

2000 BILL 6

Fourth Session, 24th Legislature, 49 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 6

SPECIAL PAYMENT ACT

THE MINISTER OF HUMAN RESOURCES
AND EMPLOYMENT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 6

2000

SPECIAL PAYMENT ACT

(Assented to , 2000)

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Preamble WHEREAS the Workers' Compensation Board has requested that it have the authority to make one lump sum payment to each individual who meets the requirements of this Act;

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

- Definitions **1** In this Act,
- (a) "Accident Fund" has the same meaning as in the *Workers' Compensation Act*;
 - (b) "Board" means the Workers' Compensation Board;
 - (c) "compensation" means compensation paid pursuant to any predecessor of the *Workers' Compensation Act* on account of the death of a worker resulting from an accident occurring prior to January 1, 1982;

(d) "special payment" means the prescribed amount determined by a resolution of the board of directors of the Board, which must be paid to each individual, or to the benefit of each individual, who meets the requirements of this Act.

Special payment

2(1) Notwithstanding anything in the *Workers' Compensation Act* or any predecessor of that Act, the Board shall make one special payment to each individual who

- (a) applies to the Board for the special payment in a form acceptable to the Board,
- (b) provides proof satisfactory to the Board that that individual is eligible under sections 3 and 4, and
- (c) provides the Board with a release in a form acceptable to the Board.

(2) An individual is entitled to receive the special payment only once, regardless of the number of times the individual qualifies under section 3.

(3) No interest is payable on the special payment.

Eligibility for special payment

3 An individual is eligible, subject to section 4, for a special payment under section 2 only if

- (a) by operation of law, remarriage has terminated or terminates the individual's compensation,
- (b) the individual has remarried or remarries, and
- (c) the individual is alive on the date of that individual's application to the Board for a special payment.

Discontinu-
ance of
proceedings

4 Where an individual who is otherwise eligible to receive a special payment has commenced or is participating in a civil proceeding or a complaint of any kind with respect to the termination of that individual's compensation due to remarriage, the individual is not eligible for a special payment unless that individual discontinues that proceeding or complaint.

Special payment set off against judgment

5 Where an individual who is eligible to receive a special payment has obtained a judgment or decision with respect to the termination of compensation, the special payment must be reduced by the amount of money the individual received under the judgment or decision, exclusive of costs.

Special payment in lieu of other rights

6 The acceptance of a special payment provided by this Act is in lieu of all rights, including rights of action, statutory or otherwise, to which an individual may be entitled by reason of the termination of that individual's compensation due to remarriage, and no action lies for recovery of a special payment in any court of law or equity or before any administrative tribunal.

Jurisdiction of Board

7(1) An application for a special payment must be heard and determined by the Board, and the decision of the Board is final and conclusive and is not open to question or review in any court.

(2) The Board has exclusive jurisdiction to examine, inquire into, hear and determine all matters and questions arising under this Act.

Application of the Workers' Compensation Act

8 The *Workers' Compensation Act* applies to this Act with necessary changes so far as it is applicable.

Regulations

9 The Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act may make regulations respecting any matter that the Minister considers necessary or advisable to carry out the intent of this Act.