

1981 BILL 74

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 74

**SOCIAL SERVICES AND COMMUNITY HEALTH
STATUTES AMENDMENT ACT, 1981**

THE MINISTER OF SOCIAL SERVICES
AND COMMUNITY HEALTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 74

BILL 74

1981

SOCIAL SERVICES AND COMMUNITY HEALTH STATUTES AMENDMENT ACT, 1981

(Assented to _____, 1981)

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

Department of Social Services and Community Health Act

*1(1) The Department of Social Services and Community Health Act
is amended by this section.*

(2) The following is added after section 5:

5.1 The Minister may authorize a board, committee or council established under section 5 to assess the standards of care provided by day care centres as defined in the *Social Care Facilities Licensing Act* and for that purpose the persons appointed to that board, committee or council may, with respect to day care centres, exercise the powers of an officer under that Act.

Social Care Facilities Licensing Act

2(1) The Social Care Facilities Licensing Act is amended by this section.

(2) Section 1 is amended

(a) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(a) "day care centre" means a facility that provides care, development and supervision for 7 or more children under the age of 6 years for more than 3 consecutive hours per day;

Explanatory Notes

The Department of Social Services and Community Health Act

1(1) This section will amend chapter 25 of the Statutes of Alberta, 1971.

(2) Assessment of standards of care provided in day care centres.

The Social Care Facilities Licensing Act

2(1) This section will amend chapter 91 of the Statutes of Alberta, 1977.

(2) Defines “day care centre”. Section 1(f) presently reads:

(f) “*social care facility*” means

(i) *a place of care for persons who are aged or infirm or who require special care,*

(ii) *an institution or a shelter as defined in Part 2 of The Child Welfare Act, or*

(b) in clause (f) by adding the following after subclause (i):

(i.1) a day care centre,

(3) Section 3(1) is amended by striking out “inspectors” and substituting “officers”.

(4) Section 6 is amended

(a) in subsection (1) by striking out “For” and substituting “Subject to subsection (1.1), for”;

(b) by adding the following after subsection (1):

(1.1) For the purposes of carrying out his duties under subsection (1) in respect of a day care centre, an officer may enter a day care centre notwithstanding that permission to do so has not been granted.

(c) by repealing subsection (4) and substituting the following:

(4) If permission is refused or cannot be reasonably obtained under subsection (1) or a person interferes with an officer performing his duties in respect of a day care centre, the officer may apply to the Court of Queen’s Bench by way of originating notice for an order that the officer may, for the purpose of subsection (1) or (1.1), as the case may be,

(a) at any reasonable hour enter the social care facility and inspect that social care facility,

(b) require the production of any books, records or other documents and examine them, make copies of them or remove them temporarily for the purpose of making copies,

(c) inspect and take samples of any material, food, medication or equipment being used in the social care facility, and

(d) perform tests, take photographs or make recordings, as the case may be, in respect of the social care facility,

and the Court may, upon being satisfied that the order is necessary for the purpose of this section, make any order that it considers appropriate.

(iii) a hostel or other establishment operated to provide accommodation and maintenance for unemployed or indigent persons.

(3) Replaces the term “inspectors” with the term “officers”.

(4) Section 6 presently reads in part:

6(1) For the purposes of ensuring compliance with the provisions of this Act or the regulations or of any order made under this Act or the regulations or of a conditional licence, an inspector may with the permission of the holder of the licence for, or the operator of the social care facility concerned,

(a) at any reasonable hour enter a social care facility and inspect that social care facility;

(b) require the production of any books, records or other documents and may examine them, make copies of them or remove them temporarily for the purpose of making copies;

(c) inspect and take samples of any material, food, medication or equipment being used in a social care facility;

(d) perform tests, take photographs or make recordings, as the case may be, in respect of a social care facility.

(4) If permission is refused or cannot be reasonably obtained under subsection (1), the inspector may apply to the Court of Queen's Bench by way of originating notice for an order that the inspector may, for the purpose of subsection (1),

(a) at any reasonable hour enter the social care facility and inspect that social care facility,

(b) require the production of any books, records or other documents and may examine them, make copies of them or remove them temporarily for the purpose of making copies,

(c) inspect and take samples of any material, food, medication or equipment being used in the social care facility, and

(d) perform tests, take photographs or make recordings, as the case may be, in respect of the social care facility,

and the Court may, upon being satisfied that the order is necessary for the purpose of subsection (1), make such an order as it considers appropriate.

(5) Replaces the term “inspector” with the term “officer”.

(5) In the following provisions “inspector” is struck out wherever it occurs and “officer” is substituted:

section 1(b);
section 6;
section 7.

In accordance with section 4(1) of The Interpretation Act, 1980, this Bill comes into force on the date it receives Royal Assent.

