

1976 Bill 4

Second Session, 18th Legislature, 25 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 4

**THE SOCIAL DEVELOPMENT AMENDMENT
ACT, 1976**

DR. PAPROSKI

First Reading

Second Reading

Third Reading

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BILL 4

1976

THE SOCIAL DEVELOPMENT AMENDMENT ACT, 1976

(Assented to , 1976)

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

1. *The Social Development Act is hereby amended.*
2. *Section 2 is amended*
 - (a) as to clause (b1), subclause (ii), paragraphs (B), (C) and (D) by adding after the words "over 16 years of age" wherever they occur the words "but has not attained the age of 18 years", and*
 - (b) by striking out clause (e) and by substituting therefor the following clause:*
 - (e) "municipality" means a city, town, new town, village, municipal district or county that receives from the Government of Canada or the Government of Alberta a grant for the payment of social assistance and includes the council of the municipality;*

Explanatory Notes

1. This Bill will amend chapter 345 of the Revised Statutes of Alberta 1970.

2. The first amendment will restrict the maximum age for dependent children to 18 years. Section 2(b1)(ii) presently reads:

(b1) "dependant" means

(ii) a child who is dependent for support upon a person in need of assistance and who

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

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

(C) is over 16 years of age and who is incapable of attending an educational institution by reason of mental or physical incapacity, or

(D) is over 16 years of age, is not attending school and is, in the opinion of the Director, unemployable;

The second amendment will remove improvement districts and special areas from the definition of municipality.

3. *Section 6, clause (d) is amended by striking out the words "as is" and by substituting therefor the words "as may be prescribed by the regulations and which may be".*

4. *Section 7, clause (d) is amended by striking out the words "as is" and by substituting therefor the words "as may be prescribed by the regulations and which may be".*

5. *Section 11 is amended*

(a) as to subsection (2) by adding after the words "he is responsible" the words "while the person is in Alberta," and

(b) as to subsection (3) by adding after the words "resources of that person" the words "and, subject to any exemptions prescribed by the regulations, of any other person living in the same residence".

6. *Section 12 is renumbered as subsection (1) and the following subsection is added thereafter:*

(2) Any person who contravenes subsection (1) 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 exceeding 90 days.

3. The result of this amendment will be that the Lieutenant Governor in Council will designate those training programs for which the employable recipient of a social allowance may be provided. Section 6(d) presently reads:

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

(d) assistance in obtaining such vocational, technical and other training as is necessary in the preparation of the person for employment;

4. The result of this amendment will be that the Lieutenant Governor in Council will designate those training programs for which the unemployable recipients of a social allowance may be provided. Section 7(d) presently reads:

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

(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;

5. The first amendment will restrict assistance to persons physically in Alberta. The second amendment will permit the Director to take into account the resources of persons such as "common-law" spouses, so-called. Section 11(2) and (3) presently read:

(2) Subject to the regulations, 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.

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

6. This amendment makes it an offence not to disclose changed circumstances. Section 12 presently reads:

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.

7. Section 13, subsection (2) is amended

(a) as to clause (a) by adding after the words "has refused" the words "to seek or", and

(b) by adding at the end of clause (f) the word "or" and by adding thereafter the following clause:

(g) has left Alberta,

8. Section 14 is struck out and the following section is substituted therefor:

14. Every person who

(a) in the opinion of the Director, uses a social allowance for purposes other than those for which it has been granted, or

(b) due to non-disclosure of a material fact, false representation, error or any other reason, receives a social allowance to which he is not entitled, or

(c) causes the forfeiture of a damage deposit to a landlord or former landlord,

may be required to repay the amount thereof in the manner of repaying an overpayment under Part 3 of *The Maintenance and Recovery Act*.

9. Section 15, subsection (3), clause (c) is amended by striking out the words "as is" and by substituting therefor the words "as may be prescribed by the regulations and which may be".

10. Section 25 is amended by adding after clause (b) the following clauses:

(c) prescribing vocational, technical and other training which may be provided to recipients of a social allowance or social assistance;

(d) prescribing exemptions for the purposes of section 11, subsection (3).

7. These amendments will permit the Director to terminate services or allowances to persons who refuse to seek work or who leave the province. Section 13(2)(a) presently reads:

(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,

the Director is under no obligation to provide or continue to provide any services or social allowance to such person, and may refuse to provide services or a social allowance or may discontinue, suspend or vary the services or the social allowance provided.

8. Section 14 presently reads:

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.

9. This amendment will indicate that the Lieutenant Governor in Council will designate those training programs for which a recipient of social assistance may be provided.

10. Consequential amendments to the regulation making power.

11. This Act comes into force on the day upon which it is assented to.