

Protecting Alberta's Children Statutes Amendment Act

Fall 2025

Overview

Alberta's government passed legislation that invokes the notwithstanding clauses in the *Canadian Charter of Rights and Freedoms* (*Charter*), the *Alberta Bill of Rights* and the *Alberta Human Rights Act* with respect to:

- sections of the *Health Professions Act* and a related ministerial order that prohibit both gender reassignment surgery for children under 18 and the provision of puberty blockers and hormone treatments for the purpose of gender reassignment to children under 16.
- sections of the *Education Act* that require schools to provide notice to parents when a student wishes to change their name or pronouns for reasons related to their gender identity, and obtain parental consent before school staff can use the new name or pronouns if the student is under 16, and require parental opt-in consent to teaching on gender identity, sexual orientation or human sexuality.
- the *Fairness and Safety in Sport Act* and regulation, which require the governing bodies of amateur competitive sports in Alberta to implement policies that limit participation in women's and girls' sports to those who were born female.

Notwithstanding clauses

- The notwithstanding clause in section 33 of the *Charter* allows legislatures to declare that legislation operates notwithstanding sections 2 and 7-15 of the *Charter*. A section 33 declaration is only valid for five years but can be re-enacted.
- Notwithstanding clauses in the *Alberta Bill of Rights* and the *Alberta Human Rights Act* allow Alberta's legislature to declare that legislation operates notwithstanding those acts. These notwithstanding clauses do not expire.
- Once a notwithstanding clause is properly invoked, a court cannot rule that the legislation to which it applies should be struck down or rendered inoperative, based on the applicable sections of the *Charter*, or the *Alberta Bill of Rights* and/or the *Alberta Human Rights Act*.