

*Bill 6*  
*Mr. Lukaszuk*

## **BILL 6**

2004

### **INCOME AND EMPLOYMENT SUPPORTS AMENDMENT ACT, 2004**

*(Assented to , 2004)*

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

**Amends SA 2003 cl-0.5**

**1 The *Income and Employment Supports Act* is amended by  
this Act.**

**2 Section 12 is repealed and the following is substituted:**

**Employment and training benefits**

**12** The Director may, subject to the regulations, provide  
employment and training benefits

- (a) to persons with disabilities who are eligible in  
accordance with the regulations, or
- (b) to an employer, training provider or other person to be  
used for the benefit of a person referred to in clause (a).

**3 Section 24 is amended by striking out “Minister” wherever it  
occurs and substituting “Director”.**

**4 Section 43(1) is amended by repealing clause (a) and substituting the following:**

- (a) relating to eligibility or continuing eligibility for, or the amount or value of, assistance under Part 2,

**5 Section 49 is amended**

**(a) by repealing subsection (2) and substituting the following:**

(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 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 if the Minister considers the disclosure or communication to be in the best interests of the person who is the subject of the information or in the best interests of any program under this Act and provides a written consent to the disclosure or communication;
- (d) to another person in accordance with the *Freedom of Information and Protection of Privacy Act*.

**(b) by adding the following after subsection (4):**

(5) Notwithstanding subsection (2), information collected under sections 29 and 30 that would reveal the confidential source of the personal information must not be disclosed except for the purpose of administering this Act.

(6) If there is a conflict or inconsistency between subsection (5) and the *Freedom of Information and Protection of Privacy Act*, subsection (5) prevails despite the *Freedom of Information and Protection of Privacy Act*.

**Explanatory Notes**

**2** Section 12 presently reads:

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

**3** Section 24 presently reads:

*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.*

**4** Section 43(1)(a) presently reads:

*43(1) Any decision of the Director*

- (a) relating to eligibility or continuing eligibility for the amount or value of assistance under Part 2,*

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

**5** Section 49(2) presently reads:

*(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.*