



ALBERTA
JUSTICE

Office of the Minister
MLA, Calgary-Cross

AR 62294

February 03, 2025

Via email: mail@cba-alberta.org

Robert D.L. Bassett
President
Canadian Bar Association – Alberta
710, 777 - 8 Avenue SW
Calgary AB T2P 3R5

Dear Mr. Bassett:

Thank you for your correspondence dated December 3, 2024, regarding Bill 26 (*Health Statutes Amendment Act, 2024*), Bill 27 (*Education Amendment Act, 2024*), and Bill 29 (*Fairness and Safety in Sport Act*). I appreciate you sharing the views and feedback of the Executive Committee and Board of Directors of the Canadian Bar Association (CBA) Alberta.

Bills 26, 27, and 29 received royal assent on December 5, 2024. As these bills fall under the responsibility of the Ministries of Health, Education, and Tourism and Sport, I have consulted with my colleagues from these ministries, and I can share with you the following information.

Bill 26: *Health Statutes Amendment Act, 2024*

Alberta's government carefully considered the rights of Albertans when drafting this legislation, and we believe it strikes an appropriate balance. As this matter is now before the courts, I will decline to comment further.

Bill 27: *Education Amendment Act, 2024*

Student safety and well-being continues to be government's top priority; caring for students is a key feature of the education system and is embedded in legislation and practice standards.

The *Education Amendment Act, 2024* implements policies to support families and students in Alberta schools by providing more transparency, clarity, and consistency for students, parents, and teachers as they navigate the topics of gender identity, human sexuality, and sexual orientation. A child's parent or guardian is generally in the best position to support their child, including when their child requests to use a new gender-identity-related preferred name or pronouns.

The amendments require that parents are notified and, for students under 16, for parental consent to be provided, before the new names/pronouns are used by teachers, principals, or school staff. In rare cases if parental notification is expected to result in psychological or emotional harm to the student, or if the student requests assistance, the student will have access to assistance prior to parental notification. This could include assistance such as guidance counsellors or social workers; parental consent is not required prior to students accessing this assistance in schools.

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An opt-in sexual education model seeks to create more transparency to ensure parents are fully informed about classroom content that includes subject matter dealing primarily and explicitly with human sexuality, sexual orientation, or gender identity. Parents will be notified at least 30 days in advance and given the opportunity to opt in, rather than out. A parent will be able to choose to opt their child in fully or partially. (Currently, the *Education Act* requires boards to provide notice to parents where courses, programs of study, instructional materials, instruction, or exercises include subject matter that deals primarily and explicitly with human sexuality, with parents having the option to opt their child out fully or partially, without academic penalty.)

The new model will ensure parents have the information needed to make an informed decision on whether specific topics fit the needs of their child and family. It will also ensure parents have the opportunity to identify if there is subject matter that they wish to supplement in conversations with their child outside of the classroom. The change to the process for parental notification will not impact access to a comprehensive health and wellness education in Alberta but will strengthen parental involvement in those topics of instruction.

Bill 29: *Fairness and Safety in Sport Act*

The Government of Alberta is aware of the important role that sport plays in social, mental, and physical health. The *Fairness and Safety in Sport Act* is aligned with the Premier and the Minister of Tourism and Sport's stated goal of encouraging and working with organizations to create or expand opportunities for transgender Albertans to participate in amateur competitive sport competitions and events through mixed-gender or mixed-sex leagues, classes or divisions where numbers warrant.

The act does not require ministerial approval for the establishment of mixed-gender or mixed-sex leagues. There are reporting requirements for requests for mixed-gender or mixed-sex leagues, classes or divisions as well as for the establishment of the same, consistent with the aim of creating more opportunities for transgender athletes outside of female-only leagues.

The act will require that the governing bodies of the organizations to which the act applies to establish, implement, and maintain athlete eligibility policies. Such policies must include processes and methods for determining whether individuals meet eligibility requirements to participate in a relevant sport. The act contemplates the creation of one or more regulations providing additional detail and requirements, including specific requirements for athlete eligibility policies. A regulation is under development and is anticipated to be published in spring 2025.

Once again, thank you for writing and for sharing CBA Alberta's feedback on these issues.

Sincerely,



Honourable Mickey Amery, KC, ECA
Minister of Justice and Attorney General of Alberta