

1970 Bill 108

Third Session, 16th Legislature, 19 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 108

An Act respecting Social Development

THE MINISTER OF SOCIAL DEVELOPMENT

First Reading

Second Reading

Third Reading

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BILL 108

1970

An Act respecting Social Development

(Assented to, _____, 1970)

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

1. This Act may be cited as *The Social Development Act*.

2. In this Act,

(a) “basic necessities” means

(i) food, clothing, shelter, heat, light and water,

(ii) such things, goods and services authorized by the Director as are essential to health and well-being, including essential surgical, medical, optical, dental and other remedial treatment, care and attention, and

(iii) any things, goods and services considered to be basic necessities, from time to time, by the Director;

(b) “Department” means the Department of Social Development;

(c) “Director” means the Director appointed under section 4;

(d) “Minister” means the Minister of Social Development;

(e) “municipality” means a city, town, new town, village, municipal district, county, improvement district or special area that receives from Canada or Alberta a grant for payment of social assistance, and includes, in respect of an improvement district or special area, the Minister of Municipal Affairs, and in respect of any other municipality, the council of the municipality;

(f) “person in need of assistance” means a person who is unable to provide the basic necessities for himself and his dependants, if any;

Explanatory Notes

1. This Bill will replace The Public Welfare Act in setting up a system of social services and income maintenance to enable the less fortunate members of society to live at an acceptable standard and to make a contribution to the community that is consistent with their abilities.

2. Definitions.

- (g) "social allowance" means an allowance payable out of public funds to or in respect of any person sufficient to enable the person to obtain the basic necessities of himself and his dependants, if any, in accordance with the provisions of this Act;
- (h) "social assistance" means a social allowance provided by a municipality under Part 3;
- (i) "unemployable person" means
 - (i) a person who by reason of age, or by reason of physical or mental disability, is incapable of earning an income sufficient to pay for the basic necessities for himself and his dependants, if any, or
 - (ii) a person who is physically and mentally capable of being employed but who has the custody and care and control of a dependent child under such circumstances as to be incapable, in the opinion of the Director, of earning an income sufficient to pay for the basic necessities for himself and his dependants, or
 - (iii) a person who is physically and mentally capable of being employed but who, in the opinion of the Director, is not ready for employment or training, or is not suited to available employment or is otherwise considered to be unemployable, or
 - (iv) a person who may benefit from rehabilitative services and who is unable to provide the basic necessities for himself and his dependants, if any, and at the same time receive the rehabilitative services.

3. The Minister, out of funds appropriated by the Legislature, for the purpose of ensuring that no person within Alberta will lack the goods and services essential to health and well-being, may provide financial assistance and may make all provisions and pay all amounts which he considers necessary or expedient to carry out the intent and purpose of this Act.

3. Provision for assistance.

PART 1

ADMINISTRATION

4. In accordance with *The Public Service Act, 1968* there may be appointed a Director who shall administer this Act under the direction of the Minister.

5. (1) The Director may authorize any employee of the Department or any welfare worker or any other municipal authority charged with the performance of municipal obligations under this Act to exercise any powers, duties and functions conferred upon the Director by this Act.

(2) Where, pursuant to subsection (1), the Director authorizes a person to exercise any power, duty or function, any reference in this Act to the Director in connection with that power, duty or function shall be construed as also referring to the person so authorized.

4. Appointment of Director. The Director will replace the existing Public Welfare Commission.

5. Delegation of authority.

PART 2

SOCIAL SERVICES AND INCOME MAINTENANCE

6. The Director may provide to an employable person in need of assistance

- (a) a social allowance;
- (b) advice and instruction to assist the person in devising and following a reasonable rehabilitative plan;
- (c) guidance in the management of his personal affairs as related to the use of financial assets, orderly payment of debts and domestic problems;
- (d) assistance in obtaining such vocational, technical and other training as is necessary in the preparation of the person for employment;
- (e) assistance in obtaining employment and special financial incentives in connection therewith;
- (f) advice and instruction to assist the person in remaining employed.

7. The Director may provide to an unemployable person in need of assistance

- (a) a social allowance;
- (b) advice and instruction to enable the person to properly use his social allowance;
- (c) guidance in the management of his personal affairs as related to the use of financial assets, orderly payment of debts and domestic problems;
- (d) assistance in obtaining such vocational or other training as is necessary in the preparation of a person with physical or mental disabilities for employment that is suitable to his circumstances;
- (e) any other assistance necessary in aiding the person to become an employable person.

8. (1) Where the parents of a child are unable or unwilling to properly care for their child and the child is, in the opinion of the Director, being properly cared for in the home of another person, a social allowance may be issued to that person on behalf of the child.

(2) The Director may, in calculating need under section 11, take into consideration the income and assets of the child only.

6. Assistance to employable persons.

7. Assistance to unemployable persons.

8. Children.

9. (1) An application for assistance shall be made to the Director by, or on behalf of, the applicant on forms provided for that purpose.

(2) Where circumstances are such that an application cannot be made by the applicant, or by someone on his behalf, the making of an application as required by subsection (1) may be dispensed with upon the submission to the Director of an adequate report of the circumstances.

10. (1) Where a person in need of assistance is incapacitated through infirmity, illness or any other cause, and is unable to conduct his own affairs or, if the Director considers that the person in need of assistance is using or is likely to use his social allowance otherwise than for his own benefit, the Director may appoint a trustee to ensure that the social allowance is expended for the benefit of the person in need of assistance.

(2) Any trustee appointed under subsection (1) shall, when required by the Director, make returns showing the amount of any social allowance received, the amount that has been expended for the benefit of the person in need of assistance and the balance remaining with the trustee, and shall, if necessary, remit any balance to the Director.

(3) Where the trustee appointed under subsection (1) is an officer or employee of an institution in which a person in need of assistance is maintained, the trustee shall pay to the institution that proportion of any social allowance received which is considered by the Director to be a reasonable sum for the maintenance of the person, but the Director shall require the trustee to make available to the person in need of assistance the amount which has been provided for his personal use.

11. (1) In this section "dependant" means

(a) a spouse who is dependent for support, or

(b) a child who is dependent for support and who

(i) is not over the age of 16 years, or

(ii) is over 16 but under 21 years of age and who is attending an educational institution, when authorized by the Director, or

(iii) is over 16 but under 21 years of age and who is incapable of attending an educational institution by reason of mental or physical incapacity.

(2) Where the Director considers that a person is in need of assistance he is responsible for the provision of a social allowance to or in respect of that person in an amount that will be adequate to enable the person to obtain the basic necessities for himself and his dependants.

9. Application for assistance.

10. Trustee.

11. Amount of social allowance payable.

(3) In determining the amount of social allowance that a person requires the Director shall have regard to the full resources of that person.

(4) In determining the resources of a person there may be evxempted in addition to any amount from earnings or cash assets authorized by the regulations,

- (a) any additional assets which, in the opinion of the Director, will provide a means of subsistence and without which the person may become completely destitute, and
- (b) any assets considered by the Director as essential needs of the person.

12. Every person who is receiving a social allowance shall notify the Director forthwith of any changes in his circumstances that differ from his circumstances as previously reported.

13. (1) Where, on the basis of information received by him, the Director is of the opinion that the social allowance provided to or in respect of any person should be discontinued or that the amount thereof should be reduced or increased, the social allowance shall be discontinued or the amount shall be reduced or increased in accordance with section 11.

(2) Where, in the opinion of the Director, an applicant for a social allowance or a person to whom a social allowance is being provided,

- (a) has refused to accept reasonable employment for reasonable wages, or
- (b) has terminated employment which he might reasonably have held, or
- (c) has refused or neglected to realize upon his assets, or
- (d) has refused or neglected to avail himself of the advantages he may have received under any other law, or
- (e) has refused or neglected to avail himself of appropriate training or rehabilitative measures, or
- (f) has refused to provide complete information or has provided false information required to determine his eligibility for a social allowance

the Director is under no obligation to provide or continue to provide any services or social allowance to such person,

12. Change of circumstances.

13. Variation or discontinuation of allowance.

and may refuse to provide services or a social allowance or may discontinue, suspend or vary the services or the social allowance provided.

14. Every person who, in the opinion of the Director, uses the social allowance for purposes other than those for which it has been granted, may be required to repay the amount thereof in the manner of repaying an overpayment under Part 3 of *The Maintenance and Recovery Act*.

14. Maintenance and Recovery Act deemed to apply.

PART 3

MUNICIPALITIES

15. (1) A municipality is responsible for the provision of social assistance to every employable person who

- (a) is a person in need of assistance,
- (b) is living in the municipality,
- (c) was living in the municipality during the 12 consecutive months immediately preceding his application to the municipality for assistance, and
- (d) did not, during any part of those 12 months, receive assistance from the Director or from any other municipality.

(2) A municipality responsible for the provision of social assistance to a person continues to be responsible for the provision of social assistance to that person for a period of 90 days after he ceases to live in the municipality, but not thereafter.

(3) A municipality responsible for the provision of social assistance to a person may also provide to that person

- (a) advice and instruction to assist the person in devising and following a reasonable rehabilitative plan;
- (b) guidance in the management of his personal affairs as related to the use of financial assets, orderly payment of debts and domestic problems;
- (c) assistance in obtaining such vocational, technical and other training as is necessary in the preparation of the person for employment;
- (d) assistance in obtaining employment and special financial incentives in connection therewith;
- (e) advice and instruction to assist the person in remaining employed.

(4) The Director may provide any of the services enumerated in subsection (3) to any person in need of assistance who would benefit from such services, if the services are not available from the municipality.

16. (1) The Director may provide a person with a social allowance for the period during which there exists any doubt on the part of the municipality as to whether or not that person is or is not living in a municipality or a person in need of assistance.

(2) If after due inquiry it is established to the satisfaction of the Minister that a municipality was under a legal liability to furnish social assistance to that person, the Minister may recover from the municipality 20 per cent

15. Municipal responsibility.

16. Resolving questions of responsibility.

of the cost incurred under subsection (1) by action as a debt due or by withholding it from any grant payable to the municipality.

17. A municipality shall, subject to *The Preventive Social Services Act*, bear all expenses in connection with the administration of social assistance provided under this Part.

18. The Minister, on receipt of an application in writing and such statements of expenditure and other information as he may require, may pay to a municipality in respect of each person for whom the municipality is responsible to provide social assistance a grant not exceeding 80 per cent of the amount paid by the municipality for the person's social assistance.

19. (1) Where a municipality responsible for the provision of social assistance to a person

(a) fails or refuses to provide social assistance to the person, or

(b) fails or refuses to provide adequate social assistance to the person,

the Minister may, out of the moneys appropriated by the Legislature for the purposes of this Act, provide a social allowance to the person.

(2) Where the Minister provides a social allowance to any person pursuant to subsection (1), he may recover from the municipality 20 per cent of the cost of the social allowance, together with the full costs of administration, by action as a debt due or by withholding it from any grant payable to the municipality.

20. If a grant is afforded a municipality in defraying the cost of providing social assistance, whether afforded by Canada or by Alberta or both, then the municipality, as a condition of receiving the grant shall, in cases of urgent necessity, provide social assistance for any person in need of assistance living within the boundaries of the municipality.

21. (1) A municipality that provides social assistance under section 20, shall forthwith send by registered mail a written notice to that effect,

(a) to the secretary-treasurer of the municipality of which the person concerned is believed to be a resident, if the person is an employable person and if the municipality is within Alberta, or

17. Financial responsibility.

18. Cost-sharing.

19. Assistance in case of default.

20. Conditions of grants.

21. Recovery from responsible authority.

(b) otherwise to the Director.

(2) If the municipality or the Director, as the case may be, to which the written notice has been sent fails within 30 days after the date of mailing of the notice to accept responsibility for the person named therein, the municipality supplying social assistance may apply to the Minister who will determine the responsibility under this Act for the person concerned.

22. (1) A person in need of assistance who has applied for or is in receipt of social assistance from a municipality may be required to give an undertaking to the municipality to repay the total amount of the social assistance, or a portion thereof, provided for himself and his dependants.

(2) Where the Minister has made a grant under section 20 the municipality shall pay to the Minister any moneys recovered from the person in need of assistance or his estate in excess of the amount contributed by the municipality.

23. (1) Each municipality, other than an improvement district or special area, shall appoint one or more welfare workers for the municipality, and notice of each appointment shall be given forthwith to the Director.

(2) A welfare worker appointed under subsection (1) shall not undertake any duties as a welfare worker unless his appointment is approved by the Director.

(3) Where the Director is satisfied that a welfare worker appointed by a municipality has not adopted or is not maintaining standards and methods of work prescribed pursuant to subsection (4), then the Director may withdraw his approval of the appointment of the welfare worker.

(4) The Minister may prescribe standards of qualification for and standards and methods of work to be maintained and adopted by welfare workers appointed by municipalities.

24. (1) Any person or municipality affected by a decision on any matter under this Act may appeal to such appeal authority as is established by the Minister for a review of the decision and the appeal authority may confirm, reverse or vary the decision as, in its discretion, it considers proper in the circumstances, subject to this Act and the regulations.

(2) The Minister may establish the remuneration to be paid to members of an appeal authority who are not employees of the Government.

22. Recovery from recipient.

23. Appointment of welfare workers.

24. Appeal.

25. The Lieutenant Governor in Council may make regulations respecting any matter deemed necessary or advisable to carry out effectively the purposes of this Act.

26. The Minister may

- (a) enter into agreements with the Government of Canada or the government of any province in respect of health and welfare measures;
- (b) enter into agreements with persons for the provision of services under this Act and the payment for the services.

27. Any duty, responsibility or function imposed upon a municipality or its employees by this Act shall terminate when the Minister, through arrangements with the municipality, provides for the assumption of that duty, responsibility or function by the Director.

25. Regulations.

26. Agreements.

27. Transfer of responsibility.

TRANSITIONAL AND CONSEQUENTIAL

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

(2) *The Relief Liability Act*, being chapter 284 of the Revised Statutes, is repealed.

29. (1) *The Maintenance and Recovery Act* is amended

- (a) as to sections 33, 54 and 55 by striking out the word "aid" wherever it occurs and by substituting the words "a social allowance",
- (b) as to section 37, subsection (2) by striking out the words "section 38 of *The Public Welfare Act*" and by substituting the words "section 18 of *The Social Development Act*",
- (c) by striking out the words "*The Public Welfare Act*" and by substituting the words "*The Social Development Act*" wherever else they occur.

(2) *The Preventive Social Services Act* is amended as to section 4, clause (a) by striking out the words "Part I of *The Public Welfare Act*" and by substituting the words "Part 3 of *The Social Development Act*".

(3) *The Treatment Services Act* is amended as to section 3, clause (a) by striking out subclause (viii) and by substituting the following:

(viii) a social allowance under *The Social Development Act*, or

(4) The words "*The Public Welfare Act*" wherever they occur in the following enactments are struck out and the words "*The Social Development Act*" are substituted:

Section 12, clause (n2) of *The Legislative Assembly Act*;

Section 8, clause (a) of *The Municipal Government Act*.

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

28. Repeal.

29. Consequential amendments.