

1991, chapter 71

AN ACT TO AMEND THE ACT RESPECTING INCOME SECURITY

Bill 175

Introduced by Mr André Bourbeau, Minister of Manpower, Income Security and Skills Development

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Passage in principle 4 December 1991

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Assented to 18 December 1991

Coming into force: 18 December 1991

Act amended:

Act respecting income security (R.S.Q., chapter S-3.1.1)





CHAPTER 71

An Act to amend the Act respecting income security

[Assented to 18 December 1991]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. S-3.1.1,
s. 46, am. **1.** Section 46 of the Act respecting income security (R.S.Q., chapter S-3.1.1) is amended by striking out subparagraph 5 of the second paragraph.

c. S-3.1.1,
s. 48,
replaced,
ss. 48.1 to
48.4, added **2.** Section 48 of the said Act is replaced by the following sections:

Adult's
annual
benefits **“48.** The benefits granted to an adult for a year shall, subject to this division, be equal to the amount obtained by applying the percentage fixed by regulation to the net work income of the family where the income is less than or equal to the amount applicable to the adult according to the scale of family needs prescribed by regulation or to the amount prescribed by the scale where the net work income of the family exceeds such amount.

Child care
expenses **“48.1** Where an adult or his spouse incurs child care expenses which are deducted by him under section 353 or 356.0.1 of the Taxation Act (R.S.Q., chapter I-3), the amount determined under section 48 shall be increased by an amount determined according to the calculation method prescribed by regulation.

Reduction **“48.2** The amount of benefits determined under sections 48 and 48.1 shall be reduced, up to that amount, by the sum of the following amounts:

(1) the amount obtained by applying the percentage fixed by regulation to that part of the total income of the adult's family which exceeds the amount applicable to the adult according to the scale of family needs prescribed by regulation;

(2) the amount obtained by applying the percentage fixed by regulation to that part of the aggregate of the sums received in the year by the adult and his spouse as work income replacement, determined by regulation, which exceeds the amount by which the amount applicable to the adult according to the scale of family needs prescribed by regulation exceeds the net work income of the adult's family.

Computation

“48.3 The amount of benefits determined under sections 48 to 48.2 shall be multiplied by the quotient obtained after dividing the number of months of eligibility of the adult in the year by the number of months of work of the adult in the same year.

Month of work

A month of work is a month during which an adult meets the eligibility requirement prescribed in subparagraph 4 of the second paragraph of section 46.

Monthly lodging expenses

“48.4 Where, pursuant to the preceding provisions, the adult is entitled to receive benefits, the benefits shall be increased by an amount based on the monthly lodging expenses of the adult's family and determined according to criteria and methods prescribed by regulation.”

c. S-3.1.1,
s. 49, am.

3. Section 49 of the said Act is amended

(1) by striking out the second and third paragraphs;

(2) by replacing the fourth and fifth paragraphs by the following paragraphs:

Family's
yearly net
work in-
come

“The net work income of an adult's family for a year is equal to the amount by which the aggregate of the work incomes of the adult and his spouse exceeds the amount determined under the scale of excluded work incomes prescribed by regulation.

Family's
yearly total
income

The total income of an adult's family for a year is equal to the amount by which the aggregate of the total incomes of the adult, his spouse and his dependent children, computed in accordance with subparagraph c of the first paragraph of section 776.29 of the Taxation Act and increased by the child care expenses deducted under sections 353 and 356.0.1 of the said Act for the same year, exceeds the aggregate of the following amounts:

(1) the total income of dependent children up to an amount determined by regulation;

(2) the amounts received by the adult and his spouse under the Family Allowances Act (Revised Statutes of Canada, 1985, chapter F-1);

(3) any amounts earned by an Indian which must not be included in computing his income pursuant to the first paragraph of section 488 of the Taxation Act;

(4) the last resort assistance benefits received by the family in the year, up to an amount determined by regulation;

(5) any amount determined under the scale of excluded work incomes prescribed by regulation.”

c. S-3.1.1,
s. 50, am.

4. Section 50 of the said Act is amended by replacing the second paragraph by the following paragraph:

Permitted
reduction

“He may, on the same conditions and in the same manner, reduce the total income of his spouse and the sums received by his spouse as work income replacement, determined by regulation under section 48.2.”

c. S-3.1.1,
s. 51, am.

5. Section 51 of the said Act is amended by replacing the word and figure “section 48” in the third line by the words and figures “sections 48 to 48.4”.

c. S-3.1.1,
s. 52, am.

6. Section 52 of the said Act is amended by replacing the second and third paragraphs by the following paragraph:

Advance
payments

“However, the Minister of Manpower and Income Security may, on the terms and conditions prescribed by regulation, make advance payments of benefits if the benefits estimated on the basis of information furnished by the adult for the purposes of sections 62 and 65 exceed the amount determined by regulation. The payments constitute advances on the yearly benefits.”

c. S-3.1.1,
s. 56, am.

7. Section 56 of the said Act is amended

(1) by replacing the figure “12” in the second line of subparagraph 3 of the first paragraph by the words “the number of months of work of the adult in the year”;

(2) by replacing subparagraph 5 of the first paragraph by the following subparagraph:

“(5) the amount to be added under section 48.4;”;

(3) by replacing subparagraph 6 of the first paragraph by the following subparagraph:

“(6) the amounts received by the adult and his spouse as work income replacement, determined by regulation under subparagraph 2 of the first paragraph of section 48.2;”;

(4) by striking out subparagraphs 9 and 12 of the first paragraph;

(5) by adding, after subparagraph 14 of the first paragraph, the following subparagraphs:

“(15) the amount of last resort assistance benefits to be subtracted from the total income of the adult’s family under subparagraph 4 of the third paragraph of section 49;

“(16) the amount of benefit increase determined by the Minister under section 58.1.”

c. S-3.1.1,
s. 58, am.

8. Section 58 of the said Act is amended by replacing the word and figure “section 48” in the fourth line of the first paragraph by the words and figures “sections 48 to 51”.

c. S-3.1.1,
s. 58.1,
added

9. The said Act is amended by inserting, after section 58, the following section:

Administra-
tive error

“58.1 Where advance payments exceed the amount of the benefits determined under section 58 and the Minister establishes that part of the advance payments constitutes an overpayment resulting from an administrative error that the adult could not reasonably have noticed, the benefits are increased by the amount of overpayment thus established.

Restriction

No such increase may cause the amount of benefits to exceed the amount of advance payments.”

c. S-3.1.1,
s. 91, am.

10. Section 91 of the said Act is amended

(1) by striking out subparagraph 17 of the first paragraph;

(2) by striking out the words “or of advance payments made under the parental wage assistance program” in the second and third lines of subparagraph 19 of the first paragraph;

(3) by striking out subparagraph 29 of the first paragraph;

(4) by replacing subparagraph 31 of the first paragraph by the following subparagraphs:

“(31) fix percentages for the purposes of sections 48 and 48.2;

“(31.1) determine the amounts constituting the amounts received as work income replacement for the purposes of paragraph 2 of section 48.2;

“(31.2) prescribe, for the purposes of section 48.1, the method according to which the increase relating to benefits for child care expenses is calculated;”;

(5) by replacing subparagraph 33 of the first paragraph by the following subparagraph:

“(33) prescribe, for the purposes of section 48.4, the criteria and methods according to which the benefit increase based on the family’s monthly lodging expenses is calculated;”;

(6) by replacing the word “fourth” in the second line of subparagraph 33.1 of the first paragraph by the word “second”;

(7) by inserting, after subparagraph 33.1 of the first paragraph, the following subparagraph:

“(33.2) determine, for the purposes of subparagraph 4 of the third paragraph of section 49, the maximum amount to be subtracted from the total income of the adult’s family;”;

(8) by striking out subparagraph 35 of the first paragraph;

(9) by replacing subparagraph 37 of the first paragraph by the following subparagraph:

“(37) prescribe, for the purposes of section 52, the conditions on which advance payments may be made;”.

Effect of
regulations

11. The regulations made for the purposes of the parental wage assistance program under subparagraphs 27, 30, 31, 31.1, 31.2, 33, 33.1, 33.2, 37 and 39 of the first paragraph of section 91 of the Act respecting income security and under the second paragraph of the said section before 1 April 1992 may provide that they have effect from 1 January 1991.

Provisions
not applica-
ble

Such regulations, to the extent that they have effect from 1 January 1991, are not subject to sections 8 and 17 of the Regulations Act (R.S.Q., chapter R-18.1) as regards dates of publication and coming into force.

Presumption **12.** For the year 1991, the amount of the difference between advance payments received until 6 June 1991 by an adult and advance payments the adult would have received for that period had those payments been calculated according to the provisions of this Act from 1 January 1991 shall be deemed to be an amount received by reason of an administrative error that the adult could not reasonably have noticed within the meaning of section 58.1 of the Act respecting income security enacted by section 9 of this Act.

Coming into force **13.** The provisions of this Act come into force on 18 December 1991 and have effect from 1 January 1991, except the provisions of paragraph 5 of section 7, to the extent that they enact subparagraph 16, and the provisions of section 9, which have effect from 1 January 1989.