

2006 Bill 208

Second Session, 26th Legislature, 55 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 208

PROTECTION OF FUNDAMENTAL FREEDOMS (MARRIAGE) STATUTES AMENDMENT ACT, 2006

DR. MORTON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 208

2006

PROTECTION OF FUNDAMENTAL FREEDOMS (MARRIAGE) STATUTES AMENDMENT ACT, 2006

(Assented to _____, 2006)

WHEREAS everyone has the freedom of conscience and religion under section 2 of the *Canadian Charter of Rights and Freedoms* and the *Alberta Bill of Rights*;

WHEREAS it is necessary and proper to affirm the guarantee of freedom of conscience and religion and, in particular, the freedom of members of religious groups to hold and declare their religious beliefs and the freedom of officials of religious groups to refuse to perform marriages that are not in accordance with their religious beliefs; and

WHEREAS it is not against the public interest to hold and publicly express diverse views on marriage;

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

Human Rights, Citizenship and Multiculturalism Act

Amends RSA 2000 cH-14

1(1) The *Human Rights, Citizenship and Multiculturalism Act* is amended by this section.

(2) The following is added after section 11:

Same-sex marriage

11.1 No person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under this or any law of Alberta, solely by reason of their exercise, in respect

of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed under the *Canadian Charter of Rights and Freedoms* and the *Alberta Bill of Rights*, or the expression or exercise of their beliefs in respect of marriage as the union of a man and woman to the exclusion of all others based on that guaranteed freedom.

Marriage Act

Amends RSA 2000 cM-5

2(1) The *Marriage Act* is amended by this section.

(2) The following is added after section 3:

Same-sex marriage

3.1(1) Notwithstanding any other enactment, a member of the clergy or a marriage commissioner may refuse to solemnize a marriage where the marriage is between persons of the same sex where to solemnize the marriage would violate the person's religious beliefs or moral values.

(2) No action lies against a member of the clergy or a marriage commissioner who refuses to solemnize a marriage between persons of the same sex.

School Act

Amends RSA 2000 cS-3

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

(2) The following is added after section 3:

Same-sex marriage

3.1(1) No student shall be required to attend and no teacher shall be required to teach that part of a course that has in its curriculum that marriage may be a union between persons of the same sex.

(2) Where part of the curriculum for a course consists of teaching that marriage may be between persons of the same sex, the school must advise the parents of the students enrolled in the course prior to the material being taught.

(3) A student who does not attend for moral or religious reasons that part of a course where the subject of marriage

between persons of the same sex is taught shall not be penalized.

(4) A teacher who refuses to teach for moral or religious reasons that part of a course concerning marriage between persons of the same sex shall not be penalized.

Explanatory Notes

Human Rights, Citizenship and Multiculturalism Act

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

(2) New section concerning those who make statements about same-sex marriage.

Marriage Act

2(1) Amends chapter M-5 of the Revised Statutes of Alberta 2000.

(2) New section providing that clergy and marriage commissioners do not have to solemnize same-sex marriages.

School Act

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

(2) New section respecting instruction and attendance on the subject of same-sex marriage.