

No. 45

5th Session, 14th Legislature, Alberta
11 Elizabeth II

BILL 45

A Bill respecting the Operation of Welfare Homes

HON. MR. HALMRAST

Explanatory Note

General—At the present time the regulation and licensing of various types of homes and institutions are governed under several Acts and supervised by different officials. This Bill proposes to bring the regulation and licensing of these homes and institutions under one Act to be administered by a Director of Welfare Homes. The proposed new Act would replace certain provisions in The Public Welfare Act, The Homes for the Aged Act and The Child Welfare Act.

2. Definitions of terms used in Act.

3. Authority for the appointment of the Director of Welfare Homes and other employees required to administer the Act.

4. Homes caring for four or more persons are required to be licensed under the Act.

5. Application for a licence.

BILL

No. 45 of 1963

An Act respecting the Operation of Welfare Homes

(Assented to _____, 1963)

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 Welfare Homes Act*".
2. In this Act,
 - (a) "Director" means the Director of Welfare Homes appointed under this Act;
 - (b) "home" means
 - (i) a home or place of care for persons who are aged or infirm or who require special care, including a nursing home, but not including an auxiliary hospital or a general hospital to which *The Alberta Hospitals Act* applies,
 - (ii) an institution or nursery, an observation home and a shelter, all as defined in *The Child Welfare Act*, and
 - (iii) a hostel or other establishment operated to provide accommodation and maintenance for unemployed or indigent persons;
 - (c) "Minister" means the Minister of Public Welfare;
 - (d) "municipality" means a city, town, village, new town, county, municipal district, improvement district or special area.
3. Subject to *The Public Service Act, 1962*, there may be appointed a Director of Welfare Homes and such other officers, clerks and employees as are necessary for carrying out the provisions of this Act.
4. (1) No municipality, agency or person shall operate a home providing accommodation or care for four or more persons unless he holds a subsisting licence issued by the Director under this Act.
 - (2) The Minister may, in his discretion, exempt any home from complying with this section.
5. (1) An application for a licence shall be made, in writing, to the Director, shall state the maximum number of

6. Refusal of licence.

7. Suspension or cancellation of licence.

8. Appeal to Minister when a licence is refused, suspended or cancelled.

9. (1) Homes required to keep books and records.

(2) Right of inspectors to enter homes to examine the premises and books.

10. Penalty section.

persons it is intended to accommodate in the home and shall be accompanied by a licence fee of one dollar.

(2) Unless sooner cancelled, a licence expires on the anniversary date in the year following the year in which it was issued.

(3) A licence shall state the maximum number of persons who may be accommodated in the home.

6. The Director, in his discretion, may refuse to issue a licence to any municipality, agency or person or in respect of any home.

7. Where it appears to the Director that

- (a) a licence holder is not giving adequate care to a person accommodated in his home, or
- (b) the premises described in a licence have become unfit or unsuitable for the purpose authorized by the licence, or
- (c) the number of persons accommodated in the home exceeds the number specified in its licence, or
- (d) a licence holder has contravened this Act or the regulations or any other Act or the regulations thereunder that applies to homes,

the Director may, on thirty days' notice in writing to the licence holder, cancel or suspend the licence.

8. A municipality, agency or person may appeal to the Minister against a refusal to issue a licence or against the suspension or cancellation of a licence and the Minister, in his discretion, may

- (a) confirm the refusal, suspension or cancellation, or
- (b) order that the licence be issued or reinstated, either unconditionally or subject to such conditions as the Minister may prescribe.

9. (1) Every operator of a home shall keep such books and records and in such form as the Director may prescribe.

(2) An inspector appointed by the Minister for the purpose may at all reasonable times enter upon any buildings and grounds operated as a home and may examine the premises and call for and examine any books and records kept in connection with the operation of the home.

10. A person

- (a) who operates a home without being the holder of a subsisting licence to do so, or
- (b) who prevents or attempts to prevent an inspector from making an entry or examination as authorized by subsection (2) of section 9, or
- (c) who contravenes this Act or the regulations,

11. Authority of Lieutenant Governor in Council to make regulations.

12. Authority of the Minister to acquire and operate hostels, homes, etc., and to provide for the care and rehabilitation of persons.

13. Repeal of Acts or parts of Acts that are no longer required or that are replaced by the provisions of the proposed new Act.

is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and in default of payment to imprisonment for a term not exceeding sixty days.

11. The Lieutenant Governor in Council may make regulations applicable to homes or different classes or types of homes,

- (a) respecting the admission of persons to homes,
- (b) respecting the standards of accommodation to be provided and maintained in homes,
- (c) respecting the standards of care to be provided in homes,
- (d) respecting the employment of staff in homes,
- (e) establishing different categories of licences for homes, and
- (f) respecting such other matters as are deemed necessary for the proper carrying out of this Act.

12. The Minister, out of the moneys appropriated by the Legislature for the purpose, may acquire, maintain and operate hostels, nursing homes, institutions and nurseries and otherwise provide for the care, rehabilitation and training of children or of persons who are unemployed, or aged or infirm, or who require special care.

13. (1) *The Public Welfare Act*, being chapter 268 of the Revised Statutes, is amended

- (a) as to section 2 by striking out clauses (d) and (m),
- (b) by striking out sections 4 and 5,
- (c) as to section 36 by striking out the words “, and without limiting the generality of the foregoing may make regulations” and clauses (a), (b) and (c).

(2) *The Home for Aged or Infirm Act*, being chapter 141 of the Revised Statutes, is repealed.

(3) *The Homes for the Aged Act*, being chapter 29 of the Statutes of Alberta, 1959, is amended

- (a) as to section 2 by striking out clause (j),
- (b) as to section 11 by striking out clauses (f) and (g),
- (c) by striking out sections 14 and 15.

(4) *The Child Welfare Act*, being chapter 39 of the Revised Statutes, is amended

- (a) as to section 18 by striking out the words “, and such accommodation and care shall be subject to the approval of the Commission”,
- (b) as to section 19 by striking out subsections (2) and (3),
- (c) by striking out section 49,
- (d) as to section 50 by striking out subsections (6) to (9a) and by substituting the following:

(6) The Superintendent or worker appointed by

14. Commencement of Act.

the Commission for the purpose may enter an institution or nursery at any time and call for and examine the records kept by the institution or nursery.

(7) The person in charge of every institution or nursery shall, by the first day of March in each year, provide the Commission with a report setting forth the full name of every child in the institution or nursery on the thirty-first day of December of the preceding calendar year and of every child who was in the institution at any time during that calendar year.

(8) any person

- (a) who prevents or attempts to prevent a person from making an entry or examination as authorized by subsection (6), or
- (b) who contravenes this section, is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and in default of payment to imprisonment for a term not exceeding sixty days.
- (e) as to section 56, subsection (2) by striking out the word "Commission" and by substituting the words "Director of Welfare Homes",
- (f) as to section 65, clause (a) by striking out the words "established hereunder",
- (g) as to section 71 by striking out clauses (b) and (c).

14. This Act comes into force on the first day of July, 1963.

No. 45

FIFTH SESSION

FOURTEENTH LEGISLATURE

11 ELIZABETH II

1963

BILL

An Act respecting the Operation
of Welfare Homes

Received and read the

First time

Second time

Third time

HON. MR. HALMRAST
