

# BILL

No. 64 of 1920.

An Act respecting Old Age Pensions.

(Assented to , 1920.)

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

1. This Act may be cited as "*The Old Age Pensions Act, Alberta.*"

2. "Municipality" shall mean city, town, village or municipal district.

3. The Lieutenant Governor in Council shall have power to enter into an agreement with the Governor in Council of the character contemplated in *The Old Age Pensions Act, 1927*, of the Dominion of Canada (hereinafter called "*the Dominion Act*"), for the provision of pensions in accordance with sections 3, 8 and 9 of the Dominion Act, as set out in Schedule A to this Act.

4.—(1) All old age pensions payable under the provisions of this Act, or of the scheme hereinafter referred to, and the expenses of administering this Act, shall be paid out of any moneys that may be appropriated by the Legislature for such purpose and in default of any such appropriation, shall be a charge and paid out of the General Revenue Fund.

(2) The Lieutenant Governor in Council shall have power to raise by way of loan any sum or sums of money that may be necessary to discharge the obligations of the Province under this Act or any agreement that may be entered into under the provisions thereof.

5. All sums paid out of the Consolidated Revenue Fund of Canada to the Province under the provisions of the Dominion Act shall form part of the General Revenue Fund.

6.—(1) Within one month after the end of every year every municipality, within whose area a pensioner is resident, shall out of its general revenue pay to the Provincial Treasurer ten per cent of the amount paid during the previous year to persons resident within such municipality.

(2) Without any further or other authority than is provided by this Act, every such municipality shall have power

to borrow any amount that may be required under the provisions of the previous section and to give security upon its property and the land within its area for the payment thereof.

(3) In the case of residents in an improvement district, the Minister of Municipal Affairs shall direct the Minister of Public Works to pay out of the proper improvement district fund the said percentage, and shall have power to borrow any required amount and to charge the land in the improvement district with the payment thereof.

(4) The Lieutenant Governor in Council shall have power by regulation to define the facts or circumstances constituting a *bona fide* residence within the meaning of this Act.

(5) In the event of a dispute arising as to whether any pensioner is resident within a municipality or improvement district or not, the pension authority shall decide such question, and his decision shall be final.

7.—(1) The Lieutenant Governor in Council may appoint a Board of Review consisting of such number of persons as may seem proper.

(2) The pension authority may refer to such Board the case of any person who by reason of the existence of a legal liability on the part of any other person to support him and the ability of such person to do so, or for any other good reason does not appear to the pension authority to be in actual need or fairly entitled to such pension.

(3) The Board of Review upon any such reference being made to it shall in its uncontrolled discretion, have power to determine that such person is not entitled to a pension under the provisions of this Act, and thereupon the pension authority shall refuse the grant of a pension to such person or cease to make payment thereof to such person, as the case may be.

8.—(1) In the event of a pension being granted to any person for whose maintenance any other person is liable under the provisions of *The Maintenance Order Act*, then the pension authority may apply for a maintenance order under the provisions of that Act or such of them as are applicable, and such order shall direct payment of the sum granted by way of maintenance in equal quarterly payments to the pension authority.

(2) In estimating the ability of any person to maintain himself, the judge shall not take into account any sum payable by way of pension under the provisions of this Act.

9. The Lieutenant Governor in Council shall have power—

(a) to appoint a pension authority to consider applications for old age pensions made in accordance with

the provisions of the Dominion Act, and any regulations that may be made thereunder, and to pay the same; which pension authority may be a Minister of the Crown, a person or persons, or a corporation, to be created by the Lieutenant Governor in Council for that purpose;

- (b) to appoint all such officers as may be necessary for the proper administration of this Act;
- (c) to draw up a scheme for the administration of pensions and to alter the same with the consent of the Governor in Council, or in accordance with regulations made under the Dominion Act and agreed to by the Lieutenant Governor in Council;
- (d) to make regulations as to the times and mode of payment by the Provincial Treasurer to the pension authority of the sums necessary for the administration of this Act, and otherwise howsoever with respect to such payment;
- (e) to make regulations as to the audit of the accounts of the pension authority;
- (f) to make regulations not inconsistent with the provisions of this Act, that are necessary or convenient for the administration thereof, and for regulating expenditures to be made thereunder.

**10.**—(1) The pension authority shall submit annually to the Lieutenant Governor in Council, and at such time as may be prescribed by him, a report on the administration of this Act, and shall include therein such information as the Lieutenant Governor in Council may require.

(2) The report shall be forthwith laid before the Legislative Assembly if then in session, and if not then in session, within fifteen days after the opening of the next session.

**11.** This Act shall come into force upon proclamation of the Lieutenant Governor in Council who may except from the effect of such proclamation any section or sections thereof.

#### SCHEDULE.

##### Old Age Pensions Act, 1927, of the Dominion of Canada.

"Section 3. The Governor in Council may make an agreement with the Lieutenant Governor in Council of any province for the payment to such province quarterly of an amount equal to one-half of the net sum paid out during the preceding quarter by such province for pensions pursuant to a provincial statute authorizing and providing for the payment of such pensions to the persons and under the conditions specified in this Act, and the regulations made hereunder.

"Section 8.—(1) Provision shall be made for the payment of a pension to every person who, at the date of the proposed commencement of the pension—

"(a) is a British subject, or, being a widow, who is not a British subject, was such before her marriage;

"(b) has attained the age of seventy years;

"(c) has resided in Canada for the twenty years immediately preceding the date aforesaid;

"(d) has resided in the Province in which the application for a pension is made for the five years immediately preceding the said date;

"(e) is not an Indian as defined by *The Indian Act*;

"(f) is not in receipt of an income of as much as three hundred and sixty-five dollars a year; and

"(g) has not made any voluntary assignment or transfer of property for the purpose of qualifying for a pension.

"(2) The receipt of a pension shall not by itself constitute a disqualification from voting at any provincial or municipal election.

"Section 9.—(1) The maximum pension payable shall be two hundred and forty dollars yearly, which shall be subject to reduction by the amount of the income of the pensioner in excess of one hundred and twenty-five hundred a year.

"(2) Where a pensioner is the owner of an interest in a dwelling house in which he resides and the pension authority accepts a transfer to it of such interest, the pension payable to the pensioner shall not be subject to any reduction in respect of the annual value of such interest, but the pension authority, shall, on the death of the pensioner or upon his ceasing to use such dwelling house as his place of residence, be entitled to sell the pensioner's interest therein, and to retain out of the proceeds of such sale the amount of all payments made to the pensioner by way of pension in excess of the amount he would have received if such interest had not been transferred to the pension authority, together with interest on the said payments at the rate of five per cent per annum, compounded annually.

"(3) A pension authority shall be entitled to recover out of the estate of any deceased pensioner, as a debt due by the pensioner to such authority, the sum of the pension payments made to such pensioner from time to time, together with interest at the rate of five per cent per annum compounded annually, but no claim shall be made by a pension authority for the recovery of such debt directly or indirectly out of any part of the pensioner's estate which passes by will or on an intestacy to any other pensioner or to any person who has, since the grant of such pension or for the last three years during which such pension has continued to be paid, regularly contributed to the support of the pensioner by the payment of money or otherwise to an extent which, having regard to the means of the person so having contributed, is considered by the pension authority to be reasonable."

THIRD SESSION

SIXTH LEGISLATURE

19 GEORGE V

1929

---

**BILL.**

An Act respecting Old Age Pensions.

---

Received and read the

First time.....

Second time.....

Third time.....

---

HON. MR. READ

---

REPORTED:  
W. D. McLEOD, DEPUTY CLERK  
SEN. 1929