

Bill No. 46 of 1939.

A BILL TO AMEND AND CONSOLIDATE THE  
BUREAU OF RELIEF AND PUBLIC  
WELFARE ACT.

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NOTE.

This Bill amends and consolidates *The Bureau of Relief and Public Welfare Act*.

The Bureau established under that Act is continued.

The function of the Bureau is to provide material aid for destitute employable persons as defined in paragraphs (d) and (e) of section 2, and for destitute transient persons.

Any municipality which receives assistance from the Dominion or the Province or both for the purpose of providing material aid is under an obligation to provide material aid for destitute employable persons who are residents of the municipality. (Section 13.)

The term "resident" is defined in paragraph (i) of section 2; and section 11 makes provision for determining what persons are residents of any municipality.

Where a municipality provides material aid to any person for whom another municipality is responsible such other municipality is under an obligation to repay the value of the material aid so provided. (Section 14.)

The duty of the Bureau and municipalities as to the food allowance to be issued and the deductions which may be made therefrom are set out in sections 15 and 16.

Provision is made for compelling a recipient of material aid from a municipality and who has removed from it, to return to and reside in that municipality. (Section 18.)

A destitute person who believes that he has been wrongfully refused material aid by a municipality responsible for the provision thereof is given the right to take proceedings before a police magistrate or a justice of the peace; and a municipality which, without lawful excuse, fails to provide material aid for a resident thereof is liable on summary conviction to a penalty of not more than two hundred dollars and costs. (Section 19.)

The Bureau and a municipality are declared not to be responsible for the provision of material aid in the cases set out in section 20.

A destitute employable person may be required by a municipality or the Bureau to perform certain work, and

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to give an undertaking for the repayment of the value of material aid furnished to him or his dependants, subject to the conditions and the consequences of non-compliance set out in section 21.

The amount of material aid furnished is subject to reduction by the amount of the earnings of the recipient or of members of his family. (Section 22.)

The cost of material aid furnished to persons who are or have been members of a community owning property for the benefit of its members is made a charge upon such property. (Section 23.)

Penalties are provided for giving false information or concealing information in obtaining or applying for material aid and for contraventions of the Act for which no penalty is expressly provided. (Sections 24 and 25.)

R. ANDREW SMITH,  
*Legislative Counsel.*

*(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)*

# BILL

No. 46 of 1939.

An Act to Amend and Consolidate the Bureau of Relief and Public Welfare Act.

(Assented to \_\_\_\_\_, 1939.)

**H**IS 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 Bureau of Public Welfare Act.*"

2. In this Act, unless the context otherwise requires a contrary meaning,—

- (a) "Adequate Food Allowance" means an allowance in money or its equivalent of such amount, having regard to the prices prevailing, as will make available food of such amount, as may from time to time be determined by Order in Council;
- (b) "Bureau" means the Bureau of Public Welfare;
- (c) "Commissioner" means the Commissioner of Public Welfare;
- (d) "Destitute Employable Person" means a person who is for the time being unable to provide subsistence for himself and such dependents as he is under a legal obligation to support, and who is not permanently physically or mentally unfit to be gainfully employed but for whom no such employment is available;
- (e) "Material Aid" means any food, fuel, clothing or shelter provided out of Public Funds, and includes any money paid to any destitute person out of Public Funds;
- (f) "Minister" means that member of the Executive Council for the time being charged with the administration of this Act;
- (g) "Municipality" means any city, town, village, municipal district and improvement district which accepts assistance in the form of a grant for material aid from the Dominion of Canada or the Province of Alberta; and includes, in respect of an improvement district, the Minister of Municipal Affairs and in respect of any other municipality, the council of such municipality;

- (h) "Public Funds" means moneys contributed by the Dominion of Canada, the Province of Alberta or by any municipality;
- (i) "Self-supporting Person" means a person who is able to and does provide subsistence for himself and such dependents as he is under a legal obligation to support without applying for and receiving material aid or other assistance from Public Funds;
- (j) "Subsistence" means the necessary resources to secure food, fuel, clothing and shelter;
- (k) "Transient Person" means a person who is not the responsibility of any municipality in the Province of Alberta;
- (l) "Unemployment Relief Work" means any work which has not been regularly provided for in the annual estimates of a municipality and which is not disallowed by the Minister.

**3.** There shall be a Bureau of Public Welfare consisting of a Commissioner of Public Welfare and such other officers, clerks and employees as may be necessary for the proper conduct of the Bureau.

**4.** The Commissioner and the said officers, clerks and employees shall be appointed by the Lieutenant Governor in Council and shall be under the control of the Minister.

**5.** The Commissioner may out of moneys appropriated by the Legislature for the purpose provide material aid or other assistance for any destitute transient person.

**6.** In any case where and for such period of time during which there exists any doubt as to whether a destitute employable person is or is not a resident of a municipality, the Commissioner may provide such destitute employable person with material aid and if, after due enquiry, it is established to the satisfaction of the Commissioner that a municipality is under a legal liability to furnish such material aid, the Minister shall be entitled to recover from such municipality the full cost of the assistance given.

**7.** It shall be the duty of the Commissioner,—

- (a) to perform or superintend the performance of such work relating to the collection, assortment, systematization and publication of information and statistics relating to destitution and material aid as may be directed by the Minister;
- (b) to supervise the administration of such Acts and measures relating to the provision of any material aid as may be assigned to the Bureau by the Lieutenant Governor in Council;

(c) to discharge and perform such other duties as may be from time to time assigned to him by the Minister.

**8.** Any sum of money recoverable by the Minister pursuant to this Act may be recovered by an action brought by the Minister in the name of the Crown and shall be recoverable as a debt due to the Crown.

**9.** With the approval of the Minister, the Bureau of Public Welfare may from time to time appoint such committees as may be deemed desirable, consisting of not more than three persons for the purpose of making a thorough investigation into problems of material aid and making recommendations for remedial changes; for the purpose of arranging for the acquisition of supplies of fruit, vegetables and clothing for public distribution, and the persons so appointed may be paid such sum of money for travelling expenses and subsistence while serving upon any such committee as the Lieutenant Governor in Council may deem proper and in cases where no fixed amount to cover such purpose has been provided, upon the furnishing of vouchers or such other evidence as may be considered sufficient and, in case any person so appointed is for the time being a member of the Legislative Assembly, notwithstanding any provision of *The Legislative Assembly Act*, the receipt by any such person of any such money shall not render such person ineligible as a member of the Legislative Assembly.

**10.** The Lieutenant Governor in Council may prescribe rules and regulations governing the granting of material aid and the disbursement of any moneys pursuant to this Act.

**11.**—(1) “Resident” in relation to a municipality means a person who on the last occasion he applies for material aid has then had his home while a self-supporting person or has then resided as a self-supporting person within the boundaries of a municipality for twelve consecutive months out of the twenty-four months immediately preceding the making of such application.

(2) (a) If any person who is the responsibility of a municipality while receiving material aid or who within a period of twelve months after he last received material aid under the provisions of this Act or any unemployment relief under the provisions of *The Bureau of Relief and Public Welfare Act*, moves into some other municipality, the first mentioned municipality shall continue to be liable for the provision of material aid to such person as if such person had continued to reside therein and he shall continue to be the responsibility of the first mentioned municipality until he shall have become a resident of some other municipality within the Province.

(b) Any person who has resided in a municipality and has received any material aid as the responsibility of such municipality under the provisions of this Act or any unemployment relief under the provisions of *The Bureau of Relief and Public Welfare Act*, shall continue to be the responsibility for material aid of such municipality until such time as he becomes a resident of some other municipality within the meaning of this Act.

(3) Any period of twelve consecutive months shall be computed from the last day of the month in which the last issue of material aid was accepted by the recipient.

(4) Any person who is given assistance under the provisions of *The Mothers Allowance Act*, *The Workmen's Compensation Act (Accident Fund)* and/or *The Old Age Pensions Act* or any person who receives a pension or allowance made in recognition of services performed shall be deemed a self-supporting person to the extent of such assistance.

**12.** Unless a married woman has been judicially separated or divorced, she shall be deemed to be a resident of the municipality of which her husband is a resident.

**13.** In case assistance during any period of time is afforded a municipality in defraying the cost of providing material aid, whether it is so afforded by the Dominion of Canada or the Province of Alberta or both, then, in such case and during such period, every municipality shall as a condition of receiving such assistance,—

- (a) take a written application for material aid from any person who represents himself to be a destitute employable person, and thereupon determine the need for such aid;
- (b) provide material aid in conformity with the provisions of this Act;
- (c) in case of urgent necessity, make provision for material aid for any destitute employable person living within its boundaries but not a resident thereof.

**14.** Any municipality providing material aid pursuant to the provisions of paragraph (c) of section 13 shall forthwith send by registered mail a written notice to that effect to the secretary-treasurer of the municipality within the Province of Alberta of which the person concerned is believed to be a resident or, in case the person concerned has not become a resident as herein defined of any municipality within the Province of Alberta, such written notice shall be sent to the Bureau. If the municipality or the Bureau as the case may be, to which such written notice has been sent, fails within one month next after the date of mailing of

such notice, to accept responsibility for providing material aid to the person or persons named in such written notice, the municipality supplying such material aid may apply to a judge of the district court as provided in section 18 hereof for an order determining the responsibility for material aid under the provisions of this Act for the person or persons concerned.

**15.** It shall be the duty of a municipality when liable, to issue an adequate food allowance and in addition thereto, upon the presentation of a certificate signed by a duly qualified medical practitioner appointed by the municipality so to do, an allowance to provide cod liver oil, extra food in cases of pregnancy, wasting diseases, convalescence or other reasonable causes.

**16.** A municipality or the Bureau when liable, may deduct from the adequate food allowance an amount equal to the current local retail value of such articles of food as the recipient has provided or could reasonably have been expected to provide from his own resources.

**17.—**(1) When a municipality, under the provisions of this Act, provides material aid or causes Material aid to be provided for any person for whom some other municipality is responsible, then the municipality of which such person is a resident at the time the material aid was given, shall upon demand repay the actual value of the material aid provided for the said person.

(2) In any case where such other municipality fails to repay within a reasonable time the actual value of the material aid provided, the Provincial Treasurer, upon the recommendation of the Commissioner, may out of the moneys in his hands that may be due or may become due to such other municipality, pay to the municipality so providing material aid an amount equal to the cost of the material aid so provided.

(3) Nothing in this section shall affect any right which a municipality has to recover from any other municipality any sum in respect of the provision of material aid for which such other municipality is liable.

**18.—**(1) In cases where it is necessary to afford material aid to a resident of a municipality who is actually residing outside of the boundaries of the municipality, the municipality may, at its discretion, give notice in writing to the resident requiring him to return and reside within the boundaries of the municipality during such time as material aid is provided. The municipality shall furnish reasonable facilities for the transportation of such person and his dependents and such effects as the said person may possess and shall also provide a place of residence which is reasonably fit for human habitation for such person and his dependents.

(2) In case a municipality has given to a resident the notice required by this section and the resident is dissatisfied with the notice or action or directions of the municipality, he may within fifteen days thereafter apply to the clerk of the district court in the judicial district in which he is living at the time the notice is received by him and the clerk of the court shall forthwith after the receipt of the application, apply to a judge of the district court exercising jurisdiction in the said district to fix a date not later than thirty days thereafter for the hearing of the resident's complaint and thereupon the clerk of the district court shall forthwith notify the resident and the municipality by registered mail of the time and place of the hearing and such judge or any other judge of the district court having jurisdiction, may upon the return of the application hear the resident's complaint and the answer thereto by the municipality and deal with the matter in a summary way and for that purpose may take evidence either *viva voce* or by affidavit as he deems proper and the decision of the judge thereon shall be final and conclusive and there shall be no appeal therefrom.

(3) In case a resident fails to comply with the notice given to him by the municipality or to make application to the clerk of the district court as provided for in the preceding subsection, the municipality then may at any time after the expiration of fifteen days from the giving of the notice, apply to any judge of the district court exercising jurisdiction in the judicial district in which the resident was domiciled at the time the notice was given for an order requiring the resident to comply with the notice and thereupon the judge shall fix a date for the hearing of the application and give such directions as he may deem proper as to the notice to be given to the resident and upon the day so fixed or any adjournment thereof, the said judge or any other judge of the district court exercising jurisdiction in the same judicial district shall proceed to hear and determine the application in a summary manner and for that purpose may take evidence either *viva voce* or by affidavit as he deems proper and upon being satisfied that the requirements of this section have been complied with by the municipality and that under all circumstances it is proper so to do, the judge may order that the resident comply with the notice within such period of time as he may fix for the purpose and that in case of non-compliance with the judge's order the municipality may withhold material aid until such time as the resident shall comply with the notice and any order so made shall be final and conclusive and there shall be no appeal therefrom.

(4) In case the municipality concerned fails to give the notice required by this section then, either the Minister or the municipality in which the person concerned is domiciled may apply to a judge of the district court exercising jurisdiction in the judicial district in which the person is domiciled for an order requiring the resident concerned to return and reside in his proper municipality and such



judge may give such directions as he may deem reasonable as to the notification of all parties concerned of the date fixed for the hearing of the application and other relevant matters and, after hearing all evidence adduced on such application, shall give such decision as he may deem proper and any decision so made shall be final and conclusive and there shall be no appeal therefrom.

(5) In any proceedings under this section the judge shall enquire into the property, income, means and resources of the resident and shall determine whether such resident is entitled to receive material aid and the decision of such judge shall be final and there shall be no appeal therefrom.

(6) Upon the making of any order pursuant to this section with respect to any person who is in receipt of material aid from the municipality of which he is not a resident within the meaning of this Act, requiring such person to return to the municipality of which he is a resident, the municipality from which such person is in receipt of material aid immediately preceding the making of such order shall continue to provide such material aid until the expiration of twenty days after the making of such order and upon the expiration of such period of time, the municipality of which such person is a resident shall be liable thereafter to provide such person with material aid and with the facilities mentioned in subsection (1) of this section and any failure to discharge either in whole or in part its obligation in this respect shall be deemed to be failure to provide material aid for the purpose of section 19 of this Act.

(7) In case a resident makes default in complying with any such order he shall forthwith forfeit his rights to further assistance in the form of material aid while such default continues and in the event the municipality in which the resident is temporarily domiciled continues to grant material aid to the resident after the expiration of the period mentioned in subsection (6) of this section, the value of such material aid shall not be recoverable from the municipality of which he is a resident nor shall it be regarded as assistance from Public Funds.

(8) In case a resident has complied with any such order and thereafter, while still in receipt of material aid and unemployed, returns with his family to the municipality he was ordered to leave and of which he is not a resident without the consent of the municipality of which he is a resident and applies for material aid in the first mentioned municipality he shall forthwith forfeit his right to further assistance in the form of material aid from the municipality of which he is a resident until such time as he returns, and he shall be guilty of an offence and liable on summary conviction to imprisonment for a term of not more than three months.

(9) In case a resident has complied with any such order and thereafter, while still in receipt of material aid and

unemployed, removes either himself or any of his dependants to a municipality other than that mentioned in subsection (8) of this section and of which he is not a resident without the consent of the municipality of which he is a resident and applies for material aid in the first mentioned municipality,—

- (a) he shall forthwith forfeit his right to further assistance in the form of material aid from the municipality of which he is a resident until such time as he returns to the municipality of which he is a resident; and
- (b) he shall be guilty of an offence and liable on summary conviction therefor to imprisonment for a term of not more than three months; and
- (c) the right of the municipality into which he so removes to recover the value of any material aid provided for him by that municipality from the municipality of which he is a resident shall be restricted to the value of material aid provided up to the day upon which the first mentioned municipality receives from the municipality of which he is a resident notice in writing to the effect that he has so removed in the circumstances set out in this section.

**19.**—(1) Any destitute person who believes he has good grounds for feeling aggrieved by the refusal of material aid or on account of inadequacy of any material aid may prefer a charge under this section against the municipality responsible for the provision of such material aid, before any police magistrate or justice of the peace in the vicinity of the place in which he has had his home and thereupon the police magistrate or justice of the peace shall proceed to the determination of the charge in conformity with the provisions of this section.

(2) No police magistrate or justice of the peace shall accept any information or complaint nor issue a summons or warrant under the provisions of this section until he shall have notified the municipality affected and satisfied himself by due enquiry that the facts and circumstances justify the acceptance of such information and complaint and the issue of such summons or warrant, nor until the expiration of fifteen days from the date of the giving of such notice.

(3) A municipality which, without lawful excuse, fails to provide adequate material aid for any resident shall be guilty of an offence and liable on summary conviction to a fine of not less than fifty dollars and not exceeding two hundred dollars and costs.

**20.** Neither the municipality nor the Bureau shall be under any obligation to provide or to continue to provide

material aid to any person representing himself to be a destitute employable person in any case when,—

- (a) such person is a self-supporting person;
- (b) such person has refused to accept reasonable work for reasonable wages;
- (c) such person has refused to perform any work or service in the municipality which is unemployment relief work;
- (d) such person having been previously in receipt of any material aid has been steadily employed, for a period of time calculated from the day upon which he was last so employed equal to one-half of the difference between the period of time he was so employed and that period of time during which his earnings whilst so employed, less any expenditures for necessary medical or hospital care, would have been sufficient to provide himself and his dependants with subsistence equivalent to the material aid which may be provided under this Act;
- (e) such person having been previously in receipt of any material aid, receives from any other source any money or any liquid assets, for a period of time calculated from the day upon which he receives such money or assets, equal to one-half of the time during which such money or assets less any expenditures for necessary medical or hospital care, would have been sufficient to provide himself and his dependants with subsistence equivalent to the material aid which may be provided under this Act;
- (f) such person refused to accept adequate material aid in such form and at such place as may be designated by the Commissioner.

**21.**—(1) Any destitute employable person who has applied for or is in receipt of any material aid by a municipality or by the Bureau may be required,—

- (a) to perform any work or service in a municipality which is unemployment relief work; or
- (b) to give an undertaking to the municipality or the Bureau for the repayment of the total value of the material aid provided for himself and his dependants.

(2) In exercising any power under this section a municipality or the Bureau may give special consideration to persons who served in the Great War as members of the Canadian Expeditionary Force or in military or naval forces of Great Britain or of any of her Allies.

(3) In case a municipality requires a resident who is a recipient of material aid to perform any work or service that is not unemployment relief work, the municipality

shall forthwith remove the recipient's name from their lists as a recipient of material aid and shall pay him wages for the work done.

(4) In case a municipality requires a person in receipt of material aid living within its corporate boundaries to perform work or service that is unemployment relief work and such person is a resident of some other municipality, the first mentioned municipality shall secure authority for the ordering of such work or service from the municipality of which the recipient is a resident.

**22.** The amount of material aid to be provided for any person may be reduced from time to time at the discretion of the municipality or Bureau providing the same by the amount of the earnings of such person and the members of his immediate family, or in case it is so provided by regulations made under this Act by the difference between the amount of such earnings and such amount as may be declared thereby to be earnings to which this section does not apply.

**23.** In any case where material aid is furnished to any person,—

- (a) who is a member of a community which holds any property for the common use, benefit or enjoyment of all its members;
- (b) for whose benefit or enjoyment either alone or jointly with any other person any property is held under any trust; or
- (c) who having been a member of any such community has ceased for any reason to be such a member;

then and in every such case the cost of any material aid furnished to any such person shall be a charge upon all the property held for the common use, benefit or enjoyment of the members of the community or in trust as aforesaid as the case may be.

**24.** Any person knowingly giving false information or concealing information for the purpose of obtaining or causing to be obtained for himself or anyone else material aid shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred dollars and costs and in default of payment to imprisonment for a term not exceeding three months.

**25.** Every person who fails to comply with or contravenes any of the provisions of this Act shall be guilty of an offence and liable on summary conviction therefor to a fine not exceeding one hundred dollars and costs and in default of payment to imprisonment for a period not exceeding three months.

**26.** A municipality shall bear all expenses in connection with the administration of material aid given pursuant to this Act.

**27.** This Act shall be read and construed with *The Municipal District Act, The Town and Village Act, The Improvement Districts Act, 1927*, or any other Act or charter governing a municipality and in so far as there is any conflict between any provisions of this Act and any provision of any other of the said Acts or charters, the provisions of this Act shall prevail.

**28.** *The Bureau of Relief and Public Welfare Act*, being chapter 34 of the Statutes of Alberta, 1936, is hereby repealed.

**29.** This Act shall come into force on the day upon which it is assented to.

EIGHTH SESSION  
EIGHTH LEGISLATURE  
3 GEORGE VI  
1939

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**BILL**

An Act to Amend and Consolidate the  
Bureau of Relief and Public  
Welfare Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. DR. CROSS.

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EDMONTON:  
A. Shnitka, King's Printer  
1939