

1969 Bill 69

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Second Session, 16th Legislature, 18 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 69**

**An Act respecting Health Insurance Premiums**

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THE MINISTER OF HEALTH

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 69

1969

An Act respecting Health Insurance Premiums

(Assented to \_\_\_\_\_, 1969)

**H**ER 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 Health Insurance Premiums Act*.

**2.** In this Act,

- (a) “agent” means a local authority, employer or other person or unincorporated group of persons designated as an agent and who, under this Act, is authorized or required to collect premiums;
- (b) “benefit period” means a period that is designated in the regulations as a benefit period;
- (c) “Commission” means The Alberta Health Care Insurance Commission under *The Alberta Health Care Insurance Act*;
- (d) “local authority” means
  - (i) a city, town, village, municipal district or county, or
  - (ii) the Board of Administrators of a new town, or
  - (iii) the Minister of Municipal Affairs in respect of an improvement district or special area, or
  - (iv) the board of trustees of a school district in a national park;
- (e) “premium” means an amount of money payable to the Commission under this Act.

**3.** (1) The Lieutenant Governor in Council may make regulations

- (a) designating benefit periods;
- (b) fixing the amount of premium to be paid by persons liable therefor and designating the times and methods for the payment, collection and remittance of premiums;

## **Explanatory Notes**

General. This Bill will provide for payment of premiums for the support of financing the Alberta Health Care Insurance Plan.

**2.** Definitions.

**3.** Regulations.

- (c) prescribing the times when and the manner in which employers who are agents shall remit to the Commission the amounts of the premiums payable by them;
- (d) designating the employees in respect of whom employers are not required to remit premiums;
- (e) fixing the remuneration, if any, to be paid to agents;
- (f) prescribing the duties of agents in addition to those set out in this Act;
- (g) requiring bonds to be given by agents and their officers or employees and respecting the amounts, form, nature and contents of such bonds;
- (h) defining "dependant" for the purposes of the Act;
- (i) providing, as to any provision of the regulations, that its contravention is an offence;
- (j) conferring powers or duties on the Commission not otherwise given by this Act for the purpose of carrying out and administering this Act;
- (k) generally, providing for any other matter considered necessary for the purpose of administration and operation of this Act or to meet cases that may arise and for which no provision is made by this Act.

(2) Not less frequently than once in each year and at such other times as the Treasury Board may request, the Commission shall give detailed consideration to the amount of the premiums from time to time fixed under subsection (1), clause (c).

4. (1) Except as otherwise provided in this Act, every resident who is neither

- (a) a dependant, nor
- (b) a member of
  - (i) the regular forces of the Canadian forces, or
  - (ii) the Royal Canadian Mounted Police Force, who has no dependants resident in Alberta,

is liable to the Commission for and shall, subject to this Act and the regulations and according as to whether he is a person with or without dependants, pay to the Commission in advance on behalf of himself and of his dependants, if any, the amount of the premium prescribed in the regulations.

(2) The regulations may prescribe different rates of premiums according to whether the resident liable for payment is a person with or without dependants and, in the case of persons with dependants, according to the number of his dependants.

**4. Liability for premiums.**

(3) Members of the regular forces of the Canadian forces and members of the Royal Canadian Mounted Police Force shall pay, in respect of their dependants, such premiums as are fixed in the regulations, but are not liable for payment of premiums in respect of themselves.

**5.** (1) Every person who is liable to pay premiums shall, at the times fixed and in the manner prescribed in the regulations, pay to the Commission or to its agent the amount of the premium payable by him on behalf of himself and his dependants, if any, in respect of each subsequent benefit period as may be designated in the regulations, together with a statement in such form and containing such information as may be prescribed by the Commission.

(2) The Commission may make other arrangements for the collection of premiums in any part of Alberta designated by it in any case in which the Commission considers it advisable to do so.

(3) The Commission shall refund any overpayment of premium to the person who paid it or the person lawfully entitled to receive it.

**6.** (1) Every agent to whom premiums are paid shall, at such times as are fixed in the regulations, remit to the Commission the amount of the premiums so received by him, together with a statement in such form and containing such information as is prescribed by the Commission.

(2) Where any person has paid a premium in respect of a benefit period to an agent, the premium so paid shall be deemed to have been paid in advance in respect of that benefit period as required by section 4, subsection (1), but nothing in this subsection relieves the agent from any liability to remit the amount of the premium to the Commission.

**7.** Where the Commission is satisfied that a premium payable by or on behalf of any person is uncollectible or is collectible only with expense or effect that is unreasonable in the circumstances, it may cause the amount thereof to be written off in its books, but such action by the Commission does not affect the liability of the person by whom the premium is payable in respect of that premium.

**8.** (1) Any agent who fails or refuses to remit to the Commission as required in the regulations the amount of premiums paid to or deducted by him or which he is otherwise liable to remit, is guilty of an offence and liable on summary conviction to a fine not exceeding \$500.

(2) Where an agent to which subsection (1) applies is a corporation, an officer, director or agent of the corporation

**5. Remittance of premium.**

**6. Remittance of premium by agent.**

**7. Writing-off uncollectible premiums.**

**8. Penalty for failure to remit or pay premium.**

who directed, authorized, assented to, acquiesced in or participated in the failure or refusal to remit is a party to and guilty of the offence to which subsection (1) applies and is liable on summary conviction to a fine therein stated whether or not the corporation has been prosecuted or convicted.

(3) A person, other than an agent or local authority, who fails to pay the premium or any part thereof as required by this Act and the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$25.

**9.** (1) Where a person is convicted for failure to pay the premium or any part thereof as required by this Act and the regulations, the convicting justice shall, in addition to the fine imposed, order that the premium or part thereof be paid to him forthwith or within a stated period by the person so convicted, and the justice shall pay the premium or part thereof to the Commission forthwith upon receipt thereof.

(2) The order of the convicting justice to pay the premium or part thereof under subsection (1) shall be included in and be part of an order made by him under section 8 for payment of a fine.

(3) In case of default in payment of any sum as required by the order, the justice shall, upon request, furnish the complainant with a certified copy of the order and, upon the filing by the complainant of the certified copy of the order in the office of the clerk of the district court at the judicial centre nearest to the place where the defendant resides, the copy of the order shall be entered as a judgment of the district court and may be enforced as such, and the provisions of any law in force in Alberta respecting imprisonment in default of payment of a fine or compliance with an order for the payment of money do not apply.

(4) Any sum recovered through the enforcement of a copy of an order as a judgment under subsection (3) shall be applied first toward payment of the unpaid premium or part thereof and the balance, if any, shall be applied toward payment of the fine.

**10.** In a prosecution for failure to pay the premium or a part thereof a certificate of a member of the Commission stating that he has knowledge of the records of the Commission with respect to premium payments made under this Act by residents and that after careful examination and search of those records he has been unable to find that the accused person has paid the premium or the part thereof to which the prosecution relates, shall be admitted in evidence as *prima facie* proof that the accused person has not paid the premium or the part thereof to which the



**9.** Payment of premium to convicting magistrate. Entry of magistrate's order as a district court judgment.

**10.** Admission in evidence of certificate as to non-payment of premium.

prosecution relates, without the necessity of proving the appointment or signature of the person making the certificate.

**11.** Every prosecution for failure to pay the premium shall be commenced within one year from the date of the violation and every prosecution for any other violation of this Act or the regulations shall be commenced within one year from the date of the violation.

**12.** All moneys received as premiums by the Commission shall be retained by the Commission and shall be used for the purposes of the Commission.

**13.** The Commission may prescribe such forms to be used under this Act or the regulations as it considers necessary in connection with its administration or the Commission may prescribe any other form that it considers applicable to any special case.

**14.** The Commission may enter into agreements with any government, person or unincorporated group of persons

- (a) respecting any matter relating to the administration or operation of this Act, or
- (b) providing for any matter for which no provision is made elsewhere in this Act or in the regulations which it considers necessary for the purpose of exercising or discharging its powers, duties or functions,

and the Commission may implement any agreement so made.

**15.** Every person who is guilty of an offence under the regulations or under this Act and for which no penalty is specifically provided, is liable on summary conviction

- (a) for a first offence, to a fine of not more than \$500 and in default of payment to imprisonment for a term of not more than 30 days,
- (b) for a second offence, to a fine of not more than \$1,000 and in default of payment to imprisonment for a term of not more than 60 days, and
- (c) for a third or subsequent offence to imprisonment for a term of not more than six months without the option of a fine.

**11. Limitation of prosecutions.**

**12. Payment of premium to General Revenue Fund.**

**13. Forms.**

**14. Special agreements by Commission.**

**15. General penalties for offences.**

**16.** *The Public Welfare Act* is amended

(a) by adding the following after section 2:

**2a.** Upon the commencement of *The Health Insurance Premiums Act*, the reference to “medical advice or attention” in section 2, clauses (c) and (d) shall be deemed to refer to the cost of premiums payable under that Act.

(b) by adding the following after section 37:

**37a.** Upon the commencement of *The Health Insurance Premiums Act*, the references to “medical advice or attention” in section 37, clause (a) and section 38 shall be deemed to refer to the cost of premiums payable under that Act.

(c) as to section 45 by adding the following subsection:

(3) The reference in subsection (1) to “essential surgical, medical, optical, dental and other remedial treatment, care and attention”, to the extent that it refers to basic health services within the meaning of *The Alberta Health Care Insurance Act*, shall be deemed to refer to the cost of premiums, if any, payable by the resident under *The Health Insurance Premiums Act*.

**17.** This Act comes into force on a date to be fixed by Proclamation.

**16.** Chapter 268 of the Revised Statutes is amended so that the responsibility of the Province or a municipality to provide “medical advice or attention” becomes instead a responsibility to provide for the cost of the premiums payable under the Bill.