1) presently reads in part:

134(1) In this section,

- (b) “related persons” or “persons related to each other” means*
 - (i) individuals connected by blood relationship, marriage or adoption,*

80(1) Amends chapter Y-1 of the Revised Statutes of Alberta 2000.

(2) Section 10(5) presently reads:

(5) If a young person described in subsection (4) is married, a notice under this section may be given to the spouse of the young person instead of a parent.

(3) Section 14(2)(a) presently reads:

(2) Subject to subsection (3), a pre-disposition report shall be in writing and may include only

- (a) the results of an interview between a youth worker and the young person and, where reasonably possible, the results of an interview between a youth worker and the parents of the young person and, if the young person is married, the young person’s spouse, and*

(4) Section 15(1) presently reads:

15(1) If the youth court finds a young person guilty of an offence, it shall consider

- (a) any representations made by the Minister or the Minister’s agent, the young person or the young person’s counsel, if any, and the parents of the young person or, if the young person is married, the young person’s spouse, and*

- (b) any other relevant information before the court,*

and the court shall then, subject to subsections (2) to (6), make a disposition that is a sentence that an ordinary court would impose.

(5) Section 18 presently reads in part:

18(1) If the youth court has made a disposition under section 15, the youth court shall, on the application of the young person, the young person's parent, the young person's spouse, if the young person is married, the Minister or the Minister's agent or the provincial director, made at any time prior to the expiration of the disposition, review the disposition if the court is satisfied that there are grounds for a review under subsection (2).

(6) Where a review of a disposition is applied for under subsection (1), the person who applies for the review shall cause a written notice, as directed by rules of court applicable to the youth court, or, in the absence of rules on notice, at least 5 days' written notice of the review, to be given to the young person, the young person's parents, the young person's spouse, if the young person is married, the provincial director and the Minister or the Minister's agent.

(11) Subject to subsection (12), if a youth court reviews a disposition under this section, it may, after granting the young person, the young person's counsel, if any, the young person's parents, the young person's spouse, if the young person is married, the Minister or the Minister's agent and the provincial director an opportunity to be heard,

- (a) confirm the disposition,*
- (b) terminate the disposition and discharge the young person from any further obligation of the disposition, or*
- (c) vary the disposition or make a new disposition set out in section 15, for a period of time not exceeding the remainder of the period of the earlier disposition, that the court considers appropriate in the circumstances.*

(6) Section 22(1) presently reads:

22(1) If a disposition has been made in respect of a young person and the young person or a parent with whom the young person resides is or becomes a resident of a reciprocating province or territory, a youth court judge in Alberta may, on the application of the Minister or the Minister's agent or on the application of the young person or the young person's parent or, if the young person is married, the young person's spouse, with the consent of the Minister or the Minister's agent, transfer the disposition and the appropriate portion of the record to the appropriate Minister in the reciprocating province or territory.

(7) Section 25(2)(b) presently reads:

(2) The youth court may not, pursuant to subsection (1), exclude from proceedings under this Act

(b) subject to section 14(7), the young person who is being dealt with in the proceedings, the young person's parent, the young person's spouse, if any, or the young person's counsel, if any.

81 Coming into force.