

*Bill 30*  
*Dr. Brown*

## **BILL 30**

2006

### **PERSONS WITH DEVELOPMENTAL DISABILITIES COMMUNITY GOVERNANCE AMENDMENT ACT, 2006**

*(Assented to \_\_\_\_\_, 2006)*

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

#### **Amends RSA 2000 cP-8**

**1 The *Persons with Developmental Disabilities Community Governance Act* is amended by this Act.**

**2 The preamble is amended by striking out “and” at the end of the 3rd recital and by adding the following after the 4th recital:**

WHEREAS the Government has ongoing responsibility to ensure and oversee the provision of statutory programs, resources and services to adults with developmental disabilities; and

WHEREAS statutory programs, resources and services are best provided to adults with developmental disabilities in a manner that acknowledges responsibility to the community and accountability to the Government through the Minister;

**3 Section 1 is amended**

- (a) by renumbering it as section 1(1);**
- (b) in subsection (1)**

**(i) by repealing clause (a) and substituting the following:**

(a) “Board” means a Community Board;

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

**(iii) by repealing clause (f);**

**(iv) by adding the following before clause (g):**

(f.1) “region” means an adults with developmental disabilities region established under section 4;

**(c) by adding the following after subsection (1):**

(2) In this Act, a reference to “services” means programs or services provided to or for an adult with developmental disabilities.

**4 Sections 2 and 3 are repealed.**

**5 Section 4 is amended**

**(a) in subsection (2) by striking out “must name the region and” and substituting “must give the region a name that contains the phrase “adults with developmental disabilities region” and”;**

**(b) by adding the following after subsection (2):**

(2.1) Each region is to be administered by a Community Board.

**6 Section 5 is amended by adding the following after subsection (7):**

(8) The Minister may, on the recommendation of a Community Board, appoint a chief executive officer of the Community Board and may establish the terms and conditions of service, including remuneration and expenses, applicable to the chief

executive officer if the person appointed as chief executive officer is not an employee as defined in the *Public Service Act*.

(9) The Minister may provide administrative and other support services required by a Community Board.

**7 Section 6 is amended**

**(a) by adding the following after subsection (1):**

(1.1) The business and affairs of a Community Board are to be governed by its members appointed under section 5(2).

**(b) by adding the following after subsection (2):**

(3) A Community Board may not operate for profit and must use all its funds to carry out its powers and duties under this Act.

**8 Sections 7 and 8 are repealed.**

**9 Section 9 is amended**

**(a) by renumbering it as section 9(1);**

**(b) in subsection (1)**

**(i) by repealing clause (c);**

**(ii) in clause (d) by adding “and public and private bodies” after “governments”;**

**(iii) by adding the following after clause (e):**

(f) promote the inclusion of adults with developmental disabilities in community life;

(g) oversee and evaluate the implementation of plans developed and approved under section 11(b);

(h) co-ordinate the activities of Community Boards;

- (i) establish policies for the provision and consistency of services;
- (j) allocate funding and resources to the Community Boards;
- (k) monitor and assess the Community Boards in the carrying out of their activities.

**(c) by adding the following after subsection (1):**

(2) Notwithstanding the regulations, if the Minister considers that it is in the public interest to do so, the Minister may provide or arrange for the provision of services in any region, whether or not those services are also being provided in that region by a Community Board.

**10 The following is added after section 9:**

**Ministerial directions**

**9.1** The Minister may give Community Boards written directions

- (a) on how they are to carry out their powers and duties,
- (b) that set priorities and guidelines for Community Boards to follow in carrying out their powers and duties,
- (c) on how to co-ordinate the work of the Community Boards with the programs, policies and work of the Government, other Community Boards and other public and private bodies in order to achieve the efficient provision of services, and
- (d) on how to avoid duplication of effort and expense in the provision of services.

**11 Section 10 is repealed.**

**12 Section 11 is amended**

- (a) **by striking out** “The role of a Community Board is, within the region for which the Community Board is established, to” **and substituting** “A Community Board must, within the region for which it is established,”;
- (b) **by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):**
  - (a) provide services;
- (c) **in clause (b) by striking out** “Provincial Board” **and substituting** “Minister”.

**13 Section 12 is repealed.**

**14 Section 13 is amended**

- (a) **by repealing subsection (2);**
- (b) **by repealing subsection (3) and substituting the following:**
  - (3) A Board bylaw does not become effective until it is approved by the Minister.

**15 Section 15 is repealed and the following is substituted:**

**Appeals**

**15(1)** The Minister may, in accordance with the regulations, establish one or more appeal panels to hear appeals under this Act.

**(2)** An individual who is receiving services or has applied to receive services by means of funding or resources allocated by a Community Board and is affected by a decision of that Community Board respecting those services may appeal that decision if the decision is not exempt from appeal under the regulations.

(3) A request for an appeal must be made in writing to an appeal panel within 30 days from when the individual was notified of the decision and the right to appeal.

(4) An appeal panel may, subject to this Act and the regulations, confirm, reverse or vary the decision that is the subject of the appeal.

(5) The decision of the appeal panel is final.

(6) The Minister may extend the time for requesting an appeal under subsection (3) if the Minister is satisfied that there are apparent grounds of appeal and that there is a reasonable explanation for the delay.

**16 Section 16(1)(a) is repealed and the following is substituted:**

- (a) persons appointed by the Minister with respect to premises owned or operated by a Community Board or a service provider;

**17 Section 18 is amended**

- (a) **in subsection (2) by striking out** “sections 2(1), 5(2) and 7(2),” **and substituting** “section 5(2),”;
- (b) **in subsection (4) by striking out** “sections 2(3), 5(4) and 7(4)” **and substituting** “section 5(4)”.

**18 Section 19 is amended by striking out** “The Provincial Board is an agent” **and substituting** “Community Boards are agents”.

**19 The following is added after section 21:**

**Personal information**

**21.1** The Minister, Community Boards and appeal panels may collect, use and disclose personal information for the purposes of carrying out their powers and duties under this Act.

**20 Section 22 is amended**

- (a) by repealing subsection (1);**
- (b) in subsection (2)**
  - (i) by striking out “and Facility Boards”;**
  - (ii) by striking out “Provincial Board” wherever it occurs and substituting “Minister”;**
- (c) in subsection (3) by striking out “the Provincial Board, Facility Boards, and”.**

**21 Section 23 is amended**

- (a) in subsection (1) by adding the following after clause (a):**
  - (a.1) prescribing services that may be provided by a Community Board;
- (b) in subsection (2)**
  - (i) in clause (a) by striking out “the Provincial Board” and substituting “a Community Board”;**
  - (ii) by adding the following after clause (g):**
    - (h) respecting appeal panels, appeals and the decisions of a Community Board that are exempt from appeal;
    - (i) respecting conflict of interest matters affecting members of Community Boards;
    - (j) respecting the functions, powers and duties of
      - (i) the chair of a Community Board, and
      - (ii) the chief executive officer of a Community Board;

- (k) respecting the collection, use or disclosure of information, including personal information, for the purposes of administering this Act.

**22(1)** Any reference to the Provincial Board in an agreement is, on and after the coming into force of this Act, deemed to be a reference to the Minister.

**(2)** On the coming into force of this Act, custody and control of the records, as defined in the *Freedom of Information and Protection of Privacy Act*, of the Provincial Board are transferred to the Minister.

**23(1)** Any notice of appeal filed on or after the coming into force of this Act that relates to a decision occurring before the coming into force of this Act must be dealt with under the *Persons with Developmental Disabilities Community Governance Act* as amended by this Act.

**(2)** On the coming into force of this Act, any proceedings with respect to an appeal for which a notice of appeal has been filed but which has not been resolved or concluded must be concluded under the *Persons with Developmental Disabilities Community Governance Act* as amended by this Act.

**(3)** For the purposes of subsection (2), if an appeal panel has commenced but not concluded hearing an appeal, the members of that appeal panel continue as an appeal panel for the purposes of hearing that appeal.

#### **Amends RSA 2000 cH-5**

#### **24 The Health Information Act is amended in section 1(1)**

- (a)** in clause (f)(xvi) by striking out “or a Facility Board, as those terms are” and substituting “as that term is”;
- (b)** in clause (m)(v) by striking out “or a Facility Board, as those terms are” and substituting “as that term is”.



**25 This Act comes into force on Proclamation.**

**Explanatory Notes**

**1** Amends chapter P-8 of the Revised Statutes of Alberta 2000.

**2** The preamble presently reads:

*WHEREAS the people of Alberta honour and respect the dignity and equal worth of adults with developmental disabilities;*

*WHEREAS it is important that adults with developmental disabilities have opportunities to exercise self-determination and to be fully included in community life;*

*WHEREAS the individual needs of adults with developmental disabilities are most effectively met through the provision of services that are based on equitable opportunity, funding and access to resources; and*

*WHEREAS the Government of Alberta recognizes, values and supports the ability of communities to respond to the needs of adults with developmental disabilities;*

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

**3** Section 1 presently reads:

*1 In this Act,*

*(a) "Board" means the Provincial Board, a Community Board and a Facility Board;*

- (b) *“Community Board” means a Community Board established under section 5;*
- (c) *“developmental disability” means a state of functioning that*
  - (i) *began in childhood, and*
  - (ii) *is characterized by a significant limitation, described in the regulations, in both intellectual capacity and adaptive skills;*
- (d) *“Facility Board” means a Facility Board established under section 7;*
- (e) *“Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;*
- (f) *“Provincial Board” means the Provincial Board established under section 2;*
- (g) *“service provider” means a person or organization that provides services to adults with developmental disabilities pursuant to funding allocated by a Board.*

**4** Sections 2 and 3 presently read:

*2(1) The Provincial Board is a corporation consisting of not more than 15 members appointed, subject to subsection (2) and the regulations, by the Minister for a term prescribed by the Minister.*

*(2) Each member of the Provincial Board must be a resident of Alberta.*

*(3) After the appointment of the initial membership of the Provincial Board, the Minister must, in accordance with the regulations, appoint members from nominations submitted to the Minister.*

*(4) The Minister may establish a panel to review nominations for members submitted in accordance*

*with the regulations and to make recommendations to the Minister concerning the appointment of members to the Provincial Board.*

*(5) The chair of the Provincial Board is to be designated by the Minister.*

*(6) The Minister may, with respect to members of the Provincial Board, authorize and provide for the payment of remuneration and travelling, living and other expenses incurred by members in the course of their duties.*

*3(1) Subject to this Act and any other enactment, the Provincial Board has the rights, powers and privileges of a natural person.*

*(2) The Provincial Board may not enter into any transaction directly or indirectly to borrow money.*

**5** Section 4(2) presently reads:

*(2) An order under subsection (1) must name the region and describe its boundaries.*

**6** Section 5 presently reads:

*5(1) On establishing a region, the Minister must establish a Community Board for the region.*

*(2) A Community Board is a corporation consisting of not more than 9 members appointed, subject to subsection (3) and the regulations, by the Minister for a term prescribed by the Minister.*

*(3) Each member of a Community Board must be a resident in the region for which the Community Board is established.*

*(4) After the appointment of the initial membership of a Community Board, the Minister must, in accordance with the regulations, appoint members from nominations submitted to the Minister.*

*(5) The Minister may establish a panel to review nominations for members submitted in accordance with the regulations and to make recommendations to the Minister concerning the appointment of members to a Community Board.*

*(6) The chair of a Community Board is to be designated by the Minister.*

*(7) The Minister may, with respect to members of a Community Board, authorize and provide for the payment of remuneration and travelling, living and other expenses incurred by members in the course of their duties.*

**7** Section 6 presently reads:

*6(1) Subject to this Act and any other enactment, a Community Board has the rights, powers and privileges of a natural person.*

*(2) A Community Board may not enter into any transaction directly or indirectly*

*(a) to borrow money, or*

*(b) to engage persons as employees.*

**8** Sections 7 and 8 presently read:

*7(1) The Minister may, by order, establish a Facility Board with respect to a facility that in the opinion of the Minister provides services to adults with developmental disabilities.*

*(2) A Facility Board is a corporation consisting of not more than 9 members appointed, subject to subsection (3) and the regulations, by the Minister for a term prescribed by the Minister.*

*(3) Each member of a Facility Board must be a resident of Alberta.*

*(4) After the appointment of the initial membership of a Facility Board, the Minister must, in accordance with the regulations, appoint members from nominations submitted to the Minister.*

*(5) The Minister may establish a panel to review nominations for members submitted in accordance with the regulations and to make recommendations to the Minister concerning the appointment of members to a Facility Board.*

*(6) The chair of a Facility Board is to be designated by the Minister.*

*(7) The Minister may, with respect to members of a Facility Board, authorize and provide for the payment of remuneration and travelling, living and other expenses incurred by members in the course of their duties.*

*8(1) Subject to this Act and any other enactment, a Facility Board has the rights, powers and privileges of a natural person.*

*(2) A Facility Board may not enter into any transaction directly or indirectly*

*(a) to borrow money, or*

*(b) to engage persons as employees.*

**9** Section 9 presently reads:

*9 The role of the Minister is to*

*(a) provide strategic direction, set goals and evaluate results with respect to services for adults with developmental disabilities;*

*(b) set standards for the provision of services to adults with developmental disabilities;*

*(c) ensure that the activities of the Boards are monitored and assessed;*

- (d) *work with other ministers and governments to co-ordinate the provision of services to adults with developmental disabilities;*
- (e) *ensure that there is reasonable access, comprehensiveness and portability across regions in the delivery of services to adults with developmental disabilities.*

**10** Ministerial directions.

**11** Section 10 presently reads:

*10 The role of the Provincial Board is to*

- (a) *promote the inclusion of adults with developmental disabilities in community life;*
- (b) *develop a plan, in accordance with the regulations and subject to the approval of the Minister, for the delivery of services to adults with developmental disabilities;*
- (c) *oversee and evaluate the implementation of the plan developed under clause (b);*
- (d) *co-ordinate the activities of Community Boards and Facility Boards;*
- (e) *establish policies for the provision of services to adults with developmental disabilities;*
- (f) *ensure consistency of services in Alberta for adults with developmental disabilities;*
- (g) *allocate funding in a manner approved by the Minister and allocate resources to the Community Boards and Facility Boards;*
- (h) *monitor and assess the Community Boards and Facility Boards in the carrying out of their activities;*
- (i) *work with the Government and public and private bodies to co-ordinate the provision of*

*services to adults with developmental disabilities.*

**12** Section 11 presently reads:

*11 The role of a Community Board is, within the region for which the Community Board is established, to*

- (a) determine community priorities in the provision of services to adults with developmental disabilities and allocate funding accordingly;*
- (b) develop, in accordance with the regulations and subject to the approval of the Provincial Board, a plan for the delivery of services to adults with developmental disabilities;*
- (c) oversee and evaluate the implementation of the plan developed under clause (b);*
- (d) assess on an ongoing basis the needs of the region for services for adults with developmental disabilities;*
- (e) manage the provision of services to adults with developmental disabilities in a way that is responsive to the needs of those adults;*
- (f) ensure reasonable access to services for adults with developmental disabilities;*
- (g) co-ordinate, with other Community Boards and public and private bodies, the provision of services to adults with developmental disabilities.*

**13** Section 12 presently reads:

*12 The role of a Facility Board is, with respect to adults with developmental disabilities who receive services from the Facility, to*

- (a) *determine priorities in the provision of the services and manage funding and resources accordingly;*
- (b) *develop, in accordance with the regulations and subject to the approval of the Provincial Board, a plan for the delivery of the services;*
- (c) *oversee and evaluate the implementation of the plan developed under clause (b);*
- (d) *assess on an ongoing basis the needs of those who receive the services;*
- (e) *manage the provision of the services in a way that is responsive to the needs of those who receive the services;*
- (f) *co-ordinate, with the Community Boards and public and private bodies, the provision of the services.*

**14** Section 13 presently reads:

*13(1) Subject to this Act and the regulations, a Board may make bylaws respecting the conduct of its activities.*

*(2) A Provincial Board bylaw does not become effective until it is approved by the Minister.*

*(3) A Community Board bylaw or a Facility Board bylaw does not become effective until it is approved firstly by the Provincial Board and secondly by the Minister.*

*(4) The Regulations Act does not apply to the bylaws enacted under this section.*

**15** Section 15 presently reads:

*15(1) An adult who*



- (a) is receiving services or has applied to receive services by means of funding allocated by a Community Board or a Facility Board, and*
- (b) is affected by a decision of that Community Board or Facility Board*

*may appeal the decision to the Provincial Board within 30 days after the decision is made by filing a notice of appeal in accordance with subsection (2).*

*(2) A notice of appeal must*

- (a) be in writing in the form prescribed by the regulations,*
- (b) describe the decision being appealed and state the reasons for the appeal, and*
- (c) be filed at the office of the Provincial Board.*

*(3) On receipt of a notice of appeal, a member of the Provincial Board must review it and may*

- (a) attempt to resolve the matter informally, or*
- (b) with the agreement of the appellant, refer the matter, the appellant and a member of the Community Board or Facility Board selected by the Community Board or Facility Board to a person chosen to mediate and to attempt to resolve the matter.*

*(4) If the matter is not resolved within 45 days after the Provincial Board receives the notice of appeal, the chair of the Provincial Board must*

- (a) set a date for hearing the appeal, and*
- (b) designate 3 members of the Provincial Board to form an appeal panel to hear the appeal.*

*(5) The member of the Provincial Board who reviewed the notice of appeal under subsection (3) is not eligible to be designated under subsection (4)(b) with respect to the appeal.*

*(6) The Administrative Procedures Act applies to appeals under this section.*

*(7) The appeal panel, on hearing the appeal, may quash, vary or confirm the decision of the Community Board or Facility Board and may substitute a decision of its own.*

*(8) The decision of the appeal panel is final and not subject to review in any court or tribunal.*

**16** Section 16(1) presently reads:

*16(1) The following are inspectors for the purposes of this Act:*

- (a) the members of the Provincial Board and the persons appointed as inspectors by the Provincial Board, with respect to premises owned or operated by a Community Board, Facility Board or service provider;*
- (b) the members of a Community Board and the persons appointed as inspectors by a Community Board, with respect to the premises of a service provider that receives funding allocated by that Community Board.*

**17** Section 18 presently reads in part:

*(2) Notwithstanding sections 2(1), 5(2) and 7(2), a Board continues as a corporation consisting of an official administrator appointed under subsection (1).*

*(4) If in the opinion of the Minister an official administrator is no longer required, the Minister may appoint a new Board, but subsequent appointments are subject to sections 2(3), 5(4) and 7(4).*

**18** Section 19 presently reads:

*19 The Provincial Board is an agent of the Crown.*

**19** Personal information.

**20** Section 22 presently reads:

*22(1) The Provincial Board must, on the request of the Minister, provide to the Minister any records, reports or other information specified by the Minister in the form specified by the Minister.*

*(2) The Community Boards and Facility Boards must, on the request of the Provincial Board, provide to the Provincial Board any records, reports or other information specified by the Provincial Board in the form specified by the Provincial Board.*

*(3) In addition to any other reporting requirements in this section, as soon as practicable after March 31 each year the Provincial Board, Facility Boards, and Community Boards must prepare and submit to the Minister an annual report that shall include an audited financial statement for the preceding financial year.*

*(4) On receipt of an annual report under subsection (3), the Minister shall table that report in the Legislative Assembly.*

**21** Section 23 presently reads:

*23(1) The Lieutenant Governor in Council may make regulations*

- (a) describing the limitations in intellectual capacity and adaptive skills for the purposes of the definition of developmental disability;*
- (b) respecting the membership of a Board and the terms of office of Board members;*
- (c) respecting the nomination of members for a Board;*

*(d) respecting limiting the natural person powers of a Board;*

*(e) respecting the dissolution of and the winding-up of the activities of a Board.*

*(2) The Minister may make regulations*

*(a) respecting to whom the Provincial Board must give notice of its meetings;*

*(b) respecting Boards' plans;*

*(c) respecting the standards to be followed by Boards in the management and provision of services to adults with developmental disabilities;*

*(d) requiring Boards to keep records, how they must be kept and what they must contain;*

*(e) respecting the types of electronic systems to be used by Boards for data transmission and storage and the standards that those systems must meet;*

*(f) respecting the sharing of information among Boards and service providers;*

*(g) respecting the notice of appeal form.*

**22** Transitional.

**23** Transitional.

**24** Consequential.

**25** Coming into force.