

## BILL 32

2003

### INCOME AND EMPLOYMENT SUPPORTS ACT

(Assented to , 2003)

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

## **Part 1** **Interpretation, Purpose** **and Administration**

### **Definitions**

**1** In this Act,

- (a) “applicant” means an applicant for assistance under Part 2;
- (b) “assistance under Part 2” means
  - (i) income support and benefits provided under Part 2, Division 1,
  - (ii) health benefits provided under Part 2, Division 2,
  - (iii) training benefits provided under Part 2, Division 3,
  - (iv) income support and training benefits under intergovernmental agreements provided under Part 2, Division 4, and
  - (v) employment and training benefits for persons with disabilities provided under Part 2, Division 5;
- (c) “cohabiting partner” means a cohabiting partner as defined in the regulations;
- (d) “dependent child” means a dependent child as defined in the regulations;
- (e) “Director” means a person appointed under section 3;
- (f) “family unit” means

- (i) a person and that person's cohabiting partner or dependent children or both, and
- (ii) if a person is single and without a cohabiting partner and dependent children, that person;
- (g) "financial administrator" means a financial administrator appointed under section 17;
- (h) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (i) "recipient" means the person to whom or on whose behalf assistance under Part 2 is provided;
- (j) "third party" means a third party referred to in section 17(1)(b);
- (k) "training provider" means a person with whom the Director has entered into an agreement or arrangement under section 20.

### **Purpose**

**2** The purpose of this Act is to provide programs for persons in need for such of their requirements for food, shelter, personal items and medical and other benefits as are essential to their health and well-being and, in particular, to provide training and other measures to facilitate their movement toward independence and self-sufficiency.

### **Director**

**3(1)** In accordance with the *Public Service Act*, there may be appointed one or more Directors who shall administer this Act under the direction of the Minister.

**(2)** Where more than one Director is appointed, the Minister shall determine the responsibilities of each Director with respect to the administration of this Act.

### **Delegation of authority**

**4** A Director may authorize any employee of the Government, any training provider or an Indian or Metis organization or an employee

of such an organization to exercise any powers or perform any duties and functions conferred on the Director by this Act or the regulations.

## **Part 2 Income Support and Health and Training Benefits**

### **Division 1 Income Support and Benefits**

#### **Income support and benefits provided**

**5(1)** A Director may, subject to the regulations, provide to a family unit eligible under section 6 for income support and benefits any one or more of the following income support payments and benefits:

- (a) core income support payments determined in accordance with the regulations;
- (b) supplementary income support payments determined in accordance with the regulations;
- (c) any other income support payments or benefits determined in accordance with the regulations.

**(2)** The amount or value of income support and benefits that may be provided under this Division to or for the use of an eligible family unit is the difference between

- (a) the budgetary requirements of the family unit determined in accordance with the regulations, and
- (b) the financial resources available to the family unit determined in accordance with the regulations.

#### **Eligibility**

**6(1)** A family unit is eligible for income support and benefits if

- (a) the family unit is designated in accordance with the regulations as being included in one of the following categories:

- (i) expected to work or working, as defined in the regulations;
- (ii) not expected to work, as defined in the regulations;
- (iii) full-time learner;
- (iv) any other category specified in the regulations,

and

- (b) the conditions set out in subsection (2), (3) or (4), as the case may be, are met.

**(2)** The conditions that must be met by a family unit included in a category referred to in subsection (1)(a)(i) or (ii) are as follows:

- (a) the members of the family unit are in Alberta;
- (b) one of the members of the family unit is at least 18 years of age;
- (c) the family unit is financially eligible in accordance with the regulations;
- (d) if applicable, a member of the family unit who is entitled to receive or apply for support referred to in Part 5 is willing to comply with any requirements under Part 5;
- (e) the family unit is not entitled to receive income support and benefits similar to the income support and benefits provided under this Division from any other income support regime specified in the regulations;
- (f) information and verification of information required to determine eligibility are provided;
- (g) any other conditions required by the regulations.

**(3)** The conditions that must be met by a family unit included in the category referred to in subsection (1)(a)(iii) are as follows:

- (a) the members of the family unit are residents of Alberta determined in accordance with the regulations;

- (b) the family unit is financially eligible in accordance with the regulations;
- (c) a member of the family unit, other than a dependent child,
  - (i) is at least 18 years of age and did not attend school in the immediately preceding year, or meets the age or other requirements provided in the regulations, and
  - (ii) is suitable to participate full-time in a training program for an achievable employment goal and has been accepted in an approved training program referred to in Part 3;
- (d) if applicable, a member of the family unit who is entitled to receive or apply for support referred to in Part 5 is willing to comply with any requirements under Part 5;
- (e) information and verification of information required to determine eligibility are provided;
- (f) the family unit is not entitled to receive income support and benefits similar to the income support and benefits provided under this Division from any other income support regime specified in the regulations;
- (g) any other conditions required by the regulations.

(4) The conditions that must be met by a family unit included in a category referred to in subsection (1)(a)(iv) are those required by the regulations.

## **Division 2 Health Benefits**

### **Health benefits provided**

**7** The Director may, subject to the regulations, provide health benefits to children and adults eligible under section 8.

### **Eligibility for health benefits**

**8(1)** A child or adult is eligible to receive health benefits under this Division if the conditions required under subsection (2) are met.



**(2)** The conditions required for the purposes of subsection (1) are as follows:

- (a) the residency requirements provided in the regulations are met;
- (b) the person is financially eligible in accordance with the regulations;
- (c) information and verification of information required to determine eligibility are provided;
- (d) the person is not entitled to receive health benefits similar to the health benefits provided under this Division from any other source specified in the regulations;
- (e) any other conditions required by the regulations.

### **Division 3 Training Benefits**

#### **Training benefits provided**

**9** A Director may, subject to the regulations, provide to a person eligible under section 6(3) or 10 any one or more of the following:

- (a) tuition and other prescribed fees;
- (b) cost of books and supplies;
- (c) cost of child care and transportation;
- (d) any other training benefits specified in the regulations.

#### **Eligibility for part-time learners**

**10** A member of a family unit, other than a dependent child, is eligible for part-time training benefits under this Division if

- (a) the family unit is receiving income support and benefits under Division 1 or is otherwise financially eligible in accordance with the regulations,
- (b) the person
  - (i) is at least 18 years of age or meets the age or other requirements determined under the regulations, and

- (ii) is suitable to participate part-time in a training program for an achievable employment goal, and has been accepted in an approved training program referred to in Part 3,

and

- (c) the family unit and the person meet any other conditions required by the regulations.

**Division 4  
Income Support and Training  
Benefits  
Under Intergovernmental  
Agreements**

**Intergovernmental agreements**

**11(1)** In this Division, “intergovernmental agreement” means an agreement between the Minister and the Government of Canada to provide income support and training benefits.

**(2)** The Director may, subject to the regulations and an intergovernmental agreement, provide income support and training benefits to persons eligible in accordance with the regulations and the intergovernmental agreement.

**Division 5  
Employment and Training Benefits  
for Persons with Disabilities**

**Employment and training benefits**

**12** The Director may, subject to the regulations, provide employment and training benefits to persons with disabilities eligible in accordance with the regulations.

**Division 6  
General Provisions**

**Application for assistance**

**13** An application for assistance under Part 2 must be made in the manner determined by the Director.

### **Information and verification**

**14(1)** For the purpose of determining or auditing eligibility or continuing eligibility for assistance under Part 2, or compliance with any terms or conditions of receiving assistance under Part 2, the Director may do one or more of the following:

- (a) direct an applicant or recipient to provide the Director with information within the time and in the manner specified by the Director;
- (b) seek verification of any information provided to the Director by an applicant or recipient;
- (c) direct an applicant or recipient to provide verification of any information provided to the Director by the applicant or recipient.

**(2)** A recipient must notify the Director, in the manner determined by the Director, of any changes in the recipient's circumstances or the circumstances of any other member of the recipient's family unit that would have the effect of reducing the assistance under Part 2 being provided or would affect eligibility to receive assistance under Part 2.

### **Discontinuation, suspension or variation**

**15(1)** The Director may, subject to the regulations, refuse to provide assistance under Part 2 or discontinue, suspend or reduce the assistance provided when, in the opinion of the Director, an applicant or recipient, where applicable,

- (a) refuses to seek or to accept reasonable employment for reasonable wages,
- (b) terminates employment that the applicant or recipient might reasonably have continued to hold,
- (c) refuses to make reasonable efforts
  - (i) to obtain compensation or collect income that the applicant, recipient or a member of his or her family unit is entitled to or eligible for, or
  - (ii) to realize on an asset or other financial resource that the applicant, recipient or a member of his or her family unit owns or may be entitled to,

- (d) refuses or neglects to avail himself or herself or a member of his or her family unit of advantages the applicant or recipient or member of the family unit may receive or be entitled to under any other law,
- (e) refuses or neglects to take advantage of appropriate training or rehabilitative measures,
- (f) fails to maintain the eligibility requirements for the assistance provided,
- (g) fails to comply with any term or condition of the assistance provided,
- (h) fails to comply with a direction under section 14(1)(a) or (c) or with section 14(2),
- (i) fails to comply with a requirement under Part 5, or
- (j) refuses to provide complete information required to determine the applicant's or recipient's eligibility for assistance or provides false information.

(2) The Director may refuse to provide benefits to a person in the category referred to in section 6(1)(a)(iii) or to a person eligible under section 9 if that person had previously received benefits under either of those sections but,

- (a) in providing information that was required to determine the person's eligibility for assistance under those sections, provided incomplete or false information, or
- (b) used the benefits for a purpose other than that for which they had been provided.

(3) If there is a change in a recipient's circumstances or the circumstances of another member of the recipient's family unit, the Director may reduce, increase, suspend or discontinue any assistance under Part 2 being provided to the recipient or other member of the recipient's family unit.

#### **Agreement to reimburse and assignment**

**16(1)** Any person who is receiving or has received assistance under Part 2 may voluntarily repay or agree to repay any assistance provided.

(2) The Director may, as a condition of eligibility for assistance under Part 2, require an applicant, a recipient or a member of a family unit to reimburse the Government in prescribed circumstances for the assistance provided.

(3) A requirement under subsection (1) or (2) may include an assignment, as prescribed.

#### **Financial administrator and third parties**

**17(1)** When a recipient is unable to manage his or her own financial affairs, the Director, with the recipient's consent, may

- (a) appoint a financial administrator to manage the assistance under Part 2 provided to the recipient, or
- (b) make payments of part or all of the assistance under Part 2 directly to third parties if an amount is payable by the recipient to the third parties for costs relating to the provision of goods or services.

(2) Subject to the regulations, if the Director considers that a recipient is unable to manage his or her own financial affairs and no consent has been obtained under subsection (1), the Director may apply to an appeal panel under Part 7 for a determination as to whether the recipient is capable of managing his or her own financial affairs and, if necessary, for

- (a) the appointment of a financial administrator to manage the assistance under Part 2 provided to or for the family unit, or
- (b) approval to make payments of part or all of the assistance under Part 2 directly to third parties if an amount is payable by the recipient to the third parties for costs relating to the provision of goods or services.

(3) A financial administrator appointed under subsection (1) or (2) shall, when required by the Director, make returns showing the amount of assistance under Part 2 received, the amount that has been expended for the benefit of the recipient and the balance remaining with the financial administrator and shall, if necessary, remit any balance to the Director.

(4) The Director may revoke the appointment of the financial administrator

- (a) where, in the opinion of the Director, the financial administrator is not acting in the best interests of the recipient,
- (b) where the financial administrator fails to provide information that is required to be provided on behalf of the recipient or where information provided causes a repayment to be required under section 35 or 36, or
- (c) for any other reason referred to in the regulations.

(5) A financial administrator appointed under this section on behalf of a recipient has all the rights and obligations of the recipient under this Act, except Part 5.

(6) When a financial administrator appointed under subsection (1) or (2) is an officer or employee of an institution in which a recipient is maintained, the financial administrator shall pay to the institution that proportion of any assistance under Part 2 that is considered by the Director to be a reasonable sum for the maintenance of the person, but the Director shall require the financial administrator to make available to the recipient the amount that has been provided for the recipient's personal use.

(7) Notwithstanding anything in this section, when a trustee of the estate of a person is appointed under the *Dependent Adults Act*, the trustee so appointed is the financial administrator for the purposes of this Act.

### **Regulations**

**18** The Lieutenant Governor in Council may make regulations

- (a) respecting core income support payments and supplementary income support payments;
- (b) respecting other income support payments or benefits for the purposes of section 5(1)(c);
- (c) respecting the determination of the budgetary requirements of a family unit for the purposes of section 5(2)(a);
- (d) respecting the determination of the financial resources available to a family unit for the purposes of section 5(2)(b);

- (e) respecting the designation of a family unit as being included in a category referred to in section 6(1)(a);
- (f) respecting other categories for the purposes of section 6(1)(a)(iv);
- (g) respecting the age and other requirements for the purpose of sections 6(3)(c)(i) or 10(b)(i);
- (h) respecting the determination of financial eligibility for the purposes of this Part;
- (i) respecting the conditions of eligibility for assistance under Part 2;
- (j) respecting the determination of residency in Alberta and the residency requirements for the purposes of section 8(2)(a);
- (k) respecting income support regimes for the purposes of sections 6(2)(e) and (3)(g) and other sources for the purpose of section 8(2)(d);
- (l) respecting health benefits that may be provided for the purposes of Division 2;
- (m) respecting training benefits for the purpose of section 9(d);
- (n) respecting suitability for participation in a training program under section 6(3)(c)(ii) or 10(b)(ii);
- (o) respecting the income support and training benefits that may be provided under Division 4;
- (p) respecting the employment and training benefits that may be provided under Division 5;
- (q) respecting agreements or arrangements with persons or organizations to provide employment and training benefits to persons eligible under Division 5;
- (r) respecting records that a person or organization referred to in clause (q) is required to maintain;

- (s) respecting the requirements that a person or organization referred to in clause (q) is required to comply with;
- (t) respecting the refusal, discontinuation, suspension or reduction of assistance under Part 2;
- (u) respecting the determination of the amount of assistance under Part 2 to be provided to a recipient and the time and manner of providing it;
- (v) respecting terms and conditions associated with being provided with assistance under Part 2;
- (w) respecting the items, services and payments that may be included as benefits for the purposes of Division 1;
- (x) respecting emergency assistance and determining who may be eligible for emergency assistance;
- (y) respecting classes of person who are not eligible for assistance under Part 2;
- (z) respecting applications for assistance under Part 2 and the information to be included in an application;
- (aa) respecting the consequences of failing to satisfy a condition of eligibility, including fixing periods of ineligibility;
- (bb) respecting reinstating assistance under Part 2 or returning it to its former level and the procedures that apply;
- (cc) respecting applications to an appeal panel under section 17(2);
- (dd) respecting other reasons for the revocation of the appointment of a financial administrator.

### **Part 3**

## **Training Programs and Providers**

#### **Definition**

**19** In this Part, “learner” means a person receiving training benefits under Part 2, Division 3, 4 or 5.



### **Agreements with training providers**

**20** The Director may, subject to the regulations, approve training programs and enter into agreements and other arrangements with persons to provide them.

### **Obligations of training providers**

**21** A training provider must

- (a) maintain certification and licensing required by the regulations;
- (b) maintain records in accordance with the regulations;
- (c) provide records to the Director when requested;
- (d) permit the inspection and copying of records;
- (e) notify the Director where a learner in an approved training program fails to comply with the terms and conditions of receiving the training benefits;
- (f) refund tuition and other prescribed fees in respect of learners who do not attend or have withdrawn, in accordance with the regulations, from an approved training program;
- (g) comply with any other requirement provided for in the regulations.

### **Remedial action**

**22** Where a training provider fails to comply with this Act or the regulations, with the terms or conditions of an approval of a training program the training provider is authorized to provide or with any term or condition of an agreement or arrangement entered into under section 20, the Director

- (a) shall provide written notice to the training provider of the failure to comply and, if applicable, specify the period in which the failure to comply is to be remedied;
- (b) may, when the failure to comply is regarding non-payment of refunds for tuition and other prescribed fees, withhold subsequent payments for tuition and other prescribed fees;

- (c) may restrict the number of learners that a training provider may accept;
- (d) may suspend or cancel the approval of training programs and any funding associated with them;
- (e) may terminate or suspend any agreement or arrangement between the Director and the training provider relating to the provision of approved training programs;
- (f) may appoint an auditor to audit the books and accounts of the training provider, at the training provider's expense, to determine the costs associated with the failure to comply;
- (g) may require the training provider to repay the costs associated with the failure to comply;
- (h) may impose an administrative penalty in accordance with section 24 on the training provider for the failure to comply;
- (i) may demand a refund or repayment of amounts paid to a training provider;
- (j) may take such other measures as may be required to collect any amounts owing to the Government as a result of the failure to comply.

#### **Audits**

**23(1)** Where the Director appoints an auditor under section 22(f), the auditor must submit the auditor's report to the Director and to the training provider.

**(2)** An auditor appointed by the Director is, at all reasonable times and for any purpose related to an audit, entitled to access

- (a) the books and records of the training provider, and
- (b) the data processing equipment used by the training provider.

**(3)** The training provider must give the auditor any information, reports or explanations the auditor considers necessary.

(4) An auditor who receives information from a person whose right to disclose that information is restricted by law holds that information under the same restrictions respecting disclosure that govern the person from whom the information was received.

**Administrative penalties**

**24(1)** Where the Minister is of the opinion that a training provider has failed to comply

- (a) with any prescribed provision of this Act or the regulations,
- (b) with a term or condition of an approval of a training program the training provider is authorized to provide, or
- (c) with a term or condition of an agreement or arrangement entered into under section 20,

the Minister may give a notice of administrative penalty to the training provider requiring that training provider to pay to the Government an administrative penalty, by a date specified in the notice, in the amount set out in the notice, for each day or part of a day the failure to comply occurs or continues.

(2) A training provider who pays an administrative penalty by the date specified in the notice in respect of a failure to comply shall not be charged with an offence under this Act in respect of that failure to comply.

(3) A notice of administrative penalty shall not be issued after 3 years from the later of

- (a) the date on which the failure to comply to which the notice relates occurred, and
- (b) the date on which evidence of the failure to comply first came to the attention of the Minister.

(4) The Lieutenant Governor in Council may make regulations

- (a) prescribing the form and contents of notices of administrative penalties for the purpose of this section;

- (b) prescribing contraventions of provisions of this Act or the regulations in respect of which an administrative penalty may be imposed;
- (c) prescribing the amount, or the manner of determining the amount, of the administrative penalty that may be imposed, not to exceed \$5000 for each day or part of a day the failure to comply with the prescribed provisions, with any term or condition of an approval of a training program or with any term or condition of an agreement or arrangement entered into under section 20 occurs or continues;
- (d) respecting any other matter necessary for the administration of the system of administrative penalties.

#### **Debt due**

**25(1)** Any amount owing to the Government under section 22(f), (g) or (i) by a training provider and an administrative penalty imposed on a training provider under section 24 are debts due to the Government.

**(2)** Where an amount referred to in subsection (1) is required to be paid by a training provider, the Director shall provide a notice to the training provider, in the form and manner provided by the regulations, indicating the amount owing and the right to appeal under regulations made under subsection (3).

**(3)** The Lieutenant Governor in Council may make regulations

- (a) respecting an appeal relating to an amount owing under subsection (1);
- (b) respecting the form and contents of a notice under subsection (2) and the manner in which the notice is to be provided.

#### **Regulations**

**26** The Minister may make regulations

- (a) respecting the approval of training programs;

- (b) respecting standards a training provider is to meet in carrying out its functions and the procedures and practices to be followed by the training provider;
- (c) respecting the funding of approved training programs and the terms and conditions of the funding;
- (d) respecting the certification and licensing required by a training provider;
- (e) respecting records that a training provider is required to maintain;
- (f) respecting the attendance or withdrawal from an approved training program by a learner;
- (g) respecting other requirements a training provider is required to comply with;
- (h) respecting the maximum number of learners that may participate in an approved training program;
- (i) respecting the security that is required to be provided by a training provider and the terms and conditions for forfeiture of the security.

#### **Part 4**

### **Temporary Employment and Job Creation Programs**

#### **Temporary employment and job creation programs**

**27(1)** In this section,

- (a) “employer” means an employer as prescribed;
- (b) “job training program” means a job training program established or operated by the Minister and prescribed in the regulations;
- (c) “temporary job creation program” means a job creation program established or operated by the Minister and prescribed in the regulations.

**(2)** Notwithstanding the *Labour Relations Code* and the *Public Service Employee Relations Act*, the terms and conditions of

employment of a person who is employed by an employer under a temporary job creation program or a job training program shall not be contained in a collective agreement as defined in either of those Acts.

- (3) The Lieutenant Governor in Council may make regulations
- (a) prescribing employers or classes of employers for the purpose of this section;
  - (b) prescribing temporary job creation programs or job training programs or portions of those programs for the purpose of this section.

## **Part 5 Child and Adult Support Services**

### **Definitions**

**28** In this Part,

- (a) “assistance” means assistance under Part 2, Divisions 1, 2 and 3 and support, benefits and other assistance under the *Assured Income for the Severely Handicapped Act* and any other enactment specified in the regulations;
- (b) “support” means support, maintenance or alimony payable for a person or for the dependent child of the person, as the case may be;
- (c) “support agreement” means a written agreement or part of an agreement that requires the payment of support;
- (d) “support order” means
  - (i) a court order that has a provision that requires the payment of support, or
  - (ii) a support agreement

that has been filed or may be filed under the *Maintenance Enforcement Act*.

**Director's right to apply for and enforce support**

**29(1)** Where a person has a right to apply for or receive support under an Act, order or agreement for that person or that person's dependent child, and

- (a) the person is in receipt of assistance, or
- (b) the person has qualified for assistance but is not yet in receipt of the assistance,

the Director has the authority set out in subsections (2) and (3).

**(2)** The Director may assist a person referred to in subsection (1)

- (a) in entering into a support agreement in the prescribed form with the person who is obligated to pay support and arrears, if any, and
- (b) in obtaining a consent order for support and arrears, if any.

**(3)** For the purposes of subsection (1), the Director has all the rights of a person referred to in subsection (1) and may take any steps to obtain, enforce or vary a support order or support agreement, including

- (a) entering into a support agreement in the prescribed form with the person who is obligated to pay the support and arrears, if any;
- (b) agreeing to a consent order for support and arrears, if any;
- (c) bringing an application for a determination of parentage;
- (d) bringing an application for support and arrears, if any;
- (e) bringing or defending an application for a variation of a support order or support agreement or to reduce arrears;
- (f) filing a support order or support agreement under the *Maintenance Enforcement Act* or taking any other action to enforce a support order or support agreement;
- (g) withdrawing a support order or support agreement from filing under section 9 of the *Maintenance Enforcement Act*;

- (h) intervening in an application already being brought relating to the obtaining, enforcement or variation of a support order or support agreement;
- (i) taking any steps necessary to bring or defend an application relating to the obtaining, enforcement or variation of a support order or support agreement.

(4) For the purposes of subsection (3), the Director may act in his or her name or in the name of the person referred to in subsection (1).

(5) When the Director exercises authority under subsection (3), the Director must, subject to the regulations, notify the person who is or may be entitled to support.

(6) While the Director is exercising authority under subsection (3), the person who is entitled to the support or to apply for or receive support under an Act, order or agreement

- (a) shall not, except as provided in the regulations, exercise any of the rights referred to in subsection (3),
- (b) must, when required,
  - (i) provide all necessary information,
  - (ii) co-operate in any court proceedings, and
  - (iii) comply with any requests of the Director,

and

- (c) shall not agree with the person who is obligated to pay support and arrears, if any, to cancel or reduce arrears under a support order or support agreement with respect to amounts owing to the Government.

(7) If a person enters into an agreement referred to in subsection (6)(c), the agreement is void.

(8) Where a person ceases to receive assistance and the Director has commenced to act under subsection (3), the Director may continue to act unless, subject to subsection (9), the person requests otherwise.



(9) Where a person ceases to receive assistance but the assistance provided during the period of entitlement to the support has not been recovered by the Government, the Director may act or continue to act under subsection (3) to recover money owing to the Government.

#### **Support services at request of applicant**

**30(1)** Where a person is not receiving assistance but meets the eligibility requirements provided for in the regulations, the Director may, subject to the regulations,

- (a) assist the person in entering into a support agreement in the prescribed form with the person who is obligated to pay support and arrears, if any,
- (b) assist the person in obtaining a consent order for support and arrears, if any,
- (c) bring an application for a determination of parentage in the Director's name or in the name of the person,
- (d) bring an application for support to which the person is entitled in the Director's name or in the name of the person, and
- (e) take any steps necessary to commence an application for parentage or support.

(2) If legal counsel for the Government is acting under subsection (1) on behalf of a person, the legal counsel is counsel solely for the Government and there is no solicitor-client relationship between that counsel and that person.

#### **Application of payments to Government**

**31** The Government is entitled to receive any support payments payable under a support agreement or support order made before or after the coming into force of this section for any period during which the recipient is or was in receipt of any assistance sufficient to enable the Government to recover the full amount or value of the assistance provided.

### **Liability**

**32** No action or other proceeding in damages shall be instituted against the Government, an officer or employee of the Government or anyone acting under the authority of an officer or employee of the Government for any act done in good faith in the execution or intended execution of a power or duty under this Part or for any alleged neglect or default in the execution in good faith of any power or duty under this Part.

### **Regulations**

**33(1)** The Lieutenant Governor in Council may make regulations

- (a) respecting the awarding of costs against the Crown in a proceeding under this Part;
- (b) specifying enactments for the purposes of section 28(a);
- (c) respecting circumstances under which a person may exercise his or her rights under section 29(6)(a);
- (d) respecting the eligibility of a person for the purpose of section 30(1) and the circumstances under which the Director can act under section 30(1);
- (e) respecting steps that may be taken for the purposes of sections 29(3)(i) and 30(1)(e).

**(2)** The Minister may prescribe the form and contents of a support agreement for the purposes of sections 29(3)(a) and 30(1)(a).

## **Part 6 Recovery and Offences**

### **Definition**

**34** In this Part, “assistance” means assistance under Part 2 and assistance under the *Assured Income for the Severely Handicapped Act* and support, benefits and other assistance under any enactment specified in the regulations.

### **Repayment**

**35(1)** A recipient who, in the opinion of the Director,

- (a) uses assistance specified in the regulations for a purpose other than that for which it has been provided,
- (b) due to non-disclosure of a material fact, false representation, error or any other reason, receives assistance to which the person is not entitled, or
- (c) receives assistance that the person has agreed to repay under an agreement under section 16,

is required to repay the amount or value of that assistance.

(2) Where the Minister determines that there are exceptional circumstances, a repayment under subsection (1) is not required.

(3) An amount repayable under subsection (1) is a debt due to the Government.

(4) Where an amount is repayable under subsection (1) in respect of a family unit and the recipient and the recipient's cohabiting partner at the time the debt was incurred are no longer in the same family unit, the Director shall, for the purposes of enforcing the payment of the debt, attribute the amount of the debt between the recipient and the recipient's former cohabiting partner as the Director considers appropriate.

(5) Where a repayment is required from a person under subsection (1) or (4), the Director shall provide a notice to the person, in the form and manner provided by the regulations, indicating the amount owing and the right to appeal under section 43.

#### **Recovery from financial administrators or third party**

**36(1)** Where assistance is provided to a financial administrator or a third party for the benefit of or on behalf of a recipient and

- (a) the Director determines that the recipient was not entitled to the assistance, but it was provided because the financial administrator or third party wilfully failed to provide information or provided false information to the Director, or
- (b) the Director determines that the financial administrator or third party used the assistance for a purpose for which it was not intended or failed to use the assistance for the purpose for which it was intended,

the Director may require the financial administrator or third party to repay the assistance or value of the assistance.

(2) The amount repayable under subsection (1) is a debt due to the Government.

(3) Where a repayment is required from a financial administrator or third party under subsection (1), the Director shall provide a notice to the financial administrator or third party, in the form and manner provided by the regulations, indicating the amount owing and the right to appeal under section 43.

### **Sponsors**

**37(1)** Where an amount is payable to the Government under subsection 145(2) of the *Immigration and Refugee Protection Act* (Canada), the amount payable is a debt due to the Government.

(2) Where an amount is payable under subsection (1), the Director shall provide a notice to the person, in the form and manner provided by the regulations, indicating the amount owing and the right to appeal under the regulations made under section 42(1).

### **Collection of payments**

**38(1)** In this section, “former Act” means

- (a) the *Social Development Act*, and
- (b) the *Widows’ Pension Act* after it is repealed under section 60(4).

(2) The Director shall take any action the Director considers necessary to collect any debt due to the Government under this Act or a former Act, including entering into an agreement with the debtor, bringing an action in debt or

- (a) with respect to an amount owing under a former Act, under section 35(1) of this Act or under the *Assured Income for the Severely Handicapped Act*, by deducting the amount owing from further assistance for which the person is eligible under this Act, the *Assured Income for the Severely Handicapped Act* or any other enactment or program under the Minister’s responsibility to which the person is otherwise entitled, in an amount determined in

accordance with the regulations until the amount owing has been paid, and

(b) subject to subsection (3), by filing with the clerk of the Court of Queen's Bench at any judicial district a certificate of the Minister certifying the amount owing.

(3) A certificate may be filed pursuant to subsection (2)(b) where

(a) 30 days has elapsed after the person to be named in the certificate has been given notice of his or her right to appeal and no appeal has been commenced, or

(b) 30 days has elapsed after the determination of an appeal.

(4) The filing of a certificate pursuant to subsection (2)(b) has the same effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the certificate.

(5) After the filing of a certificate pursuant to subsection (2)(b) the person named in the certificate shall be served with a notice setting out

(a) the amount owing,

(b) the judicial district at which the certificate was filed, and

(c) the date on which the certificate was filed.

(6) A notice required by subsection (5) must be served in the manner determined by the regulations.

#### **Registration in land titles office**

**39(1)** In this section, "order" means a judgment in debt for an amount owing under this Part.

(2) An order, certificate or agreement referred to in section 38(2) may be registered in any land titles office and the registration, so long as the order, certificate or agreement remains in force,

(a) binds all legal and equitable interests of the debtor in any land registered in the debtor's name at the time of or after registration of the order, certificate or agreement, and

- (b) operates on those interests in the same manner and with the same effect as registration of a charge by the debtor on the land of the debtor.

(3) The Registrar of Land Titles shall cancel the registration of an order, certificate or agreement registered under subsection (2) on the presentation to the Registrar of a notice issued by the Director stating

- (a) that the person is not required to make further payment under the order, certificate or agreement,
- (b) in the case of an order or certificate, that the order or certificate has terminated or has been revoked by an order of the Court of Queen's Bench, or
- (c) in the case of an agreement, that the agreement has terminated or has been discharged.

(4) If the Director, on application to the Director, refuses to issue a notice under subsection (3), the applicant may apply to the Court of Queen's Bench by way of originating notice for an order directing the Registrar of Land Titles to cancel the registration of the order, certificate or agreement.

(5) An order by the Court of Queen's Bench under subsection (4) may be made only where the court is of the opinion that grounds exist on which the Director could have issued a notice under subsection (3).

#### **Caveat to secure payments**

**40(1)** When assistance is provided under Part 2, Division 1 to meet

- (a) the payments on a land mortgage,
- (b) the payments under an agreement for sale of land, or
- (c) the costs of repairs to buildings or other improvements to land,

the Director may cause a caveat in a form prescribed by the Director to be registered in the land titles office against the certificate of title for the land.

(2) On the registration of the caveat, the Director has a charge on the land equal to

- (a) the amount by which the principal sum of the mortgage or agreement for sale has been reduced since payments referred to in subsection (1) were commenced, or
- (b) the costs of repairs made to buildings or other improvements to the land referred to in subsection (1).

(3) On receiving the caveat, the Registrar of Land Titles shall send a notice of the caveat to

- (a) the mortgagor, when payments are made for a mortgage,
- (b) the purchaser, when payments are made under an agreement for sale, if the purchaser's address can be ascertained from the certificate of title, and
- (c) the person who has received assistance, when payment of the costs of repairs to buildings or other improvements to the land has been made.

(4) Notwithstanding section 138 of the *Land Titles Act*, a caveat registered pursuant to this section does not lapse and shall not be cancelled or withdrawn except on the Director's request to withdraw the caveat.

(5) No fees are payable to the Registrar for the registration or withdrawal of a caveat under this section.

(6) The Director may waive the rights given by this section, in whole or in part, for the purpose of any proceedings or for any other reason the Director thinks is proper.

#### **Offences**

**41(1)** A person who under this Act is required to provide information who

- (a) knowingly gives false information,
- (b) knowingly conceals information, or
- (c) knowingly omits to provide or disclose information,

is guilty of an offence and is liable to a fine of not more than \$2000.

(2) A person who, knowing he or she is not entitled to it, obtains or receives assistance to which he or she is not entitled under this Act and the regulations is guilty of an offence and is liable to a fine of not more than \$2000.

(3) In addition to imposing a fine under subsection (1) or (2), the judge may order the repayment of an amount equal to the value of any assistance received as a result of the commission of the offence.

(4) A financial administrator or third party who benefits from assistance knowing that the recipient was not entitled to receive it is guilty of an offence and is liable to a fine of not more than \$5000.

(5) A financial administrator or third party who wilfully misuses assistance provided for a recipient is guilty of an offence and is liable to a fine of not more than \$5000.

### **Regulations**

**42(1)** The Lieutenant Governor in Council may make regulations

- (a) respecting an appeal relating to an amount payable under section 37(1);
- (b) respecting the forms and contents of notices under sections 35(5), 36(3) and 37(2) and the manner in which the notices are to be provided;
- (c) respecting the manner of serving a notice under section 38(5).

**(2)** The Minister may make regulations

- (a) specifying other enactments for the purpose of section 34;
- (b) specifying the assistance for the purpose of section 35(1)(a);
- (c) respecting the amount that may be deducted for the purpose of section 38(2)(a).



## **Part 7 Appeals**

### **Decisions that may be appealed**

**43(1)** Any decision of the Director

- (a) relating to eligibility or continuing eligibility for the amount or value of assistance under Part 2,
- (b) relating to an amount owing under section 35 or 36, or
- (c) relating to any other matter provided for in the regulations,

other than a decision referred to in section 44, may be appealed to an appeal panel.

**(2)** A decision of the Director that may not be appealed is final when it is made.

### **Exceptions**

**44** No appeal lies to an appeal panel with respect to the following matters:

- (a) a decision with respect to assistance under Part 2, Division 1 that does not affect eligibility for or the amount or value of assistance;
- (b) a decision under Part 5;
- (c) a variation, refusal or cancellation of assistance under Part 2 caused by an amendment to this Act or the regulations;
- (d) any other matter exempted from appeal by the regulations.

### **Appeal to appeal panel**

**45(1)** A person directly affected may appeal a decision of the Director referred to in section 43(1) by filing a notice of appeal, which must include reasons for requesting the appeal, within 30 days from when the person received notice of the decision and of the person's right to appeal.

**(2)** The Minister may extend the time for appealing a decision, whether the request for extension is made before or after the time

has expired, if the Minister is satisfied that there are apparent grounds for an appeal and that there are reasonable grounds for granting the extension.

#### **Order of appeal panel**

**46(1)** The appeal panel shall not make a decision in an appeal under this Part that the Director would not have authority to make under the Act and regulations.

**(2)** An appeal panel may confirm, reverse or vary the decision appealed from and must give reasons for its decision.

**(3)** The decision of the appeal panel referred to in subsection (2) or a decision of the appeal panel in respect of an application under section 17(2) is final.

#### **Establishment of appeal panels**

**47(1)** The Minister may establish one or more appeal panels to hear appeals from decisions referred to in section 43(1) and to hear applications under section 17(2).

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

- (a) appoint or provide for the appointment of its members for terms prescribed by the regulations,
- (b) designate a chair,
- (c) authorize, fix and provide for the payment of remuneration and expenses to its members, and
- (d) prescribe the number of members of the appeal panel that constitutes a quorum.

#### **Regulations**

**48** The Lieutenant Governor in Council may make regulations

- (a) respecting the terms of appointment of appeal panel members;
- (b) adding other matters that may be appealed under section 43;

- (c) exempting from appeal any matter.

## **Part 8 Confidentiality of Information and General Regulations**

### **Personal Information**

**49(1)** In this section, “personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act*.

**(2)** The Director and any person employed or assisting in the administration of this Act shall preserve confidentiality with respect to personal information that comes to the Director’s or person’s attention under this Act and shall not disclose or communicate that information except in accordance with the *Freedom of Information and Protection of Privacy Act* and as follows:

- (a) to any person or organization if the disclosure is necessary for the administration of this Act;
- (b) to any person employed in the administration of similar legislation in another province or territory of Canada;
- (c) to any person or organization with the written consent of the Minister.

**(3)** The Director may enter into agreements for the sharing of personal information with any person or organization for any purpose related to the administration of this Act.

**(4)** The Director may collect personal information for the purposes of sections 29 and 30.

### **Regulations**

**50** The Lieutenant Governor in Council may make regulations

- (a) respecting internal reviews of decisions that are not subject to appeal under Part 7;
- (b) respecting the contents and giving of notices for the purposes of this Act;

- (c) defining words or expressions to be defined by the regulations and any other word or expression used in this Act that has not been defined in this Act;
- (d) respecting forms for the purposes of this Act;
- (e) prescribing any matter referred to in this Act as prescribed.

## **Part 9 Transitional Provisions, Consequential Amendments, Repeals and Coming into Force**

### **Transitional**

**51(1)** A repayment under the *Social Development Act* or the *Assured Income for the Severely Handicapped Act* before the repeal of the *Income Support and Recovery Act* is deemed to be an amount payable under this Act and may be enforced in accordance with Part 6 of this Act.

**(2)** An amount that may be enforced under Part 3 of the *Income Support Recovery Act* may be enforced in accordance with Part 6 of this Act.

**(3)** An agreement to repay under section 26 of the *Income Support Recovery Act* is deemed to be an agreement to repay under this Act and may be enforced under Part 6 of this Act.

**(4)** A proceeding commenced under section 14 of the *Social Development Act* or under section 14 of the *Assured Income for the Severely Handicapped Act* shall be continued in accordance with Part 5 of this Act.

**(5)** Section 17 of this Act applies to a trustee appointed under section 11 of the *Social Development Act* as if the person had been appointed as a financial administrator under section 17.

### **Amends RSA 2000 cA-20**

**52** The *Alberta Health Care Insurance Act* is amended by repealing sections 1(y), 3(2)(b), 31 and 41(4)(b).

**Amends RSA 2000 cA-45**

**53(1) The *Assured Income for the Severely Handicapped Act* is amended by this section.**

**(2) Section 5(3) is repealed and the following is substituted:**

(3) If the Director is satisfied that a person who receives assistance under Part 2 of the *Income and Employment Supports Act* suffers from a severe handicap, the Director may dispense with an application for a handicap benefit from that person.

**(3) Sections 13 and 14 are repealed and the following is substituted:**

**Application of Income and Employment Supports Act**

**13** Parts 5 and 6 of the *Income and Employment Supports Act* apply to this Act.

**(4) Section 19(2)(d) is amended by striking out “the *Income Support Recovery Act*” and substituting “under Part 6 of the *Income and Employment Supports Act*”.**

**Amends RSA 2000 cC-23**

**54(1) The *Conflicts of Interest Act* is amended by this section.**

**(2) Section 16(4) is amended**

**(a) by repealing clause (d);**

**(b) by adding the following before clause (e):**

(d.1) payments of assistance under Part 2 of the *Income and Employment Supports Act*,

**(c) by repealing clause (g).**

**Amends RSA 2000 cH-6**

**55 The *Health Insurance Premiums Act* is amended by repealing section 5.**

**Amends SA 2002 cl-3.5**

**56(1) The *Interjurisdictional Support Orders Act* is amended by this section.**

**(2) Section 42 is repealed and the following is substituted:**

**Right of subrogation**

**42** Where a government or an agency of a government has a right of subrogation in law or a right pursuant to an assignment or a right under Part 5 of the *Income and Employment Supports Act* in respect of

- (a) a claimant who commences or is entitled to commence a support application under Part 1,
- (b) an applicant who commences or is entitled to commence a support variation application under Part 3, or
- (c) a respondent to a support application under Part 1 or a support variation application under Part 3,

the government or agency has all the rights under this Act of the claimant, the applicant or the respondent in respect of the application and any order made as a result of the application.

**Amends RSA 2000 cM-1**

**57(1) The *Maintenance Enforcement Act* is amended by this section.**

**(2) Section 6(1) is amended**

- (a) by adding “or” at the end of clause (a);
- (b) by repealing clauses (b) and (c) and substituting the following:
  - (b) the Minister responsible for the *Income and Employment Supports Act* in respect of a creditor under the order who is eligible for or has received assistance as defined in Part 5 of that Act,

**(3) Section 7(3) is amended**

- (a) by adding “or” at the end of clause (a);

**(b) by repealing clauses (b) and (c) and substituting the following:**

- (b) the Minister responsible for the *Income and Employment Supports Act* in respect of a creditor under the order who is eligible for or has received assistance as defined in Part 5 of that Act.

**(4) Section 10 is repealed and the following is substituted:**

**Notice by Director**

**10(1)** The Director shall give notice of the filing or withdrawal of a maintenance order to all the parties to the order.

**(2)** The Minister responsible for the *Income and Employment Supports Act* may notify the Director that the Crown in right of Alberta has the rights of the creditor under Part 5 of the *Income and Employment Supports Act*.

**(3)** If the Director has received notice under subsection (2), or if the Minister responsible for the *Income and Employment Supports Act* filed the maintenance order with the Director, the maintenance order shall not be withdrawn under section 9 without the consent of the Minister responsible for the *Income and Employment Supports Act*.

**(4)** Notice under this section may be effected by mail.

**(5)** The validity of proceedings under this Act is not affected by the inability of the Director, after reasonable effort, to give notice to a party under subsection (1).

**(5) Section 36(5)(b) is repealed and the following is substituted:**

- (b) money received under a maintenance order in respect of a creditor under the order who has received assistance as defined in Part 5 of the *Income and Employment Supports Act*.

**Amends RSA 2000 cP-1**

**58(1) The *Parentage and Maintenance Act* is amended by this section.**

**(2) Section 1(e) is repealed and the following is substituted:**

(e) “Director” means the Director appointed under the *Income and Employment Supports Act*;

**(3) Section 3 is repealed.**

**(4) Section 7(2)(d) is repealed and the following is substituted:**

(d) the Director under the *Income and Employment Supports Act* on behalf of the Government, where the Director has a right under Part 5 of the *Income and Employment Supports Act*.

**(5) Section 8 is repealed and the following is substituted:**

**Power of the Director to intervene**

**8** If an applicant becomes a recipient under Part 2, Divisions 1, 2 or 3 of the *Income and Employment Supports Act* after an application has been commenced under section 7, the Director may intervene in and make representations at the application.

**(6) Section 18(1)(e) is repealed and the following is substituted:**

(e) the Director under the *Income and Employment Supports Act* on behalf of the Government, where the Director has a right under Part 5 of the *Income and Employment Supports Act*.

**Amends RSA 2000 cW-7**

**59(1) The *Widows’ Pension Act* is amended by this section.**

**(2) Section 3(2) is amended by striking out “if the person” and substituting “if the Minister has received the person’s application made under section 4 before the date section 59(2) of the *Income and Employment Supports Act* comes into force”.**

**(3) Section 4(3) is amended by striking out “income,”.**

**(4) Section 5(a)(i)(B) and (ii) are repealed.**

**(5) Section 6 is repealed and the following is substituted:**

**Recovery of overpayments**

**6(1)** Where a person receives a widow’s pension for which the person is not eligible or receives an overpayment on a widow’s



pension, the pension or the overpayment, as the case may be, is a debt owing to the Crown and may be recovered in the same way as if it were an amount repayable under the *Income and Employment Supports Act*, and Part 6 of that Act applies.

(2) If a person who receives a widow's pension is under an obligation

- (a) under the *Seniors Benefit Act* to repay all or part of a benefit,
- (b) under the *Income and Employment Supports Act* to repay all or part of assistance under Part 2 of that Act, or
- (c) under the *Assured Income for the Severely Handicapped Act* to repay all or part of a handicap benefit,

the Minister may deduct from further widow's pension payments for which the person is otherwise eligible monthly amounts equal to 10% of the monthly amount of the widow's pension payable under the regulations, until the full amount required to be repaid is repaid, but in no case may the monthly amount of the pension be reduced to less than \$10.

### Repeals

**60(1)** The *Income Support Recovery Act* is repealed.

(2) The *Social Development Act* is repealed.

(3) The *Student and Temporary Employment Act* is repealed.

(4) The *Widows' Pension Act* is repealed 2 years after section 59(2) of the *Income and Employment Supports Act* comes into force.

### Coming into force

**61(1)** This Act, except sections 52, 54(2)(a) and (c) and 55, comes into force on Proclamation.

(2) Sections 52 and 55 come into force on the repeal of the *Widows' Pension Act*.

(3) Section 54(2)(a) comes into force on April 1 in the fiscal year following the fiscal year in which the *Social Development Act* is repealed.

(4) Section 54(2)(c) comes into force on April 1 in the fiscal year following the fiscal year in which the *Widows' Pension Act* is repealed.

### Explanatory Notes

**52** Amends chapter A-20 of the Revised Statutes of Alberta 2000. Sections 1(y), 3(2)(b), 31 and 41(4)(b) presently read:

*1 In this Act,*

(y) “widow’s pension” means a widow’s pension under the *Widows’ Pension Act*.

*3(2) The Minister shall, in accordance with the regulations, provide extended health services to a resident and the resident’s dependants if*

(b) *the resident is receiving a widow’s pension.*

*31(1) No subscription is payable under an optional contract if the subscriber is receiving a widow’s pension.*

*(2) Subsection (1) applies to an optional contract*

(a) *if the subscriber is receiving the widow’s pension at the time the contract is issued, or*

(b) *on the date the subscriber is first paid a widow’s pension, if that date occurs after the contract is issued.*

*(3) The exemption from liability for the payment of subscriptions under subsection (1) ceases at the end of the 2nd month following the month in which*

(a) *the death of the subscriber who was receiving the widow’s pension occurs, or*

(b) *the subscriber becomes ineligible for the widow’s pension,*

*whichever occurs first.*

*41(4) Subsection (3) does not apply if*

*(b) the resident is receiving a widow's pension*

*at the time of enrolment.*

**53(1)** Amends chapter A-45 of the Revised Statutes of Alberta 2000.

(2) Section 5(3) presently reads:

*(3) If the Director is satisfied that a person who receives a social allowance under the Social Development Act suffers from a severe handicap, the Director may dispense with an application for a handicap benefit from that person.*

(3) Sections 13 and 14 presently read:

*13(1) The Director may require a person who, in the opinion of the Director,*

*(a) receives a handicap benefit to which the person is not entitled, or*

*(b) receives an overpayment of a handicap benefit,*

*due to non-disclosure of a material fact, false representation, mistake or any other reason, to repay the amount of the handicap benefit in the manner of repaying an overpayment under Part 2 of the Income Support Recovery Act.*

*(2) Notwithstanding subsection (1), if a person receives a handicap benefit to which the person is not entitled or an overpayment of the amount of the handicap benefit to which the person is entitled, not exceeding \$1000, the Director may deduct from further handicap benefit payments to which the person is otherwise entitled monthly amounts not exceeding 10% of the maximum amount of the handicap benefit prescribed in the regulations until the full amount of the handicap benefit to which the person is not entitled or the overpayment has been repaid.*

*(3) If a debt not exceeding \$1000 is due to the Crown and recoverable under*

(a) *the Widows' Pension Act, or*

(b) *the Social Development Act,*

*from a person to whom or for whose benefit a handicap benefit is paid under this Act, the Director may deduct from further handicap benefit payments to which the person is otherwise entitled monthly amounts not exceeding 10% of the maximum amount of the handicap benefit prescribed in the regulations until the full amount of the debt so due has been repaid.*

*14(1) Where a handicap benefit is paid to or for the benefit of a person who has a right under an Act, order of a court or agreement to maintenance or alimony, the Director may on behalf of that person*

(a) *initiate or participate in any court proceeding to obtain an order for that maintenance or alimony, and*

(b) *initiate, participate in or oppose any court proceeding to enforce, vary or terminate any order or agreement for that maintenance or alimony, including any proceeding concerning arrears of maintenance or alimony to which the Government is subrogated or otherwise, whether the order or agreement that is the subject of the proceeding was granted or entered into, as the case may be, before or after the person who is a party to it began to receive a handicap benefit.*

*(2) Where the Director acts under subsection (1) on behalf of a person who receives a handicap benefit, the Director*

(a) *may act in the court proceeding in the Director's own name or in the name of the person,*

(b) *may apply for an amount of maintenance or alimony that exceeds the amount of the person's handicap benefit, and*

(c) *may continue after the person no longer receives a handicap benefit to participate in any court proceeding that was commenced while the person received a handicap benefit.*

*(3) Where the Director acts under subsection (1) on behalf of a person who receives a handicap benefit, any resulting order concerning maintenance or alimony does not terminate or become unenforceable by reason only that the person discontinues receiving a handicap benefit.*

*(4) Where the spouse of a person who is eligible to receive or receives a handicap benefit has a right to maintenance or alimony under an Act, order of a court or agreement, the Director may, at the request of the spouse, act on behalf of the spouse in any way referred to in subsection (1).*

*(5) Where a dependent child of a person who is eligible to receive or receives a handicap benefit has a right to maintenance under an Act, order of a court or agreement, the Director may, at the request of the person who is eligible to receive or receives a handicap benefit or that person's spouse, act on behalf of the dependent child in any way referred to in subsection (1).*

*(6) Where a handicap benefit is paid to or for the benefit of a person who has a right under an Act, order of a court or agreement to maintenance or alimony, the Government is subrogated to all of the rights to maintenance or alimony of that person under the Act, order or agreement.*

*(7) The subrogation under this section applies to a right to maintenance or alimony payable in a period during which a handicap benefit is paid whether the period occurs before or after the coming into force of this section.*

*(8) Notwithstanding subsection (6), if any amount is paid as maintenance or alimony to the person entitled to receive it under the Act, order or agreement within the time specified by the Act, order or agreement, the Government is not subrogated to the right to receive payment of that amount.*

(4) Section 19(2)(d) presently reads:

*(2) Subsection (1) does 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 handicap benefit and the person's spouse,*

*(d) at a trial, hearing or proceedings under the Criminal Code (Canada) or the Income Support Recovery Act related to any matter under this Act, or to a solicitor acting on behalf of any government, authority or agency and responsible for the institution of that trial, hearing or proceedings,*

**54(1)** Amends chapter C-23 of the Revised Statutes of Alberta 2000.

(2) Section 16(4) presently reads in part:

*(4) A report prepared under subsection (1) shall not include*

*(d) payments of social allowances or handicap benefits under the Social Development Act,*

*(g) pensions under the Widows' Pension Act,*

**55** Amends chapter H-6 of the Revised Statutes of Alberta 2000. Section 5 presently reads:

*5(1) No registrant who is receiving a widow's pension under the Widows' Pension Act is liable for the payment of premiums, other than premiums that are payable before this section becomes effective with respect to that registrant, on behalf of the registrant or any of the registrant's dependants.*

*(2) This section is effective with respect to a registrant*

*(a) on the date the registration becomes effective, if the registrant is receiving a widow's pension at that time, or*

*(b) on the date the registrant is first paid a widow's pension, if that date occurs after the effective date of registration.*

*(3) The exemption from liability for the payment of premiums under subsection (1) ceases at the end of the 2nd month following the month in which*

*(a) the death of the registrant who was receiving the widow's pension occurs, or*

*(b) the registrant becomes ineligible for the widow's pension,*

*whichever occurs first.*

**56(1)** Amends chapter I-3.5 of the Statutes of Alberta, 2002.

(2) Section 42 presently reads:

*42 Where a government or an agency of a government has a right of subrogation in law or pursuant to an assignment in respect of*

- (a) a claimant who commences or is entitled to commence a support application under Part 1,*
- (b) an applicant who commences or is entitled to commence a support variation application under Part 3, or*
- (c) a respondent to a support application under Part 1 or a support variation application under Part 3,*

*the government or agency has all the rights under this Act of the claimant, the applicant or the respondent in respect of the application and any order made as a result of the application.*

**57(1)** Amends chapter M-1 of the Revised Statutes of Alberta 2000.

(2) Section 6(1) presently reads:

*6(1) If a debtor defaults in the payment of maintenance under a maintenance order entered into, made by a court in Alberta or registered under the Reciprocal Enforcement of Maintenance Orders Act before January 1, 1987,*

- (a) a creditor under the order,*
- (b) the Minister responsible for the Social Development Act in respect of a creditor under the order who is eligible for or has received a benefit under that Act, or*
- (c) the Minister responsible for the Assured Income for the Severely Handicapped Act in respect of a creditor under the*  
*order who is eligible for or has received a benefit under that*  
*Act,*

*may file the order with the Director.*

(3) Section 7(3) presently reads:

*(3) A maintenance order made or entered into after December 31, 1986 that is not filed with the Director by the clerk of the court under subsection (1) or (2) may be filed at any time with the Director by*

- (a) a creditor under the order,*
- (b) the Minister responsible for the Social Development Act in respect of a creditor under the order who is eligible for or has received a benefit under that Act, or*
- (c) the Minister responsible for the Assured Income for the Severely Handicapped Act in respect of a creditor under the order who is eligible for or has received a benefit under that Act.*

(4) Section 10 presently reads:

*10(1) The Director shall give notice of the filing or withdrawal of a maintenance order to all the parties to the order.*

*(2) The Minister responsible for the Social Development Act or the Assured Income for the Severely Handicapped Act, as the case may be, may notify the Director that the Crown in right of Alberta is subrogated to the creditor's rights of maintenance pursuant to the Social Development Act or the Assured Income for the Severely Handicapped Act.*

*(3) If the Director has received notice under subsection (2), or if the Minister responsible for the Social Development Act or the Assured Income for the Severely Handicapped Act filed the maintenance order with the Director, the maintenance order shall not be withdrawn under section 9 without the consent of the Minister responsible for the Social Development Act or the Assured Income for the Severely Handicapped Act, as the case may be.*

*(4) Notice under this section may be effected by mail.*

*(5) The validity of proceedings under this Act is not affected by the inability of the Director, after reasonable effort, to give notice to a party under subsection (1).*

(5) Section 36(5)(b) presently reads:

*(5) Subsections (3) and (4) do not apply to*



(b) *money received under a maintenance order in respect of a creditor under the order who has received a benefit under the Social Development Act.*

**58(1)** Amends chapter P-1 of the Revised Statutes of Alberta 2000.

(2) Section 1(e) presently reads:

*1 In this Act,*

(e) *“Director” means the Director appointed under section 3(1);*

(3) Section 3 presently reads:

*3(1) In accordance with the Public Service Act, there may be appointed a Director who shall administer this Act under the direction of the Minister.*

*(2) The Director may in writing delegate to an employee of the Department or any employee of an Indian or Metis organization any power or duty conferred or imposed on the Director by this Act or the regulations.*

*(3) A delegation by the Director under subsection (2) shall be admitted in evidence as proof of the facts stated in the delegation without proof of the signature or authority of the Director.*

(4) Section 7(2)(d) presently reads:

*(2) An application under subsection (1) may be made by*

*(d) the Director on behalf of the Government, where the Government has a right of subrogation under section 14 of the Social Development Act.*

(5) Section 8 presently reads:

*8 If an applicant becomes the recipient of a social allowance as defined in the Social Development Act after an application has been commenced under section 7, the Director may intervene in and make representations at the application.*

(6) Section 18(1)(e) presently reads:

*18(1) An application to vary or terminate an order or a filed agreement may be made to the Court by*

*(e) the Director on behalf of the Government, where the Government has a right of subrogation under section 14 of the Social Development Act.*

**59(1)** Amends chapter W-7 of the Revised Statutes of Alberta 2000.

(2) Section 3(2) presently reads:

*(2) A person is eligible to receive a widow's pension if the person satisfies the Minister*

*(a) that the person is a widow,*

*(b) that the person is a Canadian citizen or a permanent resident within the meaning of that term in the Immigration Act (Canada), other than a person whose application for landing has been sponsored,*

*(c) that the person is ordinarily resident in Alberta,*

*(d) that the person is 55 years of age or older but less than 65 years of age,*

*(e) that the person's income, other than income exempted under the regulations, is less than the maximum amount prescribed in the regulations, and*

*(f) that the person otherwise fulfils the requirements of this Act and the regulations.*

(3) Section 4(3) presently reads:

*(3) A person who receives a widow's pension shall forthwith give the Minister notice in writing of any change in income, marital status or type or place of residence that affects the person's eligibility for the pension or the amount of the pension.*

(4) Section 5(a) presently reads:

*5 The Minister may*

- (a) alter the amount of a widow's pension or suspend or discontinue a widow's pension if the Minister is satisfied that*
  - (i) the person receiving it*
    - (A) fails to provide information or provides incomplete or false information required to determine the person's eligibility for a pension or the amount of a pension, either at the time of making application or after that time, or*
    - (B) fails to realize or collect income to which the person is entitled, or*
  - (ii) the income of the person receiving the pension has changed so as to alter the person's eligibility for the pension or the amount of it;*

(5) Section 6 presently reads:

*6(1) Where a person receives a widow's pension for which the person is not eligible or receives an overpayment on a widow's pension, the pension or the overpayment, as the case may be, is a debt owing to the Crown and may be recovered in the same way as if it were an overpayment as defined in the Income Support Recovery Act, and Part 3 of that Act applies.*

*(2) If a person receives a widow's pension for which the person is not eligible, or an overpayment on a widow's pension, creating a debt under subsection (1) in an amount not exceeding \$1000, then*

- (a) if the person is receiving funds under the Social Development Act, section 17 of the Social Development Act applies to the repayment of the widow's pension for which the person is not eligible or the overpayment as if that pension or overpayment were a social allowance under that Act, or*
- (b) if the person is not receiving funds under the Social Development Act, the Minister may deduct from further widow's pension payments for which the person is otherwise*

*eligible monthly amounts equal to 10% of the monthly amount of the pension payable under the regulations until the full amount of the pension for which the person is not eligible or the overpayment is repaid, but in no case may the monthly amount of the pension be reduced to less than \$10.*

*(3) If a person who receives a widow's pension is under an obligation under*

- (a) the Seniors Benefit Act to repay all or part of a benefit,*
- (b) the Social Development Act to repay all or part of a social allowance, or*
- (c) the Assured Income for the Severely Handicapped Act to repay all or part of a handicap benefit*

*in an amount not exceeding \$1000 in the aggregate, the Minister may deduct from further widow's pension payments for which the person is otherwise eligible monthly amounts equal to 10% of the monthly amount of the widow's pension payable under the regulations, until the full amount required to be repaid is repaid, but in no case may the monthly amount of the pension be reduced to less than \$10.*

**60** Repeals.

**61** Coming into force.