



Province of Alberta

# **INCOME AND EMPLOYMENT SUPPORTS ACT**

Statutes of Alberta, 2003  
Chapter I-0.5

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Regulations

The following is a list of the regulations made under the *Income and Employment Supports Act* that are filed as Alberta Regulations under the Regulations Act

	<b>Alta. Reg.</b>	<i>Amendments</i>
<b>Income and Employment Supports Act</b>		
Child and Adult Support Services .....	61/2004 .....	126/2006, 35/2007, 128/2007, 68/2008, 34/2010, 31/2012, 230/2017
Disability-related Employment		
Supports and Services .....	117/2011 .....	230/2017
Income Support, Training and		
Health Benefits .....	122/2011 .....	31/2012, 67/2012, 170/2012, 143/2013, 191/2014, 99/2015, 88/2016, 213/2016, 174/2017, 230/2017, 223/2018, 56/2019, 81/2019
Recovery .....	43/2010 .....	234/2017
Support Agreement .....	155/2005 .....	121/2014, 36/2018
Temporary Employment and Job		
Creation Programs .....	33/2010 .....	230/2017, 10/2019, 81/2019
Training Provider .....	186/2011 .....	234/2017

# **INCOME AND EMPLOYMENT SUPPORTS ACT**

## Chapter I-0.5

### *Table of Contents*

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

- 1 Definitions
- 2 Purpose
- 3 Director
- 4 Delegation of authority

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

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

- 5 Income support and benefits provided
- 5.1 Amount of income support payments
- 6 Eligibility

##### **Division 2 Health Benefits**

- 7 Health benefits provided
- 8 Eligibility for health benefits

##### **Division 3 Training Benefits**

- 9 Training benefits provided
- 10 Eligibility for part-time learners

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

- 11 Intergovernmental agreements

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

- 12 Employment and training benefits

**Division 6  
General Provisions**

- 13 Application for assistance  
14 Information and verification  
15 Discontinuation, suspension or variation  
16 Agreement to reimburse and assignment  
17 Financial administrator and third parties  
18 Regulations

**Part 3  
Training Programs and Providers**

- 19 Definition  
20 Agreements with training providers  
21 Obligations of training providers  
22 Remedial action  
23 Audits  
24 Administrative penalties  
25 Debt due  
26 Regulations

**Part 4  
Temporary Employment and  
Job Creation Programs**

- 27 Temporary employment and job creation programs

**Part 5  
Child and Adult Support Services**

- 28 Definitions  
29 Director's right to apply for and enforce support  
30 Support services at request of applicant  
31 Application of payments to Government  
32 Liability  
33 Regulations

**Part 6  
Recovery and Offences**

- 34 Definition  
35 Repayment

- 36.1 Debt due
- 37 Sponsors
- 38 Collection of payments
- 39 Registration in land titles office
- 40 Caveat to secure payments
- 41 Offences
- 42 Regulations

### **Part 7 Appeals**

- 43 Decisions that may be appealed
- 44 Exceptions
- 45 Appeal to appeal panel
- 46 Order of appeal panel
- 47 Establishment of appeal panels
- 48 Regulations
- 48.1 Regulations under the Alberta Public Agencies  
Governance Act prevail

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

- 49 Personal information
- 50 Regulations

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

- 51 Transitional
- 52-59 Consequential amendments
- 60 Repeals
- 61 Coming into force

Schedule

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) “Alberta CPI” means the monthly All-items Consumer Price Index for Alberta, not seasonally adjusted, published by Statistics Canada;
- (a.1) “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;
- (c.1) “CPI adjustment date” means the CPI adjustment date specified in the regulations;
- (c.2) “CPI adjustment year” means the period from the CPI adjustment date of the specified year to the last day of the 12th month after the CPI adjustment date;
- (d) “dependent child” means a dependent child as defined in the regulations;
- (e) “Director” means a person appointed under section 3;
- (f) “household 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.

2003 cI-0.5 s1;2018 c17 s3

**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 household 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 this Act and the regulations;
- (b) supplementary income support payments determined in accordance with this Act and 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 household unit is the difference between

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

2003 cI-0.5 s5;2018 c17 s3

#### **Amount of income support payments**

**5.1(1)** This section applies to the following income support payments:

- (a) the core essential payment portion of the core income support payment;
- (b) the core shelter payment portion of the core income support payment;
- (c) subject to the Schedule, supplementary income support payments.

**(2)** The amount of an income support payment referred to in subsection (1)(a) or (b) is as follows:

- (a) subject to clause (b), the amount set out in the Schedule or determined in accordance with the Schedule;
- (b) effective the CPI adjustment date of the CPI adjustment year determined under subsection (2.2)(a), an amount adjusted annually on the CPI adjustment date in accordance with the Schedule.

**(2.1)** The amount of an income support payment referred to in subsection (1)(c) is as follows:

- (a) subject to clause (b), the amount determined in accordance with the Schedule;
- (b) effective the CPI adjustment date of the CPI adjustment year determined under subsection (2.2)(b), an amount adjusted annually on the CPI adjustment date in accordance with the Schedule.

**(2.2)** The Lieutenant Governor in Council may by regulation determine the CPI adjustment year effective which

- (a) an income support payment referred to in subsection (1)(a) or (b) is to be adjusted under subsection (2)(b), and
- (b) an income support payment referred to in subsection (1)(c) is to be adjusted under subsection (2.1)(b).

**(3)** A new CPI adjustment date may be set under the regulations if the new date does not result in more than 12 months between adjustments of income support payments.

**(4)** Despite subsection (2)(b), an income support payment referred to in subsection (1) must not be adjusted under this section in a CPI adjustment year if the change in the Alberta CPI applicable to that year is a negative number.

**(5)** Despite subsections (2) and (4), the amount of an income support payment may be increased at any time in accordance with the regulations.

2018 c17 s3;2019 c18 s9

### **Eligibility**

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

- (a) the household 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 household unit included in a category referred to in subsection (1)(a)(i) or (ii) are as follows:

- (a) the members of the household unit are in Alberta;
- (b) one of the members of the household unit is at least 18 years of age;
- (c) the household unit is financially eligible in accordance with the regulations;
- (d) if applicable, a member of the household 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 household 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 household unit included in the category referred to in subsection (1)(a)(iii) are as follows:

- (a) the members of the household unit are residents of Alberta determined in accordance with the regulations;
- (b) the household unit is financially eligible in accordance with the regulations;

- (c) a member of the household unit, other than a dependent child,
    - (i) meets the age and 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 household 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 household 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 household unit included in a category referred to in subsection (1)(a)(iv) are those required by the regulations.

2003 cI-0.5 s6;2006 c20 s2

## **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 household unit, other than a dependent child, is eligible for part-time training benefits under this Division if

- (a) the household 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 and meets the 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 household unit and the person meet any other conditions required by the regulations.

2003 cI-0.5 s10;2006 c20 s3

#### **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

- (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).

2003 cI-0.5 s12;2004 c10 s2

#### **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 household 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 household 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 household unit owns or may be entitled to,
- (d) refuses or neglects to avail himself or herself or a member of his or her household unit of advantages the applicant or recipient or member of the household 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 household 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 household 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 household unit to reimburse the Government in prescribed circumstances for the assistance provided.
- (3) An agreement under subsection (1) or a requirement under subsection (2) may include an assignment, as prescribed.
- (4) An amount agreed to be repaid under subsection (1) or required to be repaid under subsection (2) is a debt due to the Government.

2003 cI-0.5 s16;2007 c20 s2

#### **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 household 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

(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 is appointed for a person under the *Adult Guardianship and Trusteeship Act*, the trustee so appointed is the financial administrator for the purposes of this Act.

2003 cI-0.5 s17;2007 c20 s3;2008 cA-4.2 s135

### Regulations

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

- (a) respecting core income support payments and supplementary income support payments;
- (a.1) respecting increases to the amounts of core income support payments, including regulations
  - (i) respecting the amounts of increases or the manner in which the amounts of increases are to be determined;
  - (ii) respecting the timing of increases;
- (a.2) respecting CPI adjustment dates and CPI adjustment years;
- (a.3) respecting matters arising when a CPI adjustment date is changed, including the manner in which adjustments to income support payments are to be calculated;
- (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 household unit for the purposes of section 5(2)(a);
- (d) respecting the determination of the financial resources available to a household unit for the purposes of section 5(2)(b);
- (e) respecting the designation of a household 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.

2003 cI-0.5 s18;2018 c17 s3;2019 c18 s9

### **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 Director 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 Director 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 Director
- (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.

2003 cI-0.5 s24;2004 c10 s3

**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
  - (i) assistance under Part 2, Divisions 1 to 3,
  - (ii) a benefit under the *Assured Income for the Severely Handicapped Act*, or
  - (iii) assistance or a benefit provided under this Act or any other enactment as 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*.

2003 cI-0.5 s28;2007 c20 s4

**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 assistance or benefits for the purpose of section 28(a)(iii);
- (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 make regulations prescribing the form and contents of a support agreement for the purposes of sections 29(2)(a) and (3)(a) and 30(1)(a).

2003 cI-0.5 s33;2006 c20 s4;2007 c20 s5

## **Part 6 Recovery and Offences**

**Definition**

**34** In this Part, “assistance” means

- (a) assistance under Part 2, or
- (b) assistance or a benefit provided under any other enactment as specified in the regulations.

2003 cI-0.5 s34;2006 cA-45.1 s14;2007 c20 s6

**Repayment**

**35(1)** Subject to subsection (5) and the regulations, a recipient must repay the amount or value of assistance received if, in the Director’s opinion,

- (a) assistance that is specified in the regulations has been used for a purpose other than that for which it was provided, or
- (b) the recipient received assistance to which the recipient was not entitled.

**(2)** A financial administrator or third party may be required by the Director to repay the amount or value of assistance received on behalf of a recipient if, in the Director’s opinion,

- (a) the recipient received assistance to which the recipient was not entitled due to the non-disclosure of a material fact or provision of false information by the financial administrator or third party, or
- (b) assistance administered by the financial administrator or third party has been used for a purpose other than that for which it was provided.

**(3)** Where an amount or value is repayable under subsection (1) in respect of a household unit and the recipient and the recipient's cohabiting partner at the time the debt was incurred are no longer in the same household 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.

**(4)** The Director must, in accordance with the regulations, provide notice of the following to a person who is required to repay an amount or value under this section:

- (a) the amount or value to be repaid;
- (b) any amount or value the Director is exempting the person from repaying under subsection (5);
- (c) the right to appeal under section 43.

**(5)** If the Director determines there are appropriate circumstances, the Director may exempt a person from the requirement to repay an amount or value unless

- (a) the amount or value is a debt due under section 36.1, or
- (b) in the Director's opinion, the person received the benefit by wilful misrepresentation or fraud.

2003 cI-0.5 s35;2007 c20 s7;2018 c17 s3

**36** Repealed 2007 c20 s8.

#### **Debt due**

**36.1** An amount repayable under section 35 is a debt due to the Government when

- (a) the appeal period under section 45(1) has expired, or
- (b) an appeal under section 45(1) has been determined.

2007 c20 s9

**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, a former Act or the *Assured Income for the Severely Handicapped Act*, including any of the following:

- (a) entering into an agreement with the debtor;
- (b) bringing an action in debt;
- (c) deducting the amount owing from further assistance for which the person is eligible under this Act, or under 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;
- (d) filing with the clerk of the Court of Queen’s Bench at any judicial centre a certificate of the Minister certifying the amount owing.

**(3)** A certificate filed under subsection (2)(d) becomes an order of the Court of Queen’s Bench and may be enforced as a judgment of that court.

**(4)** Repealed 2007 c20 s10.

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

- (a) the amount owing,

(b) the judicial centre 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.

2003 cI-0.5 s38;2006 cA-45.1 s14;2007 c20 s10;  
2009 c53 s85

### 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 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).

2003 cI-0.5 s39;2009 c53 s85

**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.

**(6)** A prosecution for an offence under this Act may not be commenced more than 2 years after the later of

- (a) the date on which the offence was committed, and
- (b) the date on which evidence of the offence first came to the attention of the Director.

2003 cI-0.5 s41;2007 c20 s11

**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 form and manner of providing notice for the purposes of sections 35(4) and 37(2);

- (b.1) respecting repayments under section 35, including the circumstances in which the Director does not have to or must not require repayment;
  - (c) respecting the manner of serving a notice under section 38(5).
- (2) The Minister may make regulations
- (a) specifying assistance or benefits for the purpose of section 34(b);
  - (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)(c).

2003 cI-0.5 s42;2007 c20 s12;2018 c17 s3

## Part 7 Appeals

### Decisions that may be appealed

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

- (a) relating to eligibility or continuing eligibility for, or the amount or value of, assistance under Part 2,
- (b) relating to an amount repayable under section 35, 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.

2003 cI-0.5 s43;2004 c10 s4;2007 c20 s13

### 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.

(3) For the purpose of subsection (1), a person is deemed to have received notice of the Director's decision and of the person's right to appeal,

- (a) if it was sent by registered mail or courier, on the day it was delivered to that person's last address known to the Director,
- (b) if it was sent by ordinary mail, on the 7th day after it was mailed to that person's last address known to the Director, or
- (c) if it was sent by fax or other electronic means, on the day it was transmitted to the person's last electronic address known to the Director,

unless the person satisfies the appeal panel that the person did not receive the notice or that the person received the notice later than when it is deemed to have been received.

2003 cI-0.5 s45;2007 c20 s14

#### **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) If an appeal is determined to be abandoned, the appeal panel shall confirm the decision appealed from.

(4) Repealed 2018 c17 s3.

(5) A decision of an appeal panel in respect of an appeal under section 43 or an application under section 17(2) is final.

2003 cI-0.5 s46;2007 c20 s15;2018 c17 s3

#### **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,
- (b) designate a chair and one or more vice-chairs, and
- (c) authorize, fix and provide for the payment of remuneration and expenses to its members in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*.

(3) The quorum to hear an appeal is 3 members, but an appeal may be heard by one member for procedural matters related to the appeal or in emergency circumstances provided for in the regulations.

(4) Notwithstanding subsection (2), where the appointment of a member of an appeal panel expires, the member continues to hold office until

- (a) the member is reappointed,
- (b) a successor is appointed, or
- (c) a period of 3 months has elapsed,

whichever occurs first.

2003 cI-0.5 s47;2009 cA-31.5 s54;2016 c19 s8

#### **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;

- (c.1) respecting the emergency circumstances in which an appeal may be heard by one member of an appeal panel;
- (d) repealed 2018 c17 s3;
- (e) respecting the determination of the abandonment of an appeal referred to in section 46(3).

2003 c1-0.5 s48;2007 c20 s16;2016 c19 s8;2018 c17 s3

### **Regulations under the Alberta Public Agencies**

#### **Governance Act prevail**

**48.1** If regulations under the *Alberta Public Agencies Governance Act* apply in respect of the terms of appointment of appeal panel members, those regulations prevail, to the extent of any conflict or inconsistency, over any regulations made under section 48(a).

2009 cA-31.5 s54

## **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 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*.

- (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.
- (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*.

2003 cI-0.5 s49;2004 c10 s5

**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*, RSA 2000 cA-45, 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.
- (6) Any amount collected under section 38(2)(a) as it read before the coming into force of this subsection is deemed to have been validly collected notwithstanding that section 38(2)(b) as it read before the coming into force of this subsection was not complied with.
- (7) If the *Assured Income for the Severely Handicapped Act*, SA 2006 cA-45.1, comes into force after this subsection comes into force, then, until that Act comes into force,
- (a) a benefit under the *Assured Income for the Severely Handicapped Act*, RSA 2000 cA-45, is deemed to be assistance under Part 6 of this Act, and
  - (b) in addition, the Director may, under section 38(2)(c), deduct an amount owing from further assistance for which the person is eligible under the *Assured Income for the Severely Handicapped Act*, RSA 2000 cA-45.

2003 cI-0.5 s51;2006 cA-45.1 s14;2007 c20 s17

**52 to 59** (These sections amend other Acts; the amendments have been incorporated into those Acts.)

#### Repeals

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

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

(NOTE: Section 60(1) and (2) proclaimed in force April 30, 2004.)

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

(NOTE: Section 60(3) proclaimed in force January 1, 2004.)

(4) The *Widows' Pension Act*, RSA 2000 cW-7, is repealed on March 31, 2014.

2003 cI-0.5 s60;2005 c42 s2

(NOTE: Section 60(4) proclaimed in force April 1, 2004.)

#### 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*.

(NOTE: Sections 52 and 55 come into force April 1, 2014.)

(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.

(NOTE: Section 54(2)(a) comes into force April 1, 2005.)

(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.

(NOTE: Section 54(2)(c) comes into force April 1, 2015.)

(NOTE: Sections 20 to 27, 50 and 60(3) proclaimed in force January 1, 2004. Section 59 proclaimed in force March 31, 2004. Sections 1 to 10, 12 to 19, 28 to 33, 43 to 49, 51, 54(1) and (2)(b), 56 to 58 and 60(4) proclaimed in force April 1, 2004. Part 6 and sections 53 and 60(1) and (2) proclaimed in force April 30, 2004. Section 11 proclaimed in force March 25, 2010.)

## Schedule

### Definitions

**1** In this Schedule,

- (a) “adult member” means an adult member as defined in the regulations;
- (b) “approved home” means an approved home as defined in the regulations;
- (c) “barriers to full employment household unit” means a barriers to full employment household unit as described in the regulations;
- (d) “expected to work or working household unit” means an expected to work or working household unit as described in the regulations;
- (e) “group home” means a group home as defined in the regulations;
- (f) “hospital” means a hospital as defined in the regulations;
- (g) “learner household unit” means a learner household unit as defined in the regulations;
- (h) “nursing home” means a nursing home as defined in the regulations;
- (i) “supplementary income support” means supplementary income support as defined in the regulations.

### Calculation of adjusted amounts

**2** Subject to the regulations, an income support payment that is to be adjusted under section 5.1(2)(b) or 5.1(2.1)(b) of this Act must be adjusted annually by an amount equal to

- (a) the amount of the income support payment for the previous CPI adjustment year, including any increase to that amount made under the regulations,  
  
multiplied by
- (b) the change in the Alberta CPI determined in accordance with section 3.

### Change in Alberta CPI

**3(1)** The change in the Alberta CPI is the amount determined by the formula

$$X = \frac{A}{B} - 1$$

where

- X is the change in the Alberta CPI, rounded to 3 decimal places;
- A is the sum of the 12 individual Alberta CPI indexes for each month in the 12-month period ending on September 30 of the calendar year that ended before the commencement of the CPI adjustment year;
- B is the sum of the 12 individual Alberta CPI indexes for each month in the 12-month period immediately preceding the 12-month period referred to in A.

(2) The Minister, in consultation with the Minister responsible for the *Financial Administration Act*, shall determine the amount by which income support payments must be adjusted under section 2 if the Alberta CPI is not available for part or all of the CPI adjustment year for which the change in the Alberta CPI is being calculated.

**Core income support — barriers to full employment/expected to work or working**

4 The core income support that may be provided by the Director under section 5(1)(a) of this Act to a barriers to full employment household unit or an expected to work or working household unit is comprised of a core essential payment and a core shelter payment determined as follows:

- (a) the maximum core essential payment that may be provided to a barriers to full employment household unit or an expected to work or working household unit is the amount per month determined under section 6;
- (b) the maximum core shelter payment that may be provided to a barriers to full employment household unit or an expected to work or working household unit is the amount per month determined under section 8;
- (c) if the household unit has a dependent child member who is
  - (i) at least 16 years of age and under 20 years of age,
  - (ii) attending high school under the *Education Act*, and
  - (iii) a parent of a dependent child living with the household unit,

a high school incentive amount determined in accordance with the regulations.

**Core income support — learner**

**5** The core income support that may be provided by the Director under section 5(1)(a) of this Act to a learner household unit is comprised of a core essential payment and a core shelter payment determined as follows:

- (a) the maximum core essential payment that may be provided to a learner household unit is the amount per month determined under section 7;
- (b) the maximum core shelter payment that may be provided to a learner household unit is the amount per month determined under section 9;
- (c) if the household unit has a dependent child member who is
  - (i) at least 16 years of age and under 20 years of age,
  - (ii) attending high school under the *Education Act*, and
  - (iii) a parent of a dependent child living with the household unit,

a high school incentive amount determined in accordance with the regulations.

**Core essential payment — barriers to full employment/expected to work or working**

**6** The maximum monthly core essential payment that may be provided to a barriers to full employment household unit or an expected to work or working household unit is

- (a) under section 5.1(2)(a) of this Act,
  - (i) if subclauses (ii) to (iv) do not apply, the amount determined under Table 1,
  - (ii) if subclause (iii) or (iv) does not apply and the Director determines that a household unit's need for the core essential payment is limited to food, an amount determined by the Minister,
  - (iii) if an adult member of the household unit is living in one of the following, \$322 for each adult member:
    - (A) a hospital or nursing home;
    - (B) the McCullough Centre;

- (C) a recognized emergency shelter for persons escaping abuse;
  - (D) an institution similar to the institutions in paragraphs (A) to (C) that is designated by the Minister under the regulations, and
- (iv) if an adult member of the household unit is living in an approved home or a group home, the amount for each adult member as determined by the Minister,
- and
- (b) under section 5.1(2)(b) of this Act,
- (i) if subclauses (ii) to (iv) do not apply, an amount adjusted in accordance with section 2,
  - (ii) if subclause (iii) or (iv) does not apply and the Director determines that a household unit's need for the core essential payment is limited to food, an amount determined by the Minister, adjusted in accordance with section 2,
  - (iii) if an adult member of the household unit is living in one of the following, an amount for each adult member, adjusted in accordance with section 2:
    - (A) a hospital or nursing home;
    - (B) the McCullough Centre;
    - (C) a recognized emergency shelter for persons escaping abuse;
    - (D) an institution similar to the institutions in paragraphs (A) to (C) that is designated by the Minister, and
  - (iv) if an adult member of the household unit is living in an approved home or a group home, an amount for each adult member determined by the Minister, adjusted in accordance with section 2.

**Core essential payment — learners**

**7** The maximum monthly core essential payment that may be provided to a learner household unit is

- (a) under section 5.1(2)(a) of this Act, the amount determined under Table 1, and

- (b) under section 5.1(2)(b) of this Act, an amount adjusted in accordance with section 2.

**Table 1**  
**Maximum Monthly Core Essential Payment Table**  
**under Section 5.1(2)(a) of this Act**

Number of persons in household unit	Amount for expected to work or working household unit	Amount for barriers to full employment household unit	Amount for learner (full time) household unit: EI learner, non-EI learner and apprentice learner
1 adult	\$ 415	\$ 536	\$ 536
2 adults	\$ 670	\$ 851	\$ 851
1 adult and children			
1	\$ 615	\$ 736	\$ 920
2	\$ 715	\$ 836	\$ 990
3	\$ 815	\$ 936	\$ 1060
4	\$ 915	\$ 1036	\$ 1130
5	\$ 1015	\$ 1136	\$ 1200
6	\$ 1115	\$ 1236	\$ 1270
each additional child	\$ 100	\$ 100	\$ 100
2 adults and children			
1	\$ 870	\$ 1051	\$ 1235
2	\$ 970	\$ 1151	\$ 1305
3	\$ 1070	\$ 1251	\$ 1375
4	\$ 1170	\$ 1351	\$ 1445
5	\$ 1270	\$ 1451	\$ 1515
6	\$ 1370	\$ 1551	\$ 1585
each additional child	\$ 100	\$ 100	\$ 100

**Core shelter payment — barriers to full employment/expected to work or working**

8 The maximum monthly core shelter payment that may be provided to a barriers to full employment household unit or an expected to work or working household unit is

- (a) under section 5.1(2)(a) of this Act,
- (i) if subclauses (iii) to (vi) do not apply, and the household unit lives in private housing, the amount determined under Table 2,

- (ii) if subclauses (iii) to (vi) do not apply, and the household unit lives in social housing, the amount determined under Table 3,
  - (iii) if the household unit lives in an approved home, \$511,
  - (iv) if the household unit lives in a hospital or nursing home, the monthly accommodation charge for that facility under the *Hospitals Act* or the *Nursing Homes Act*,
  - (v) if the household unit lives in a shared family residence that is not owned by an adult member of the unit or in which an adult member of the unit is not a party to a residential tenancy agreement with a third party, \$103, and
  - (vi) if the household unit lives in a group home, \$435 for each adult member,
- and
- (b) under section 5.1(2)(b) of this Act,
    - (i) if subclauses (iii) to (vi) do not apply, and the household unit lives in private housing, an amount adjusted in accordance with section 2,
    - (ii) if subclauses (iii) to (vi) do not apply, and the household unit lives in social housing, the amount determined under Table 3,
    - (iii) if the household unit lives in an approved home, an amount adjusted in accordance with section 2,
    - (iv) if the household unit lives in a hospital or nursing home, the monthly accommodation charge for that facility under the *Hospitals Act* or the *Nursing Homes Act*,
    - (v) if the household unit lives in a shared family residence that is not owned by an adult member of the unit or in which an adult member of the unit is not a party to a residential tenancy agreement with a third party, an amount adjusted in accordance with section 2, and
    - (vi) if the household unit lives in a group home, an amount adjusted in accordance with section 2.

**Core shelter payment — learner**

**9** The maximum monthly core shelter payment that may be provided to a learner household is

- (a) under section 5.1(2)(a) of this Act,

- (i) if the household unit lives in private housing, the amount determined under Table 2,
  - (ii) if the household unit lives in social housing, the amount determined under Table 3, and
  - (iii) if the household unit lives in a shared family residence that is not owned by an adult member of the unit or in which an adult member of the unit is not a party to a residential tenancy agreement with a third party, \$103,
- and
- (b) under section 5.1(2)(b) of this Act,
    - (i) if the household unit lives in private housing, an amount adjusted in accordance with section 2,
    - (ii) if the household unit lives in social housing, an amount determined under Table 3, and
    - (iii) if the household unit lives in a shared family residence that is not owned by an adult member of the unit or in which an adult member of the unit is not a party to a residential tenancy agreement with a third party, an amount adjusted in accordance with section 2.

**Table 2**  
**Maximum Monthly Core Shelter Payment Table**  
**under Section 5.1(2)(a) of this Act**  
**(Private Housing)**

Number of persons in household unit	Amount
1 adult	\$ 330
2 adults	\$ 446
1 adult and children	
1	\$ 558
2	\$ 578
3	\$ 599
4	\$ 619
5	\$ 640
6	\$ 660
each additional child	\$ 21
2 adults and children	
1	\$ 588

2	\$ 608
3	\$ 618
4	\$ 639
5	\$ 659
6	\$ 679
each additional child	\$ 21
Exception: 1 If the Director is satisfied that a child will become a member of the household unit, the Director may consider that child a member of the household unit.	

**Table 3**  
**Maximum Monthly Core Shelter**  
**Payment Table (Social Housing)**

<b>Number of persons in household unit</b>	<b>Amount</b>
1 adult	\$ 120
2 adults	\$ 193
1 adult and children	
1	\$ 212
2	\$ 260
3	\$ 317
4	\$ 377
5	\$ 437
6	\$ 496
each additional child	\$ N/A
2 adults and children	
1	\$ 262
2	\$ 317
3	\$ 377
4	\$ 437
5	\$ 496
6	\$ 555
each additional child	\$ N/A

**Exception:**

- 1 A household unit living in social housing with more than 6 children does not receive an additional amount.
- 2 If a household unit is living in social housing, the amount set out in this Table must be increased by the household unit's actual cost of electricity up to the maximum amount payable for private housing.
- 3 If the Director is satisfied that a child will become a member of the household unit, the Director may consider that child a member of the household unit.

**Supplementary income support**

- 10(1)** The Minister may determine the amount or value of a supplementary income support payment or allowance and the frequency with which the payment or allowance may be provided.
- (2)** The amount of a supplementary income support payment or allowance is
- (a) under section 5.1(2.1)(a) of this Act, the amount determined by the Minister, and
  - (b) under section 5.1(2.1)(b) of this Act, an amount adjusted in accordance with section 2, subject to subsection (3) of this section.
- (3)** Section 5.1(2.1)(b) of this Act does not apply to a supplementary income support payment or allowance that is
- (a) a reimbursement of an actual cost,
  - (b) an amount established in an agreement entered into by the Minister, or
  - (c) based on an amount that is determined under another enactment or under a Government program.

2012 cE-0.3 s271.1;2018 c17 s3;2019 c18 s9







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