

1979 BILL 29

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First Session, 19th Legislature, 28 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 29**

**THE SOCIAL DEVELOPMENT AMENDMENT ACT, 1979**

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THE MINISTER OF SOCIAL SERVICES AND COMMUNITY  
HEALTH

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

## BILL 29

1979

### THE SOCIAL DEVELOPMENT AMENDMENT ACT, 1979

(Assented to , 1979)

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

*1 The Social Development Act is amended by this Act.*

*2 Section 11(4) is amended by striking out “earnings or cash assets or the equivalent of cash assets” and substituting “income or assets”.*

*3 Section 13(2)(c) is repealed and the following is substituted:*

(c) has refused or neglected to collect income to which he is entitled or to realize upon his assets, or both, or

*4 The following is added after section 14:*

**14.1(1)** In this section and in sections 24 and 25, “handicap benefit” means a monthly allowance in an amount and of a nature or category prescribed in the regulations to be paid under this section in addition to a social allowance.

## **Explanatory Notes**

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

**2** Section 11(4) presently reads:

*(4) In determining the resources of a person there may be exempted in addition to any amount from earnings or cash assets or the equivalent of 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.*

**3** Section 13(2) presently reads in part:

*(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*

*(c) has refused or neglected to realize upon his assets, or*

**4** The proposed section 14.1 will authorize the provision of additional funds to handicapped persons who are eligible for a social allowance to enable them to cope with the financial burdens of their handicap.

(2) The Director may provide a handicap benefit to a person who is eligible to receive a social allowance and who satisfies the Director that he suffers from a severe handicap as defined in the regulations under *The Assured Income for the Severely Handicapped Act*.

(3) Subject to this Act and the regulations under this Act, *The Assured Income for the Severely Handicapped Act* and the regulations under that Act apply, with all necessary modifications, to the payment of a handicap benefit under this Act.

5 *Section 24 is repealed and the following is substituted:*

**24(1)** The Minister may establish

(a) one or more appeal panels to hear appeals from decisions on any matter respecting a social allowance, and

(b) one or more appeal panels to hear appeals from decisions on any matter respecting a handicap benefit.

(2) The Minister may with respect to an appeal panel established under subsection (1)

(a) appoint or provide for the appointment of its members,

(b) prescribe the terms of office of its members,

(c) designate a chairman, vice-chairman and secretary,

(d) authorize, fix and provide for the payment of expenses to its members, and remuneration to those members who are not employees of the Government, and

(e) prescribe the number of members of the appeal panel who constitute a quorum.

(3) The person who made the decision appealed from is not eligible to sit as a member of an appeal panel considering an appeal respecting that decision.

(4) *The Administrative Procedures Act* applies to proceedings of an appeal panel under this section.

(5) An appeal panel may, subject to this Act and the regulations, confirm, reverse or vary the decision appealed from, and the decision of the appeal panel is final.

**5** Section 24 presently reads:

*24(1) Any person or municipality affected by a decision on any matter under Part 2 or 3 of 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.*

**24.1**(1) Any person affected by a decision on any matter respecting a social allowance or a handicap benefit may

(a) in the case of a matter respecting a social allowance, appeal the decision to the chairman of an appeal panel appointed for the purposes of section 24(1)(a), or

(b) in the case of a matter respecting a handicap benefit, appeal the decision to the chairman of an appeal panel appointed for the purposes of section 24(1)(b).

(2) An appeal under this section shall be made in writing within 30 days from when the person receives notice of the decision appealed from and of his right of appeal.

*6 Section 25 is amended*

*(a) by repealing clause (b) and substituting the following:*

(b) specifying the income or assets that may be exempt in determining the resources of any person for the purpose of determining the amount of a social allowance or handicap benefit payable to that person;

*(b) by adding the following after clause (d):*

(e) prescribing the nature, categories and amounts of handicap benefits and modified amounts of handicap benefits that may be provided under section 14.1.

*7 This Act comes into force on a date or dates to be fixed by Proclamation.*

**6** Section 25 presently reads:

*25 The Lieutenant Governor in Council may make regulations*

*(a) prescribing the maximum amount of social allowance that may be provided to a person in need of assistance to obtain any specific basic necessity;*

*(b) specifying the earnings or cash assets or the equivalent of cash assets which may be exempt in determining the resources of any class of persons for the purpose of determining the amount of social allowance payable to persons within the class;*

*(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).*