

1970

c 192 General Welfare Assistance Act

Ontario

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CHAPTER 192

The General Welfare Assistance Act

1. In this Act,

Interpre-
tation

- (a) "applicant" means a person who applies or on whose behalf an application is made for assistance;
 - (b) "assistance" means assistance of a class provided under this Act and the regulations;
 - (c) "Director" means the Director of the General Welfare Assistance Branch of the Department of Social and Family Services;
 - (d) "field worker" means a person employed as such by the Department of Social and Family Services or any other employee of the Department whom the Minister designates as such;
 - (e) "Minister" means the Minister of Social and Family Services;
 - (f) "municipal welfare administrator" means a person appointed as such for the purposes of this Act;
 - (g) "municipality" means a city, separated town, town, village, township or improvement district, and, where the council of a county has appointed a municipal welfare administrator under subsection 3 of section 4, means the county together with any municipality that forms part of the county for the purpose of the administration of assistance;
 - (h) "recipient" means a person to whom assistance is provided;
 - (i) "recipient of a governmental benefit" means a person,
 - (i) who is a pensioner under the *Old Age Security Act* (Canada), or R.S.C. 1952,
c. 200
 - (ii) who is a recipient under *The Blind Persons' Allowances Act*, or *The Disabled Persons' Allowances Act*, R.S.O. 1960,
cc. 35, 107
or
 - (iii) who is a beneficiary under *The Family Benefits Act*, R.S.O. 1970,
c. 157
or
 - (iv) who is receiving a maintenance allowance under *The Vocational Rehabilitation Services Act*, R.S.O. 1970,
c. 484
- and includes such other classes of persons as the regulations prescribe;

- (j) "regional welfare administrator" means a person employed as such by the Department of Social and Family Services or designated as such by the Minister;
- (k) "regulations" means the regulations made under this Act;
- (l) "supplementary aid" means the assistance that may be paid to a recipient of a governmental benefit;
- (m) "unemployable person" means a person who is certified by a legally qualified medical practitioner as being unable to engage in remunerative employment by reason of physical or mental disability;
- (n) "unemployed person" means a person who is able to engage in remunerative employment and who is not so engaged at the time he makes application for assistance. R.S.O. 1960, c. 164, s. 1; 1962-63, c. 53, s. 1; 1967, c. 31, s. 1, *amended*.

Ontario-
municipal
agreements

2. The Minister, with the approval of the Lieutenant Governor in Council, may make agreements with any municipality and any municipality may make agreements with the Minister respecting the payment by the Province to the municipality or by the municipality to the Province of contributions to the cost of public works measures undertaken by the municipality or by the Province to relieve unemployment in the municipality. R.S.O. 1960, c. 164, s. 3, *amended*.

Provincial
adminis-
tration

3. The Director shall exercise general supervision over the administration of this Act and the regulations and shall advise municipal welfare administrators, regional welfare administrators and others as to the manner in which their duties under this Act are to be performed. R.S.O. 1960, c. 164, s. 4 (1).

Appoint-
ment of
municipal
welfare
administrator
Duties of
municipal
welfare
administrator

4.—(1) The council of a municipality may, with the approval of the Minister, appoint a municipal welfare administrator.

(2) The municipal welfare administrator shall receive applications for assistance and shall determine the eligibility of each applicant for assistance, and, where the applicant is eligible, shall determine the amount of the assistance and direct provision thereof, and he may from time to time vary any amount so determined.

County
adminis-
tration

(3) Instead of the municipalities that are within a county for municipal purposes administering assistance independently of one another, the council of the county may, with the approval of the Minister, appoint a municipal welfare administrator to administer assistance in all such municipalities, except that any such municipality that has a population of more than 5,000 according to its last revised assessment roll may, by agreement with the county and with the approval of the Minister, appoint a municipal welfare administrator to administer assistance in that municipality independently of the county.

(4) Any municipality within a county but not forming part of the county for municipal purposes may, with the approval of the council of the county and the Minister, form part of the county for the purpose of the administration of assistance. 1967, c. 31, s. 3.

5. The Director, every municipal welfare administrator or any of the assistants of the municipal welfare administrator authorized by the council of the municipality, every regional welfare administrator, every welfare allowances officer and every field worker is, in the performance of his duties under this Act, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. 1962-63, c. 53, s. 3.

Idem
Power to
take
affidavits

R.S.O. 1970,
c. 72

6.—(1) A municipality shall provide assistance in accordance with the regulations to any person in need who resides in the municipality and who is eligible for such assistance.

Duty of
municipalities
to provide
assistance

(2) A municipality may provide assistance in accordance with the regulations to any other person who resides in the municipality and who is eligible for such assistance. 1967, c. 31, s. 4, *amended*.

Idem

7.—(1) There may be paid to any class of municipality prescribed by the regulations out of moneys appropriated therefor by the Legislature grants and subsidies for any of the purposes of this Act in such amounts and under such conditions as the regulations prescribe.

Provincial
grants and
subsidies to
municipalities

(2) There may be paid to any class of municipality prescribed by the regulations and to district welfare administration boards established under *The District Welfare Administration Boards Act* out of moneys appropriated therefor by the Legislature subsidies for the costs of the administration of welfare services as defined in that Act, or of assistance, as the case may be, in such amounts and under such conditions as the regulations prescribe. 1967, c. 31, s. 6, *part*.

Provincial
subsidies for
costs of
adminis-
tration
R.S.O. 1970,
c. 132

8. Except in cases of emergency as provided for in the regulations, assistance shall be provided only after the receipt by the municipal welfare administrator or the regional welfare administrator, as the case may be, of an application therefor in the prescribed form. 1967, c. 31, s. 6, *part, amended*.

Applications
in pre-
scribed form
required

9.—(1) In this section, "welfare administrator" means municipal welfare administrator or regional welfare administrator, as the case may be.

Welfare
adminis-
trator
defined

(2) Any applicant or recipient affected by a decision, order or directive made under this Act or the regulations by a welfare administrator, in respect of the payment of a class of assistance prescribed as general in the regulations, may request a hearing

Application
for review

R.S.O. 1970,
c. 157

and review of the decision, order or directive by the board of review appointed under *The Family Benefits Act*.

Provisions
of
R.S.O. 1970,
c. 157
to apply

(3) The provisions of *The Family Benefits Act* relating to the powers, duties and procedures of the board of review appointed under that Act, and relating to procedure on appeals therefrom to the Court of Appeal, apply *mutatis mutandis* to a hearing and review by the board under this Act. 1968, c. 48, §. 1.

Supple-
mentary
aid

10. A municipality or the Province may provide assistance by way of supplementary aid to or on behalf of recipients of governmental benefits. R.S.O. 1960, c. 164, s. 8.

Regulations

11. The Lieutenant Governor in Council may make regulations,

- (a) prescribing classes of assistance and the items to be included in any such class and the manner of computing the amount or cost thereof and providing for contributions to or reimbursement of sums expended therefor and prescribing the maximum amounts or percentages thereof;
- (b) prescribing classes of persons who are eligible for assistance and fixing standards of eligibility;
- (c) defining persons in need or prescribing classes of such persons;
- (d) defining residence for the purposes of establishing eligibility for assistance, liability to provide assistance, a right to a contribution to the cost of assistance or a right to reimbursement of the whole or any part of the cost of assistance, or for any other purposes of this Act and prescribing the circumstances in which any such definition is applicable;
- (e) supplementing the liabilities mentioned in section 6, prescribing the circumstances under which there is a liability to provide assistance, a right to a contribution or a right to reimbursement and providing procedures therefor and for determining the maximum amounts or percentages thereof;
- (f) prescribing classes of municipalities to which grants or subsidies may be paid by the Province
- (g) prescribing classes of grants and subsidies from the Province, the methods of determining the amounts of any grant or subsidy, providing for the manner in which and the intervals at which payments shall be made, for the suspension or withholding of the grants and subsidies or any part thereof and for making any deductions from any such grant or subsidy;

- (h) providing for the recovery by the Province from a municipality of any amounts of assistance paid by the Province for which the municipality is liable or for the recovery by the Province or a municipality from a recipient of assistance or from his estate of amounts of assistance paid by the Province or municipality, and prescribing the circumstances and manner in which any such recovery may be made;
- (i) adding to the classes of persons who are recipients of governmental benefits;
- (j) providing for the payment of supplementary aid to recipients of governmental benefits, prescribing the circumstances under which and by whom it is payable, and providing for contributions to or reimbursement of amounts expended therefor and prescribing the maximum amounts or percentages thereof;
- (k) prescribing the amounts of money that may be paid by the Province in respect of the burial of indigent persons who were residing in territory without municipal organization;
- (l) governing the manner of making application for assistance;
- (m) providing for the making of investigations for the purposes of this Act of applicants for or recipients of assistance;
- (n) prescribing the material or proof of any fact, including evidence under oath, that is to be furnished before assistance is provided or while assistance is being provided;
- (o) prescribing the manner in which and the intervals at which assistance is to be provided;
- (p) prescribing additional powers and duties of the Director, regional welfare administrators and municipal welfare administrators;
- (q) prescribing the records to be kept and the claims and returns to be made to the Minister by municipalities and prescribing the times within which and the manner in which such claims or returns shall be made;
- (r) providing for the whole or part of the cost of providing medical and dental services to recipients of assistance and their dependants or any class thereof;
- (s) defining expressions for the purposes of the regulations;
- (t) prescribing forms and providing for their use;
- (u) respecting any matter considered necessary or advisable to carry out the intent and purpose of this Act. R.S.O. 1960, c. 164, s. 9; 1962-63, c. 53, s. 5; 1967, c. 31, s. 7, amended.

Interpre-
tation

12.—(1) In this section,

R.S.C. 1952,
c. 149

(a) “band”, “council of a band”, “member of a band” and “reserve” have the same meaning as in the *Indian Act* (Canada);

(b) “welfare administrator for a band” means a person appointed as such for the purposes of this Act.

Appoint-
ment of
welfare ad-
ministrators
for Indian
bands

(2) The council of a band that is approved for the purposes of this Act may, with the approval of the Minister, appoint a member of the band as the welfare administrator for the band.

Provisions
applicable

(3) The provisions of this Act that apply to a municipal welfare administrator apply *mutatis mutandis* to the welfare administrator for a band. R.S.O. 1960, c. 164, s. 10 (1-3).

County
adminis-
tration

(4) A band may, with the approval of the council of a county and the Director, form part of the county for the purpose of the administration of assistance. 1970, c. 89, s. 1.

Duty of
council of
bands to
provide
assistance

(5) The council of a band that is approved for the purposes of this Act shall provide, in accordance with the regulations, assistance to the members thereof who are persons in need and who reside on the reserve of the band and who are eligible for assistance and may provide assistance to other persons in need who reside on the reserve and who are eligible for assistance if the council of the band approves the provision of assistance to such persons. 1967, c. 31, s. 8 (1).

Supple-
mentary
aid

(6) The council of a band that is approved for the purposes of this Act may provide assistance by way of supplementary aid to or on behalf of recipients of governmental benefits who reside on the reserve of the band. R.S.O. 1960, c. 164, s. 10 (5).

Regulations

(7) The Lieutenant Governor in Council may make regulations,

(a) providing for the recovery by the Province from the council of a band of any amounts of assistance paid by the Province for which the council of the band is liable or for recovery by the council of a band from a recipient of assistance paid by the council of the band, and prescribing the circumstances and manner in which any such recovery may be made;

(b) specifying bands that are approved for the purposes of this Act. R.S.O. 1960, c. 164, s. 10 (6), *amended*.

Provincial
grants and
subsidies
to councils
of bands

(8) There may be paid to the council of a band that is approved for the purposes of this Act, out of moneys appropriated therefor by the Legislature, grants and subsidies for any of the purposes of this Act in such amounts and under such conditions as the regulations prescribe. 1967, c. 31, s. 8 (2).

13.—(1) No person shall knowingly obtain or receive assistance that he is not entitled to obtain or receive under this Act and the regulations. Offence

(2) No person shall knowingly aid or abet another person to obtain or receive assistance that such other person is not entitled to obtain or receive under this Act and the regulations. Idem

(3) Every person who contravenes subsection 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 or to imprisonment for a term of not more than three months, or to both fine and imprisonment. 1962-63, c. 53, s. 7.
