

BILL NO. 54 of 1952.

A BILL RESPECTING OLD AGE ASSISTANCE.

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NOTE.

This is a new Act to be cited as "*The Old Age Assistance Act*".

The Province and the Government of Canada recently entered into a new agreement respecting the payment of pensions to old age persons and blind persons as a result of the intended repeal by Canada of the "*Old Age Pensions Act*". The Canadian Parliament enacted three new statutes known as "*The Old Age Security Act*", "*The Blind Persons Act*", and "*The Old Age Assistance Act*". The first Act provided for the payment of old age security pensions to Canadian residents when they attained the age of seventy; and the second provided allowances for certain blind persons, while the third provided "assistance" to persons aged sixty-five to sixty-nine inclusive, in certain cases.

The Province contributes nothing toward the old age security pensions. In the case of old age assistance, the Province will contribute a maximum of fifty per cent of forty dollars per month for each recipient in the Province. In the latter case, the Province administers the assistance, and makes the payments in full to recipients; and the Province receives a refund from the Canadian Government.

This Act is enacted to authorize the carrying out of the scheme of old age assistance in Alberta and does not differ in purpose from *The Old Age Pensions Act (Alberta)* which it repeals.

Section 1 authorizes the short title; section 2 is the interpretation section.

Section 3 provides that the Minister of Public Welfare may enter into an agreement with the Minister of National Health and Welfare (Canada) in order to receive the payment from Canada of amounts in respect of assistance under *The Old Age Assistance Act (Canada)*. The amount in respect of any recipient will not exceed fifty per cent of forty dollars monthly, or of the amount of assistance paid by this Province monthly, whichever is the lesser.

Section 4 makes provision for the case where the Parliament of Canada amends, substitutes or adds new provisions to its Act. In such a case the Minister is authorized to enter into any agreement likely to procure for this Province the benefits of any amendment so made.

Section 5 provides for the case where assistance having been paid by the Province, the Government of Canada refuses to pay the same, or claims that it was an over-payment. The assistance paid then becomes a debt owing to the Crown.

Section 6 provides that if for any reason Canada ceases to make its contributions under the agreement and the Canadian Act, all assistance under this Act shall cease and no further payments made thereunder.

Section 7 provides that sums received by the Province from Canada under the federal Act become a part of the General Revenue Fund of the Province.

Section 8 deals with the powers of the Lieutenant Governor to make regulations.

Section 9 authorizes the appointment of officers to administer the Act.

Section 10 provides for the appointment of a Board and its composition. It will consist of not less than three persons, one of whom is chairman.

Section 11 sets out the duties of the Board. They include receiving applications, determining eligibility of applicants for assistance and directing payments to be made.

Section 12 enacts that in certain cases the Board may appoint a trustee to receive the assistance for the benefit of a recipient who misuses, or is likely to misuse, his assistance. Also, a recipient who is unable to handle his own affairs may have a trustee appointed to receive his assistance for the recipient's benefit.

Section 13 declares that assistance is not subject to alienation or transfer by the recipient or attachment, or seizure in satisfaction of a claim against the recipient. These provisions must be in the provincial Act to comply with the agreement between the Province and Canada.

Section 14 declares that the receipt of assistance does not of itself constitute disqualification for voting at a provincial or municipal election— and is also enacted to comply with a term of the agreement.

Section 15 makes it an offence to receive assistance, without entitlement, or aid in the receipt of assistance by one who is not entitled to assistance, and provides a penalty for the offences.

Section 16 provides that the assistance and the administrative expenses are payable out of funds appropriated by the Legislature.

Section 17 repeals *The Old Age Pensions Act (Alberta)*, and in addition *The Old Age Pensions Act* (enacted in 1951) on a date to be fixed by proclamation.

This Bill comes into force upon assent and is retroactive to the 1st day of January, 1952.

J. W. RYAN,  
*Acting Legislative Counsel.*

*(This note does not form any part of the Bill but is offered in explanation of its provisions.)*

# BILL

No. 54. of 1952

An Act Respecting Old Age Assistance.

(Assented to , 1952.)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

## Short Title

**1.** This Act may be cited as "*The Old Age Assistance Act*". Short title

## Interpretation.

- 2.** In this Act, unless the context otherwise requires,—
- (a) "assistance" means old age assistance provided under this Act and the regulations to the persons and under the conditions specified in *The Old Age Assistance Act* (Canada) and the regulations made under it; Interpretation "assistance"
  - (b) "Board" means the Board appointed pursuant to section 10; "Board"
  - (c) "inspector" means an inspector of the Department of Public Welfare; "inspector"
  - (d) "Minister" means the Minister of Public Welfare; "Minister"
  - (e) "recipient" means the person to whom assistance is granted; "recipient"
  - (f) "regulations" means regulations made under this Act. "regulations"

**3.** The Minister, on behalf of the Government of Alberta with the approval of the Lieutenant Governor in Council, may enter into an agreement with the Minister of National Health and Welfare (Canada) on behalf of the Government of Canada to provide for the payment by Canada to Alberta, in accordance with *The Old Age Assistance Act* (Canada), and the regulations made under it, of amounts in respect of assistance paid by Alberta pursuant to this Act and the regulations, not exceeding, in respect to any recipient, fifty per cent of forty dollars monthly, or of the amount of assistance paid by Alberta monthly to the recipient, whichever is the lesser. Minister may enter into agreement

**4.** (1) In the event of the Parliament of Canada amending *The Old Age Assistance Act* (Canada) or substituting or adding new provisions, the Minister with the approval of Where Old Age Assistance Act varied

the Lieutenant Governor in Council may enter into any agreement that may be deemed necessary or proper for the purpose of securing to Alberta the benefits of such amending, substituted or added provisions, and in the event and for the purpose aforesaid, amend, vary, add to or repeal any of the provisions of this Act in any manner that may be deemed necessary, in order to adopt and make effective in Alberta any or all of the provisions that have been amended, substituted or added.

Publication  
of orders  
in council

(2) An order in council made pursuant to this section shall be published in *The Alberta Gazette* and shall be submitted to the Legislature at the next session held after such publication, within fifteen days of the commencement of that session and upon publication, shall have the same force and effect as if it had been enacted by this Act until the session of the Legislature to which it was submitted, and thereafter shall continue to have force and effect as aforesaid, unless it is disallowed by resolution passed at the session of the Legislature to which it is submitted.

Where  
assistance  
debt owing  
to Crown

**5.** Where assistance has been paid and the Government of Canada,—

- (a) refuses to pay any amount in respect thereof; or
- (b) rules that over-payments have been made to a recipient;

the assistance paid a recipient shall be deemed a debt due to the Crown and recoverable from the recipient or his estate.

Where  
Canada  
ceases  
contributions

**6.** If for any reason the Government of Canada ceases to make the contributions provided for under *The Old Age Assistance Act* (Canada) or fails to carry out the terms of the agreement made under the authority of this Act, all assistance under this Act shall cease thereafter, and no further payments of assistance shall be made.

Sums paid by  
Government  
of Canada

**7.** All sums paid by the Government of Canada to the Province of Alberta under the provisions of *The Old Age Assistance Act* (Canada) shall form part of the General Revenue Fund of the Province.

Regulations

**8.** The Lieutenant Governor in Council may make regulations,—

- (a) governing the manner of making application for assistance;
- (b) providing for the suspension or cancellation of assistance;
- (c) providing for the making of investigations by inspectors with respect to persons to whom assistance may be paid or by whom or on whose behalf application has been made for assistance or who are in receipt of assistance;

- (d) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before assistance is paid;
- (e) fixing the intervals at which, and the manner in which, assistance is to be paid;
- (f) prescribing forms for use under this Act;
- (g) respecting any other matter necessary or advisable to carry out effectively the purpose of this Act.

**9.** The Lieutenant Governor in Council, subject to *The Public Service Act, 1947*, may appoint the officers necessary for the proper administration of this Act. Power to appoint officers

**10.** (1) The Lieutenant Governor in Council may appoint a Board. Board authorized

(2) The Board shall consist of not less than three persons, one of whom shall be designated chairman of the Board.

**11.** The Board shall,—

- (a) receive applications for assistance;
- (b) determine the eligibility of each applicant for assistance;
- (c) determine the amount of the assistance where the applicant is eligible, and direct payment accordingly.

Duties of Board

**12.** Where, in the opinion of the Board, a recipient,—

- (a) is using or is likely to use the assistance otherwise than for his own benefit; or
- (b) is incapacitated or is incapable of handling his affairs;

Powers to appoint trustee for recipient

the Board may appoint a trustee and may direct that the assistance be paid to the trustee for the benefit of the recipient.

**13.** (1) Assistance is not subject to alienation or transfer by the recipient.

Assistance exempt from attachment

(2) Assistance is not subject to attachment or seizure in satisfaction of a claim against the recipient.

**14.** The receipt of assistance does not by itself constitute disqualification by a recipient for voting at a provincial or municipal election. Disqualification

**15.** (1) No person knowingly shall obtain or receive assistance that he is not entitled to obtain or receive under this Act or the regulations. Offences

(2) No person knowingly shall aid or abet another person to obtain or receive assistance that such person is not entitled to obtain or receive under this Act and the regulations.

- Penalties      (3) A person who violates subsections (1) or (2) of this section is guilty of an offence and is liable on summary conviction to a penalty of not more than fifty dollars or to imprisonment for a term of not more than three months, or to both penalty and imprisonment.
- Appropriation      **16.** Assistance and the expenses of the administration of this Act and the regulations shall be paid out of moneys appropriated therefor by the Legislature.
- Repeal      **17.** *The Old Age Pensions Act (Alberta)*, being chapter 269 of the Revised Statutes of Alberta, 1942, and *The Old Age Pensions Act*, being chapter 59 of the Statutes of Alberta, 1951, shall be repealed on a date to be fixed by Proclamation of the Lieutenant Governor in Council.
- Coming into force      **18.** This Act shall come into force on the day upon which it is assented to and upon so coming into force shall be deemed to have been in force at all times on and after the first day of January, 1952.

No. 54.

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FIFTH SESSION  
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

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**BILL**

An Act Respecting Old Age  
Assistance.

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Received and read the

First time .....

Second time .....

Third time .....

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HON. DR. CROSS.

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