

1967 Bill 21

Fifth Session, 15th Legislature, 15 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 21

~~An Act to amend the Public Welfare Act~~
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THE MINISTER OF PUBLIC WELFARE

First Reading

Second Reading

Third Reading

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An Act to amend The Public Welfare Act

(Assented to , 1967)

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

1. *The Public Welfare Act* is hereby amended.
2. Section 2 is amended
 - (a) by striking out clause (e) and by substituting the following:
 - (d) "indigent person" means a person who is destitute of means from his own resources to obtain the food, fuel, clothing, shelter, assistance, medical advice or attention and hospitalization, or any of them, necessary for the immediate needs of himself and his dependants;
 - (e) "material aid" means
 - (i) any food, fuel, clothing, shelter, assistance, medical advice or attention, hospitalization or burial expenses provided out of public funds, and
 - (ii) any money paid to a destitute employable person out of public funds;
 - (b) by striking out clause (i) and by substituting the following:
 - (i) "resident of the municipality" means a person for whom the municipality is responsible to provide material aid as determined under section 11;
3. Section 10c, subsection (1) is amended by striking out the words "of any employee of the Department".
4. Sections 11 and 12 are struck out and the following section is substituted:
 11. (1) A municipality is responsible for the provision of material aid to every indigent person who is a resident of the municipality and
 - (a) was a resident of the municipality during the 12 consecutive months immediately preceding his application to the municipality for material aid, and
 - (b) did not, during any part of those 12 months, receive material aid from the Province or any other municipality.

Explanatory Notes

1. This Bill amends chapter 268 of the Revised Statutes. The purposes of this Bill are:

- (a) to consolidate in one place the provisions presently found in The Public Welfare Act, The City Act, The Town and Village Act and The Municipal District Act relating to the duty of municipalities to provide assistance to indigent residents of the municipality;
- (b) to modify the rules for determining the residence of indigent persons for the purposes of the giving of such assistance.

2. The definition of indigent person is copied from that found in the municipal Acts. The definition of material aid is revised to include medical and hospital care and burial expenses.

3. Section 10c, subsection (1) presently reads:

10c. (1) Any person affected by a decision of any employee of the Department on any matter under this Act may appeal to the Public Welfare Commission for a review of the decision and the Commission may confirm, reverse or vary the decision as, in its discretion, it considers proper in the circumstances.

4. Section 11, subsection (1) presently reads:

11. (1) A municipality is responsible for the provision of material aid to a person

- (a) who while a resident of the municipality receives material aid therefrom, or
- (b) who while a resident of the municipality moves from the municipality into another municipality
 - (i) while receiving material aid from the first mentioned municipality, or
 - (ii) within twelve months after he last received material aid from the first mentioned municipality,

and the provision of material aid continues to be the responsibility of the first mentioned municipality until that person becomes a resident of another municipality within the meaning of this Part.

(2) A municipality is responsible for the provision of a decent burial for every indigent person who was a resident of the municipality at the time of his death and

(a) was a resident of the municipality during the 12 consecutive months immediately preceding his death, and

(b) did not, during any part of those 12 months, receive material aid from the Province or any other municipality.

(3) A municipality responsible for the provision of material aid to an indigent person continues to be responsible for the provision of material aid to that indigent person for a period of 90 days after he ceases to be a resident of the municipality, but not thereafter.

(4) The Province is responsible for the provision of material aid to every indigent person who is a resident of the Province and who is not the responsibility of any municipality under this section.

(5) If any dispute arises as to whether or not any person is an indigent person or a resident of the municipality, the question shall be referred by that person or by the municipality to a judge of the district court, who shall proceed to decide the question in a summary manner, and his decision thereon is final and conclusive.

5. Sections 17 to 26 are repealed, but the repeal does not affect any liability incurred under those sections prior to the first day of July, 1967.

6. Section 32 is struck out and the following section is substituted:

32. A person who, for the purpose of obtaining material aid or causing material aid to be obtained for himself or for any other person, knowingly

(a) gives false information, or

(b) conceals information, or

(c) omits to provide or disclose information,

is guilty of an offence and liable on summary conviction

(d) to a fine of not more than \$1,000 and in default of payment to imprisonment for a term not exceeding one year, or

(e) to imprisonment for a term not exceeding one year.

7. (1) *The City Act* is amended

(a) by striking out clause (k) of section 2,

(b) by striking out clause (f) of section 339,

(c) by striking out sections 340 and 341.

(2) *The Town and Village Act* is amended

(a) by striking out clause (j) of section 2,

(b) by striking out sections 333, 335 and 337.

5. Sections 17 to 26 set out procedures applicable where an indigent person is resident in one municipality under the existing rules but is actually living in another. With the changes in residence rules the sections are no longer required.

6. Section 32 presently reads:

32. A person who, for the purpose of obtaining material aid, or causing material aid to be obtained, for himself or for any other person, knowingly gives false information or conceals information, 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 of not more than three months.

7. The welfare provisions of the various municipal Acts are repealed.

(3) *The Municipal District Act* is amended

(a) by striking out clause (*m*) of section 2,

(b) by striking out section 294,

(c) by striking out clause (*a*) of subsection (1) of section 295.

(4) The repeal of the statutory provisions mentioned in this section does not affect any liability incurred under those provisions prior to the first day of July, 1967.

8. This Act comes into force on the first day of July, 1967.

