

1970 Bill 51

Third Session, 16th Legislature, 19 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 51

**An Act respecting The Alberta Acoholism
and Drug Abuse Commission**

THE MINISTER OF HEALTH

First Reading

Second Reading

Third Reading

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BILL 51

1970

An Act respecting The Alberta Alcoholism
and Drug Abuse Commission

(Assented to _____, 1970)

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 Alcoholism and Drug Abuse Act*.

2. In this Act,

- (a) "alcoholic" means a person who suffers from the illness of alcoholism;
- (b) "alcoholism" means any dependent condition produced by the action of alcohol upon the human system;
- (c) "by-laws" means the by-laws of the Commission;
- (d) "Commission" means The Alberta Alcoholism and Drug Abuse Commission;
- (e) "drug abuse" means
 - (i) addiction to a substance other than alcohol, or
 - (ii) the use, whether habitual or not, of a substance other than alcohol that is capable of inducing euphoria, hallucinations or intoxication in the human body;
- (f) "drug user" means a person who
 - (i) is addicted to the use of a substance other than alcohol, or
 - (ii) uses, whether habitually or not, a substance other than alcohol for the purpose of inducing euphoria, hallucinations or intoxication.

3. (1) There is hereby created a corporation with the name "The Alberta Alcoholism and Drug Abuse Commission" which shall consist of not more than 12 members appointed by the Lieutenant Governor in Council during pleasure.

Explanatory Notes

1. This Bill will establish The Alberta Alcoholism and Drug Abuse Commission as a corporation independent from the Government but supported by public moneys. The Commission will assume the administration of certain treatment facilities presently operated by the Alcoholism Division of the Department of Health.

2. Definitions.

3. Incorporation of the Commission.

(2) The Lieutenant Governor in Council shall designate one of the members of the Commission as Chairman and another as vice-chairman.

(3) The Commission may pay to each member of the Commission

(a) fees for attending meetings of the Commission, at a rate fixed by the by-laws but not exceeding \$20 for each meeting, and

(b) his reasonable travelling and living expenses while absent from his ordinary place of residence and in the course of his duties as a member of the Commission, in accordance with the by-laws.

(4) The Lieutenant Governor in Council may prescribe the terms of office of any or all of the members of the Commission.

(5) The head office of the Commission shall be at or near Edmonton.

4. (1) At a meeting of the Commission the vice-chairman shall preside in the absence of the chairman and where the chairman and the vice-chairman are both absent, the members present may elect one of their number to preside at that meeting.

(2) A majority of the members of the Commission constitute a quorum of the Commission.

(3) The affirmative votes of a majority of the members present at any meeting of the Commission at which a quorum is present are sufficient to pass any resolution or by-law to bind all the members.

(4) Where one or more vacancies occur on the Commission, the remaining members may exercise all the powers of the Commission.

(5) At its meetings, the Commission may exercise any of its powers by resolution except where it is required by this Act to exercise a power by by-law.

(6) A copy of the minutes of each meeting of the Commission shall be furnished to the Minister.

5. The Commission may make by-laws respecting the calling of meetings of the Commission and the conduct of business thereat, the duties and conduct of members and generally as to the conduct of the business and affairs of the Commission.

4. Meetings of the Commission.

5. By-laws.

6. (1) The Commission may appoint

- (a) an executive director, subject to the approval of the Lieutenant Governor in Council, and
- (b) such other officers and employees as it requires and may prescribe their duties and their remuneration.

(2) The appointment of officers and employees of the Commission shall be during pleasure unless otherwise agreed between the Commission and the officer or employee.

(3) The Commission may obtain the services of any agents or advisors or persons providing technical or professional services of a kind required by the Commission in connection with its business and affairs.

(4) *The Public Service Pension Act* applies *mutatis mutandis* to the officers and employees of the Commission as if they were employees of the Government.

(5) *The Crown Agencies Employee Relations Act* applies to the Commission and its employees as if the Commission were an agency of the Crown in right of Alberta.

7. The members, officers and employees of the Commission and persons acting under the instructions of any of them or under the authority of this or any other Act or the by-laws are not personally liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done in the exercise or purported exercise of any powers given by this or any other Act or the by-laws.

8. (1) Except as otherwise provided in this section

- (a) a person who is or has been a member or employee of the Commission or is or has been employed or engaged in the administration of this Act shall not disclose or be compelled to disclose any information obtained by him that pertains to a patient or the treatment, care or services provided by the Commission to a patient, and
- (b) any file, record, document or paper in the custody of the Commission that pertains to a patient or to the treatment, care or services provided to a patient shall not be disclosed to any person or be admitted in evidence in any proceedings.

(2) In this section “patient” means a person who has been provided with treatment, care or other services by the Commission or at any hospital, clinic or centre operated by the Commission.

6. Officers and employees.

7. No personal liability of members, employees, etc. of the Commission.

8. Secrecy of information.

(3) Subsection (1) does not apply

- (a) where the disclosure is necessarily made in the course of the administration of the business and affairs of the Commission or in the course of the administration of this Act, or
- (b) where the disclosure is made at the request of or with the consent of the patient concerned, his personal representative or the committee of his estate, or
- (c) in any special case where permission is given by an order of the Lieutenant Governor in Council.

(4) Information in the hands of the Commission pertaining to patients and the treatment, care and services provided to patients may be published by the Commission or the Government in statistical form if the individual names of patients are not thereby revealed or made identifiable.

(5) A person who contravenes a provision of this section is guilty of an offence and liable on summary conviction to a fine of not more than \$500 and in default of payment to imprisonment for a term not more than 90 days.

9. The Commission is subject in respect of its accounts and financial transactions to audit by the Provincial Auditor once in each year and at such other times as the Lieutenant Governor in Council may direct.

10. The fiscal year of the Commission is the period from the 1st day of April to the next succeeding 31st day of March.

11. The Commission shall before the 1st day of December in each year, prepare and present to the Executive Council its budget for the Commission's next ensuing fiscal year.

12. (1) The Commission shall annually, after the end of its fiscal year, prepare a general report summarizing its transactions and affairs during its last fiscal year and showing its revenues during that period, together with an audited balance sheet of its accounts and financial transactions during that period and such other information as the Lieutenant Governor in Council may require.

(2) When the report is prepared, the President of the Executive Council shall lay a copy of it before the Legislative Assembly if it is in session and if not, within 15 days after the commencement of the first session in the next ensuing year.

9. Audit.

10. Fiscal year.

11. Annual budget.

12. Annual report.

13. The Provincial Treasurer shall, from time to time as required, advance to the Commission moneys appropriated by the Legislature for the purposes of the Commission in equal monthly instalments or on any other basis agreed to by the Commission and the Provincial Treasurer.

14. The Commission, with the approval of the Lieutenant Governor in Council and to the extent permitted by the Lieutenant Governor in Council,

- (a) may from time to time borrow money from any person or enter into overdraft arrangements with a chartered bank or a treasury branch, for the purpose of meeting its obligations as they become due, and
- (b) may give security for the repayment of such moneys.

15. In addition to the powers vested in the Commission by section 14 of *The Interpretation Act, 1958* and by this Act, the Commission may

- (a) subject to the approval of the Lieutenant Governor in Council, acquire and hold any real property required for its purposes, and sell or otherwise dispose of any real property no longer required for its purposes;
- (b) accept subscriptions, donations, devises and bequests of real or personal property;
- (c) make such banking arrangements as are necessary for the carrying out of its duties and functions;
- (d) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange and other negotiable or transferrable instruments.

16. The Commission may

- (a) hold, administer and manage the property and assets of the Commission, subject to any directions in that regard made by the Lieutenant Governor in Council;
- (b) subject to the approval by the Lieutenant Governor in Council, operate hospitals for the diagnosis of alcoholism and drug abuse and the treatment and care of alcoholics and drug users;
- (c) operate clinics and centres for the observation and treatment of alcoholics and drug users in conjunction with the Commission's hospitals or at any other place in Alberta;

13. Advances from appropriations to the Commission.

14. Borrowing powers.

15. Additional powers of the Commission.

16. General powers of Commission with respect to alcoholism and drug abuse programs.

- (d) provide the equipment necessary for the proper operation of the Commission's hospitals, clinics and centres;
- (e) provide the necessary facilities for proper medical attendance, nursing and medicine at the Commission's hospitals, clinics and centres;
- (f) provide through its hospitals, clinics and centres, or the facilities of other agencies, counselling and follow-up services for alcoholics and drug users and former alcoholics and drug users;
- (g) subject to approval by the Lieutenant Governor in Council
 - (i) provide financial or other assistance to persons or bodies of persons conducting programs for the treatment or rehabilitation of alcoholics or drug users or for studies, investigations or research on alcoholism or drug abuse, or
 - (ii) conduct, or engage other persons to conduct, studies, investigations and research on alcoholism and drug abuse and methods of treating or rehabilitating alcoholics and drug users;
- (h) conduct programs for the dissemination of information respecting alcoholism and drug abuse and to stimulate academic education and professional orientation respecting the recognition of, and effective response to, the treatment and care of alcoholics and drug users;
- (i) enter into agreements
 - (i) with hospitals or other institutions for the accommodation, treatment and care of alcoholics and drug users, or
 - (ii) with universities, hospitals or other institutions for the purpose of conducting studies, investigations or research on alcoholism and drug abuse and methods of treatment of alcoholics and drug users.

17. (1) In this section "Government facilities" means any land owned by the Crown in right of Alberta, including buildings and improvements, and administered by the Division of Alcoholism of the Department of Health.

(2) The Lieutenant Governor in Council may by order transfer the administration of any Government facilities from the Minister of the Crown then having the administration of them to the Commission.

(3) Where an order is made under subsection (2) or where the title to any Government facilities is or is to be transferred to the Commission pursuant to an order under section 6 of *The Department of Public Works Act*, the

17. Transfer of administration of Government-owned facilities
to the Commission.

Lieutenant Governor in Council may by order declare that the property of the Crown in all personal property or any specified personal property located in and used in connection with the operation of the Government facility, is vested in the Commission.

18. The Lieutenant Governor in Council may make any orders he considers necessary for the purpose of facilitating or implementing the transfer of employees of the Government to the Commission, or for the purpose of alleviating any difficulties arising upon such transfer.

19. The Lieutenant Governor in Council may make regulations providing for any matters considered necessary for the purpose of carrying out the provisions of this Act.

20. This Act comes into force on July 1, 1970.

18. Orders re transfer of employees.

19. Regulations.