

2009 Bill 51

Second Session, 27th Legislature, 58 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 51

**MISCELLANEOUS STATUTES
AMENDMENT ACT, 2009**

THE MINISTER OF JUSTICE AND ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 51

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2009

MISCELLANEOUS STATUTES AMENDMENT ACT, 2009

(Assented to , 2009)

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

Alberta Evidence Act

Amends RSA 2000 cA-18

1 The *Alberta Evidence Act* is amended in section 26.1(2)(b)
by striking out “cause of action” and substituting “claim”.

Child, Youth and Family Enhancement Act

Amends RSA 2000 cC-12

2 The *Child, Youth and Family Enhancement Act* is amended
in section 33(1)(c) by striking out “subsection (4)” and
substituting “subsection (3)”.

Explanatory Notes

Alberta Evidence Act

1 Amends chapter A-18 of the Revised Statutes of Alberta 2000.
Section 26.1(2)(b) presently reads:

(2) An apology made by or on behalf of a person in connection with any matter

(b) does not constitute a confirmation or acknowledgment of a cause of action in relation to that matter for the purposes of the Limitations Act,

Child, Youth and Family Enhancement Act

2 Amends chapter C-12 of the Revised Statutes of Alberta 2000.
Section 33(1)(c) presently reads:

33(1) For the purposes of this section, a child is in the care of a director when the child is the subject of one or more of the following:

Companies Act

Amends RSA 2000 cC-21

3 The *Companies Act* is amended in section 206

- (a) in subsection (1) by striking out “within 5 years from the date on which the company was struck off the register”;
- (b) by adding the following after subsection (1):
 - (1.1) An application to the Court to restore a company to the register must be made within 5 years after
 - (a) the date on which the company was struck off the register, or
 - (b) the coming into force of the *Unclaimed Personal Property and Vested Property Act*,whichever is later.

Family Law Act

Amends SA 2003 cF-4.5

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

(2) Section 38(1)(f) is repealed and the following is substituted:

- (f) “justice of the peace” means a presiding justice of the peace or a sitting justice of the peace under the *Justice of the Peace Act*;

(3) Section 44 is amended by striking out “presiding justice” wherever it occurs and substituting “justice of the peace”.

- (c) a temporary guardianship order under subsection (4) or section 29(1)(b) or 31;

Companies Act

- 3** Amends chapter C-21 of the Revised Statutes of Alberta 2000.
Section 206(1) presently reads:

206(1) If a company or an extra-provincial company or any member or creditor thereof is aggrieved by the company having been struck off the register, the Court, on the application of the company or member or creditor within 5 years from the date on which the company was struck off the register, may, if satisfied that the company was at the time of the striking off carrying on business or in operation, or otherwise that it is just that the company be restored to the register, order the company to be restored to the register, and on a copy of the order being filed with the Registrar the company shall be deemed to have continued in existence, or, in the case of an extra-provincial company, to be still entitled to carry on business in Alberta, as if it had not been struck off, and the Court may by the order give any directions and make any provisions that seem just for placing the company and all other persons in the same position as nearly as possible as if the company had not been struck off, but without prejudice to the rights of parties acquired prior to the date on which the company is restored to the register.

Family Law Act

- 4(1)** Amends chapter F-4.5 of the Statutes of Alberta, 2003.

- (2) Section 38(1)(f) presently reads:

38(1) In this Division,

- (f) “presiding justice” means a presiding justice of the peace under the Justice of the Peace Act;*

- (3) Section 44 presently reads in part:

(2) Where an enforcement officer is denied entry into, or is otherwise unable to enter, premises where the enforcement officer has reasonable and probable grounds for believing that the child to whom the enforcement order relates may be found, the enforcement officer may, if the enforcement officer wishes to enter the premises, apply to a presiding justice for an order authorizing the enforcement officer to enter the premises and to bring the child to the applicant.

Fatality Inquiries Act

Amends RSA 2000 cF-9

5 The *Fatality Inquiries Act* is amended by repealing section 2(2).

Government Organization Act

Amends RSA 2000 G-10

6 The *Government Organization Act* is amended in Schedule 12 in section 15.2(a) by striking out “Registrar” and substituting “Minister”.

School Act

Amends RSA 2000 cS-3

7(1) The *School Act* is amended in section 71 by adding the following after subsection (4):

(5) A trustee may participate in a meeting of the board by electronic means or other communication facilities if the electronic means or other communication facilities enable the trustees participating in the meeting and members of the public attending the meeting to hear each other.

(6) Trustees participating in a meeting of the board by electronic means or other communication facilities are deemed to be present at the meeting.

(4) Where the presiding justice makes an order under subsection (2) authorizing entry into a premises, the enforcement officer may enter the premises with such assistance and using such force as is reasonably necessary.

(5) An entry referred to in subsection (4) may be made only between the hours of 8 a.m. and 9 p.m. unless the presiding justice, in the order under subsection (2), authorizes entry at another time.

Fataliy Inquiries Act

5 Amends chapter F-9 of the Revised Statutes of Alberta 2000. Section 2(2) presently reads:

(2) In addition to the 3 members appointed under subsection (1), the Chief Medical Examiner is by virtue of the Chief Medical Examiner's office a member of the Board but shall not vote on any matter before the Board.

Government Organization Act

6 Amends chapter G-10 of the Revised Statutes of Alberta 2000. Section 15.2(a) of Schedule 12 presently reads:

15.2 No proceedings under section 15 or 15.1 may be instituted after the expiry of

(a) 9 months from the date on which the Registrar first becomes aware that an alleged offence has occurred, or

School Act

7(1) Amends chapter S-3 of the Revised Statutes of Alberta 2000. Section 71 presently reads:

71(1) No act or proceeding of a board is binding unless it is adopted at a meeting at which a quorum of the board is present.

(2) The quorum of a board is a majority of the trustees that, as specified under section 247, are to be elected to the board.

(3) Notwithstanding subsection (1), the Minister may order that when the number of trustees has fallen below the quorum the remaining trustees are deemed to be a quorum until elections are held to fill the number of vacancies required to achieve a normal quorum.

(2) This section applies to meetings of a board held on or after the day this section comes into force.

(4) Notwithstanding subsection (1), when the number of trustees at a meeting is less than a quorum because one or more trustees have declared a conflict of interest with respect to a matter before the board at the meeting, the Minister may order that the remaining trustees are deemed to be a quorum for the purpose of deciding that matter.

(2) Participation in meetings by electronic means or other communication facilities.

