

Bill No. 49 of 1955

A BILL TO PROVIDE FOR ALLOWANCES FOR
DISABLED PERSONS

NOTE

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

In 1953 Alberta enacted *The Disabled Persons' Pensions Act* whereby a pension was provided for Alberta residents twenty-one or over who were suffering from a chronic disability and were physically or mentally unfit for gainful employment. The pension so provided was in an amount not exceeding forty dollars a month. This pension is wholly a provincial pension.

In 1954 the Parliament of Canada enacted legislation authorizing the Government of Canada to share with provincial governments in the costs of disability allowances paid to Canadian residents eighteen years and over. Under this legislation and subject to agreements to be entered into with the Provinces, reimbursement out of the federal treasury is authorized in respect of payments made to eligible persons by a province, to the extent of twenty dollars a month or one-half of the provincial disability allowance, whichever is the lesser. The determination of disability must be made in accordance with a definition contained in regulations passed by the Government of Canada and agreed to by the provinces. Other conditions of eligibility are set forth in the *Disabled Persons Act* (Canada) of 1954.

In 1954 the Alberta Act of 1953 was amended to permit the Province to take advantage of any scheme for disability pensions instituted by the Government of Canada, but the Alberta Act of 1953 did not meet the requirements of the *Disabled Persons Act* (Canada) and it is necessary for the Province to enact other legislation if an agreement on disability allowances is to be entered into with the Government of Canada.

This Bill provides that legislation and ratifies an agreement providing for reimbursement to a province of the federal share of allowances paid and entered into prior to this Bill under the amendment of 1954 to the Alberta Act of 1953.

This Bill is retroactive to the 1st of January, 1955.

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. 49 of 1955

An Act to Provide for Allowances for Disabled Persons

(Assented to _____, 1955)

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 Act*". Short title

Interpretation

2. In This Act,

- (a) "allowance" means an allowance provided under this Act and the regulations to the persons and under the conditions specified in the *Disabled Persons Act* (Canada) and the regulations made under that Act; Interpretation "allowance"
- (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 an allowance is granted; "recipient"
- (f) "regulations" means regulations made under this Act. "regulations"

Agreement for Allowances

3. (1) The Minister, on behalf of the Government of Alberta may, with the approval of the Lieutenant Governor in Council, 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 *Disabled Persons Act* (Canada), and the regulations made under that Act, of amounts in respect of allowances paid by Alberta pursuant to this Act and the regulations. Agreement

(2) Allowances may be paid in accordance with the agreement made under subsection (1).

4. (1) If the Parliament of Canada amends the *Disabled Persons Act* (Canada) or substitutes or adds new provisions for or to that Act, the Minister may with the approval of the Lieutenant Governor in Council, enter into any agreement that may be deemed necessary or proper for the purpose of securing to Alberta the benefits Provincial Act to conform to Dominion Act

of the amending, substituted or added provisions, and for that purpose may 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.

(2) An order in council made pursuant to this section shall be published in *The Alberta Gazette* and shall, at the next session of the Legislature held after the publication, be submitted to the Legislature within fifteen days of the commencement of the session.

(3) Upon publication an order in council made pursuant to this section

(a) shall be deemed to have, until the session of the Legislature to which it is to be submitted, the same force and effect as if it had been enacted by this Act, and

(b) unless it is disallowed by the session of the Legislature to which it is submitted, shall thereafter be deemed to have the same force and effect as if it had been enacted by this Act.

Recovery of
payments
made

5. Where allowances have been paid by the Province and the Government of Canada

(a) refuses to pay any amount in respect thereof, or

(b) rules that overpayments have been made to a recipient,

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

Cessation of
contributions

6. Where for any reason the Government of Canada ceases to make the contributions provided for under the *Disabled Persons Act* (Canada) or fails to carry out the terms of the agreement made by the Minister under the authority of this Act all allowances under this Act shall cease thereafter, and no further payments of allowances shall be made.

General
Revenue
Fund

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

Regulations

Regulations

8. The Lieutenant Governor in Council may make regulations

(a) governing the manner of making application for the allowance,

(b) providing for the suspension or cancellation of the allowance,

- (c) providing for the making of investigations by inspectors with respect to persons to whom the allowance may be paid or by whom or on whose behalf application has been made for the allowance or who are in receipt of the allowance,
- (d) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before the allowance is paid,
- (e) fixing the intervals at which and the manner in which the allowance 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.

Administration

9. The Lieutenant Governor in Council, subject to *The Officers Public Service Act, 1954*, may appoint the officers necessary for the proper administration of this Act.

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

(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

Duties of
Board

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

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

Trustee

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

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

13. (1) The allowance is not subject to alienation or transfer by the recipient.

Allowance
not trans-
ferable

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

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

Voting
rights

- Offences** **15.** (1) No person knowingly shall obtain or receive an allowance that he is not entitled to obtain or receive under this Act or the regulations.
- (2) No persons knowingly shall aid or abet another person to obtain or receive an allowance that such person is not entitled to obtain or receive under this Act and the regulations.
- Fine** (3) A person who contravenes 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 or to imprisonment for a term of not more than three months, or to both fine and imprisonment.
- Appropriation** **16.** Allowances and the expenses of the administration of this Act and the regulations shall be paid out of moneys appropriated therefor by the Legislature.
- Ratification of agreement** **17.** The agreement dated the second day of February, 1955, and entered into between the Minister on behalf of the Government of Alberta and the Minister of National Health and Welfare (Canada) on behalf of the Government of Canada is hereby ratified and confirmed.
- Coming into force** **18.** This Act comes 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, 1955.

No. 49

THIRD SESSION
TWELFTH LEGISLATURE
4 ELIZABETH II
1955

BILL

An Act to Provide for Allowances
for Disabled Persons

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. JORGENSEN
