

A BILL TO PROVIDE FOR PENSIONS FOR CERTAIN
DISABLED PERSONS

NOTE

This Bill enacts a new Act to be known as "*The Disabled Persons' Pensions Act*".

A disabled person may receive a pension up to but not exceeding forty dollars a month if the disabled person has attained the age of twenty-one years, and if the disabled person has resided in Alberta for ten years. A pension is not payable to a person who is in receipt of an allowance under *The Blind Persons Act*, *The Mothers' Allowance Act* or under *The Widows' Pensions Act*, *The Old Age Security Act* (Canada) or *The Old Age Assistance Act*; or, if unmarried, has an income, including the pension, of more than seven hundred and twenty dollars per year, or if married, has an income, including the pension, of more than twelve hundred dollars a year.

A disabled person under this Act is one who is suffering from a chronic disability and is physically unfit for gainful employment.

The Lieutenant Governor in Council may make regulations dealing with the administration of this Act with respect to applications, investigations, the meaning of income in the test of means and the suspension or cancellation of pensions. Officers necessary to administer the Act may be appointed by the Lieutenant Governor in Council, who may also appoint a board of not less than three persons.

The board will receive applications for pensions, determine the eligibility of applicants and determine the amount of the pension where an applicant is eligible.

A trustee may be appointed by the board to receive the pension payments for the pensioner in cases where the pensioner is incapable of handling his own affairs or misuses the payments.

It is an offence for a person knowingly to obtain or receive a pension that he is not entitled to receive or knowingly to assist another to obtain or receive a pension that the other person is entitled to receive.

The pensions and the expenses of administration of the Act are to be paid out of moneys appropriated for the purpose by the Legislature.

The Minister of Public Welfare is charged with the administration of this Act.

This Bill comes into force on the 1st day of June, 1953.

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. 62 of 1953

An Act to Provide for Pensions for Certain Disabled Persons

(Assented to , 1953)

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

1. This Act may be cited as "*The Disabled Persons' Pensions Act*". Short title

2. In this Act, unless the context otherwise requires,
- (a) "board" means the board appointed pursuant to section 6; Interpretation
"board"
 - (b) "chronic disability" means a disability from which a person has suffered for a period of twelve months or longer; "chronic disability"
 - (c) "disabled person" means a person who is suffering from a chronic disability and is physically unfit for gainful employment; "disabled person"
 - (d) "Minister" means the Minister of Public Welfare; "Minister"
 - (e) "recipient" means a person to whom a pension is granted; "recipient"
 - (f) "regulations" means regulations made under this Act. "regulations"

3. The Minister may provide for the payment of a pension not exceeding the sum of forty dollars a month to a disabled person Persons entitled to pension

- (a) who, at the date of the proposed commencement of payments to him
 - (i) has attained the age of twenty-one years, and
 - (ii) has resided in Alberta for the ten years immediately preceding the date on which the application for a pension is made, and
- (b) who is not,
 - (i) for the purposes of health and welfare services, the responsibility of the Government of Canada, or
 - (ii) in receipt of
 - (A) assistance under *The Old Age Assistance Act*,
 - (B) an allowance under *The Blind Persons Act*,

- (C) a pension under *The Old Age Security Act* (Canada),
- (D) an allowance under *The Mothers' Allowance Act*,
- (E) a pension under *The Widows' Pensions Act*, and
- (c) who is
 - (i) unmarried and his income, inclusive of the pension is not more than seven hundred and twenty dollars a year, or
 - (ii) married and living with his spouse and the total income, inclusive of the pension, of the recipient and his spouse, is not more than twelve hundred dollars a year.

Regulations

4. The Lieutenant Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect, and, without limiting the generality of the foregoing, may make regulations providing for

- (a) the time, manner and form of making an application, the information and evidence to be submitted in connection therewith, and the procedure to be followed in the consideration of an application,
- (b) the investigation into applications, and into the eligibility of a recipient to receive a pension, the reports to be made and the information to be supplied by or in respect of recipients,
- (c) the definition of income for the purposes of this Act, and the manner in which income is to be determined, including the income of a recipient and his spouse, and the determination of the amount thereof that each shall be deemed to receive, whether they live together or separate and apart,
- (d) determining the amount that, for the purposes of this Act, shall be deemed income of a recipient from any interest in real or personal property of the recipient or his spouse owned or deemed to be owned at the date of making the application or acquired subsequent thereto,
- (e) the time and intervals at which and the manner in which pensions are to be paid after application therefor,
- (f) the circumstances justifying or requiring the suspension of the payment of a pension and the resumption of payment, and
- (g) the recovery of the amount of pension payments to which a recipient was not entitled under this Act and the regulations.

Personnel

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

6. (1) The Lieutenant Governor in Council may appoint a board. Appointment of board and members

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

7. The board shall

Duties of board

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

8. Where, in the opinion of the board, a recipient

Payment to trustee

- (a) is using or is likely to use the pension otherwise than for his own benefit, or
- (b) is incapacitated or is incapable of handling his own affairs, the board may appoint a trustee and may direct that the pension be paid to the trustee for the benefit of the recipient.

9. (1) A pension is not subject to alienation or transfer by the recipient. Pension not subject to transfer or seizure

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

10. The receipt of a pension does not by itself constitute disqualification by a recipient for voting at a provincial or municipal election. Voting rights

11. (1) No person knowingly shall obtain or receive a pension 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 a pension that such person is not entitled to obtain or receive under this Act or the regulations.

(3) A person who violates subsections (1) or (2) of this section is guilty of an offence and liable on summary conviction to a fine of not more than fifty dollars and costs and, in default of payment, to imprisonment for a term not exceeding three months. Penalty

12. Pensions and expenses of the administration of this Act and the regulations shall be paid out of moneys appropriated therefor by the Legislature. Appropriation

13. This Act comes into force on the first day of June, 1953. Coming into force

No. 62

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II
1953

BILL

An Act to Provide for Pensions for
Certain Disabled Persons

Received and read the

First time

Second time.....

Third time.....

HON. MR. HALMRAST
