

1979 BILL 37

First Session, 19th Legislature, 28 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 37

**THE SOCIAL DEVELOPMENT AMENDMENT
ACT, 1979 (No.2)**

THE MINISTER OF SOCIAL SERVICES
AND COMMUNITY HEALTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 37

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1979

THE SOCIAL DEVELOPMENT AMENDMENT ACT, 1979 (No. 2)

(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 5.1(1) and (2) is amended by adding “or handicap
benefit” after “a social allowance” wherever it occurs.*

*3 Section 10 is amended by adding “or handicap benefit” after
“social allowance” wherever it occurs.*

Explanatory Notes

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

2 Section 5.1 presently reads in part:

5.1(1) No person shall disclose to any other person

(a) any file, document or paper kept by any person in any place, that has come into existence through anything done under or pursuant to Part 2, or

(b) any information obtained by him in the performance of any duties under Part 2,

that deals with the personal history or record of a person who has applied for or has received a social allowance under Part 2, or any dependants of such a person, except by or upon the written consent of, the Minister or a duly authorized official responsible for the administration of this Act.

(2) Subsection (1) shall not apply to a disclosure considered necessary in the administration of this Act or in the best interests of a person who has applied for or has received a social allowance, or his dependants,

(c) to any agency or authority charged with the responsibility of providing a social allowance to any person under this Act, or

(h) to a member of the Legislative Assembly of Alberta if he has the consent of the person who has applied for or has received a social allowance.

3 Section 10 presently reads:

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.

4 Section 12(2) is amended by striking out “and in default of payment to imprisonment for a term not exceeding 90 days”.

5 Section 14 is amended by renumbering it as section 14(1) and by adding the following:

(2) Notwithstanding subsection (1), if a person receives a social allowance to which he is not entitled or an overpayment of the amount of the social allowance to which he is entitled, not exceeding \$500, the Director may deduct from further social allowance payments or handicap benefit payments to which that person is otherwise entitled, monthly amounts not exceeding 10% of the value of the basic necessities of that person or his dependant until the full amount of the overpayment has been repaid.

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

(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.

4 Section 12(2) presently reads:

(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.

5 Section 14 presently reads:

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, received 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.