

1988, chapter 51
AN ACT RESPECTING INCOME SECURITY

Bill 37

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

Introduced 11 May 1988

Passage in principle 17 June 1988

Passage 14 December 1988

Assented to 22 December 1988

Coming into force: on the date or dates fixed by the Government, except the provisions of Chapter III and any other provision of this Act, to the extent that it relates to the program provided for in the said chapter, and sections 138 to 140, which will come into force on 22 December 1988

Acts amended:

Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)

Legal Aid Act (R.S.Q., chapter A-14)

Family Allowances Act (R.S.Q., chapter A-17)

Automobile Insurance Act (R.S.Q., chapter A-25)

Health Insurance Act (R.S.Q., chapter A-29)

Act respecting the Barreau du Québec (R.S.Q., chapter B-1)

Code of Civil Procedure (R.S.Q., chapter C-25)

Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34)

Act respecting collective agreement decrees (R.S.Q., chapter D-2)

Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1)

Act respecting the Ministère de la Main-d'oeuvre et de la Sécurité du revenu (R.S.Q., chapter M-19.1)

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Acts amended (Cont'd):

Act respecting the Ministère du Revenu (R.S.Q., chapter M-31)

Act respecting labour standards (R.S.Q., chapter N-1.1)

Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5)

Act respecting the Québec Pension Plan (R.S.Q., chapter R-9)

Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20)

Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2)

Act to amend the Code of Civil Procedure in respect of the collection of support payments (1988, chapter 56)

Act replaced:

Social Aid Act (R.S.Q., chapter A-16)



CHAPTER 51

An Act respecting income security

[Assented to 22 December 1988]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

OBJECT AND DEFINITIONS

DIVISION I

OBJECT

Programs **1.** Three programs hereinafter called “financial support program”, “work and employment incentives program” and “parental wage assistance program” are hereby established.

Objectives The purpose of the programs is

(1) to grant last resort financial assistance to persons whose resources are insufficient to provide for their needs and the needs of their families;

(2) to grant such assistance taking into account the fact that the situation of persons presenting severe limitations in their capacity for employment differs from that of persons who are fit for work;

(3) to promote entry or re-entry on the labour market of persons who are fit for work and, concurrently, provide for persons already on the labour market or in a program of studies an incentive to remain on the labour market or in a program of studies;

(4) to provide additional financial support to low-income families with dependent children if at least one adult member is on the labour market.

DIVISION II

DEFINITIONS

“spouses”

2. The word “spouses” means

- (1) persons who are married to each other and who cohabit;
- (2) persons who live together as husband and wife and who are the mother and father of one and the same child;
- (3) persons of full age who live together as husband and wife and who, at one time, have cohabited for a period of not less than one year.

Presumption of cohabitation

Such persons remain spouses or, for the purposes of subparagraph 3 of the first paragraph, are presumed to have continued to cohabit despite the temporary absence of one of them.

Parental wage assistance program

For the purposes of the parental wage assistance program, two persons who have been spouses for not less than 184 consecutive days in a year are deemed to be spouses for the year.

Dependant

3. Except in cases prescribed by regulation, a person is deemed to be a dependant of his father, his mother or, in cases prescribed by regulation, of another adult designated therein, if he is dependent on one of such persons for his subsistence and if he is

- (1) a minor child who is neither married nor the father or mother of a dependent child;
- (2) a child of full age who attends an educational institution, and who is neither the spouse of another person nor the father or mother of a dependent child.

Dependant

For the purposes of the parental wage assistance program, a child who is a dependant in the first month of an adult’s eligibility in the year or any subsequent month of the same year is deemed to be a dependent child for that year.

Adult

4. An adult is a person who is not a dependent child.

Family

5. A family is composed of

- (1) an adult and the children who are his dependants;
- (2) the spouses and the children who are their dependants or the dependants of either of them;
- (3) the spouses, where there are no dependent children.

Exception

Notwithstanding the first paragraph, a person shall continue to be, shall cease to be or shall become a member of a family in such circumstances as are prescribed by regulation, and an adult who is not eligible for benefits under the last resort assistance programs pursuant to any of paragraphs 1, 3 and 5 of section 7 is deemed, for the purposes of such programs, not to be a member of a family.

CHAPTER II

LAST RESORT ASSISTANCE PROGRAMS

DIVISION I

FINANCIAL SUPPORT PROGRAM

Eligibility

6. An independent adult and a family that includes an adult member are eligible for benefits under the financial support program provided the independent adult or the adult member of the family

(1) proves, by producing a medical report, that his physical or mental condition is significantly defective or impaired and is likely to remain so permanently or indefinitely and, for that reason and in view of his socio-professional profile, he presents severe limitations in his capacity for employment preventing him from providing for his needs and those of his family;

(2) proves that his resources and, where applicable, those of his family are less than what is necessary to provide for his needs and those of his family, according to the scale of needs prescribed by regulation, and increased, where applicable, by the amount of the special benefits provided for in section 9 and prescribed by regulation.

Ineligibility

7. The following persons are not eligible for benefits under the financial support program:

(1) an adult who is not a resident of Québec or who is not legally authorized to reside in Canada;

(2) an adult who attends, within the meaning of the regulation and otherwise than within the scope of a measure provided for by the Minister in section 23, an educational institution at the college or university level and a family that includes such an adult;

(3) an adult who is a member of a religious community which has the means to provide for the needs of its members;

(4) an independent adult who is a minor;

(5) an adult who is incarcerated in a penitentiary or detained in a house of detention or any other prison, or who is required to reside in a half-way house, except in the cases prescribed by regulation.

Computation
of benefits

8. The benefits granted to an independent adult or to a family shall be established, for each month, on the basis of his or its situation on the last day of the preceding month. The benefits shall be equal to the deficit existing between the resources and the needs, and computed

(1) by determining the amount applicable according to the prescribed scale of needs and adding to it, where applicable, the amount of the special benefits;

(2) by subtracting from the amount obtained under subparagraph 1 the following amounts, except where they are excluded by regulation:

(a) the income from work and from property earned, in the preceding month, by the independent adult or by the members of the family, and any earnings or other pecuniary benefits of any nature realized by him or them, except those to be subtracted under paragraph *b*;

(b) the benefits to be realized, in the period prescribed by regulation, to which the independent adult or the adult members of the family is or are entitled, by reason of an interruption of work, under the Unemployment Insurance Act, 1971 (S.C., 1970-71-72, chapter 48);

(c) until such time as the independent adult or the adult members of the family could be declared eligible for benefits under the said Act, any work income that the independent adult or the adult members of the family who has or have lost his or their employment by reason of an interruption of work due to a labour dispute and who, for that reason, could not be or has or have not been declared eligible for unemployment benefits would otherwise have earned in the preceding month;

(d) the liquid assets, within the meaning of the regulation, owned by the independent adult or the members of the family on the last day of the preceding month;

(e) the amount obtained by applying the percentage determined by regulation to the value of the property owned by the independent adult or the members of a family on the last day of the preceding month, assessed in accordance with the method prescribed by

regulation, but excluding the property which cannot be alienated by reason of a legal impediment outside the control of the beneficiary.

Payment of benefits The benefits shall be granted from the month following the month of the application. However, the benefits may be granted for the month in which the application is made and shall, in that case, be established according to the method prescribed by regulation.

Special benefits **9.** Dental and pharmaceutical services provided for in sections 70 and 71.1 of the Health Insurance Act (R.S.Q., chapter A-29) are granted as special benefits.

Temporary measures **10.** The Minister of Manpower and Income Security may, at the request of an independent adult or of an adult member of a family, propose to him one of the measures provided for in section 23.

Participation If the adult avails himself of such a measure, the Acts listed in section 24 do not apply to him; if he meets the required conditions, his benefits shall be increased by an amount prescribed by regulation.

DIVISION II

WORK AND EMPLOYMENT INCENTIVES PROGRAM

Eligibility **11.** An independent adult and a family who or which proves that his or its resources are less than the amount necessary to provide for his or its needs, according to the scale of needs prescribed by regulation, and increased, where applicable, by the amount of the special benefits provided for in section 21 and prescribed by regulation, are eligible for benefits under the work and employment incentives program.

Ineligibility **12.** Adults and families who or which are not eligible for benefits under the financial support program pursuant to section 7 are not eligible for benefits under the work and employment incentives program.

Computation of benefits **13.** The benefits granted to an independent adult or to a family shall be established, for each month, on the basis of his or its situation on the last day of the preceding month. The benefits shall be equal to the deficit existing between the resources and the needs, and computed

(1) by determining the amount applicable according to the prescribed scale of needs and adding to it, where applicable, the amount of the special benefits;

(2) by subtracting from the amount obtained under subparagraph 1 the following amounts, except where they are excluded by regulation:

(a) the income from work and from property earned, in the preceding month, by the independent adult or by the members of the family, and any earnings or other pecuniary benefits of any nature realized by him or them, except those to be subtracted under paragraph *b*;

(b) the benefits to be realized, in the period prescribed by regulation, to which the independent adult or the adult members of the family is or are entitled, by reason of an interruption of work, under the Unemployment Insurance Act, 1971;

(c) until such time as the independent adult or the adult members of the family could be declared eligible for benefits under the said Act, the work income that the independent adult or the adult members of the family who has or have lost his or their employment by reason of an interruption of work due to a labour dispute and who, for that reason, could not be or has or have not been declared eligible for unemployment benefits would otherwise have earned in the preceding month;

(d) the liquid assets, within the meaning of the regulation, owned by the independent adult or the members of the family on the last day of the preceding month;

(e) the amount obtained by applying the percentage determined by regulation to the value of the property owned by the independent adult or the members of the family on the last day of the preceding month, assessed in accordance with the method prescribed by regulation, but excluding the property which cannot be alienated by reason of a legal impediment outside the control of the beneficiary;

(f) the amount determined according to the method prescribed by regulation where an independent adult or a family shares a dwelling with another person;

(g) the amount determined as parental contribution, according to the method prescribed by regulation, for the three years following the first of the following dates:

– the date on which the adult who is deemed to receive parental contribution has received his first benefits under a last resort assistance program;

– the date on which the adult would have been declared eligible but for the net incomes of his father and mother taken into account in determining the contribution.

Payment of benefits The benefits shall be granted from the month following the month of the application. However, the benefits may be granted for the month in which the application is made and shall, in that case, be established according to the method prescribed by regulation.

Parental contribution **14.** An adult is deemed to receive parental contribution except if

(1) he has provided for his own needs and resided elsewhere than at the place of residence of his father or mother for at least two years, excluding any period during which he attended an educational institution on a full-time basis;

(2) he has, for at least two years, held remunerated full-time employment or received, for such employment, benefits under the Unemployment Insurance Act, 1971;

(3) he is or was married;

(4) he has been living with another person as husband and wife and has, at one time, cohabited with that person for a period of not less than one year;

(5) he has or has had a dependent child;

(6) he holds a bachelor's degree from a university;

(7) she is in her twentieth week of pregnancy and her condition has been attested by a medical certificate.

Presumption However, an adult who establishes that his father and mother cannot be traced or that they have persistently refused to contribute to providing for his needs is not deemed to be receiving parental contribution.

Scales **15.** The following scales are established:

(1) a scale based on unavailability;

(2) a scale based on availability;

(3) a scale based on participation;

(4) a scale based on non-participation;

(5) a mixed scale.

Unavailability scale

16. The scale based on unavailability applies where an independent adult or an adult member of a family

(1) proves, by producing a medical report, that his physical or mental condition prevents him from availing himself, for a period of at least one month, of a measure that may be proposed to him under section 23;

(2) applies therefor by reason of pregnancy, from the twentieth week, as attested by a medical certificate, until the fifth week after delivery;

(3) has the care of a dependent child who does not attend school because he has not reached the age of mandatory school attendance or by reason of a physical or mental handicap;

(4) is 55 years of age or over and applies therefor.

Availability scale

17. The scale based on availability applies to an adult until he avails himself of a measure proposed at his request by the Minister under section 23.

Scale not applicable

However, the scale does not apply if the adult, within the last twelve months and without serious cause, has refused or ceased to avail himself of a measure provided for in section 23.

Participation scale

18. The scale based on participation applies where an adult avails himself of a measure proposed under section 23.

Non-participation scale

19. The scale based on non-participation applies where none of the scales provided for in sections 16, 17 and 18 applies.

Mixed scale

20. The mixed scale applies where different scales would apply if the spouses were not considered spouses.

Special benefits

21. Dental and pharmaceutical services provided for in sections 70 and 71.1 of the Health Insurance Act are granted as special benefits.

Assessment by Minister

22. The Minister shall assess the situation of the independent adult or of the adult member of a family and he may offer him information or counselling services.

Entry on the labour market

The Minister may also propose to that adult a course of action for entry or re-entry on the labour market; in that case, the Minister may

reimburse him for certain of the expenses occasioned by the steps prescribed in the course of action.

Temporary
measure

23. The Minister may also propose to the adult that, as part of a course of action, he avail himself of a temporary measure, such as job support, training or community services.

Agreement

24. The Minister may, in respect of certain measures, enter into an agreement in writing with the participant and, if applicable, with the person for whom the work is performed; in the agreement, the Minister may include conditions of employment and may require the person for whom the work is performed to consult with the association of employees legally recognized to represent the members of the bargaining unit concerned before the date of employment of the participant.

Acts not
applicable

The Labour Code (R.S.Q., chapter C-27), the Act respecting collective agreement decrees (R.S.Q., chapter D-2), the Public Service Act (R.S.Q., chapter F-3.1.1) and the Act respecting labour standards (R.S.Q., chapter N-1.1) do not apply to an adult who performs work within the scope of a measure proposed under section 23.

DIVISION III

GENERAL PROVISIONS

Special cir-
cumstances

25. The Minister may grant benefits to an independent adult or to a family not eligible for benefits under a program or who or which, although eligible, would not be entitled to such benefits, if he is of the opinion that, without the benefits, the adult or the members of such family would be in a situation that could endanger his or their health or safety or lead to complete destitution.

Special cir-
cumstances

He may also, in such circumstances and according to such conditions as are prescribed by regulation, grant benefits to a beneficiary who ceases to be eligible for benefits under a program to allow the independent adult or adult members of the family to achieve entry or re-entry on the labour market.

Annual
report

The Minister shall include a statement of the benefits granted under the first paragraph and the grounds on which payment thereof is based in the annual report he is required to produce under section 5 of the Act respecting the Ministère de la Main-d'oeuvre et de la Sécurité du revenu (R.S.Q., chapter M-19.1).

Monthly payment **26.** Benefits shall be paid on a monthly basis in accordance with the terms and conditions prescribed by regulation.

Joint payment They are paid to the spouses jointly or, at their request, to one of them.

Third person to administer benefits **27.** Where independent adults or the adult members of the family are unable, due to particular circumstances or in view of their past conduct in the administration of their property, to administer the benefits granted to them, the Minister may pay the benefits to a person or body he designates.

Report to Minister The person or body shall administer the benefits in accordance with the rules established by regulation and make a report thereon to the Minister on the form prescribed.

DIVISION IV

OBLIGATIONS

Remunerated employment **28.** An adult who is fit to hold employment and to whom sections 16 and 18 do not apply must take such steps as are appropriate in his situation in order to find a remunerated employment or follow the instructions that may be given by the Minister for that purpose.

Refusal or abandon of employment **29.** An adult who is fit to hold employment shall not, without valid reason, refuse or abandon an employment or lose an employment by his fault so as to become eligible or, as the case may be, render his family eligible for benefits under a program, or so that he or his family be granted greater benefits than those which would otherwise be granted to him or to his family.

Obligation to exercise certain rights **30.** Independent adults and the members of a family must exercise their rights or avail themselves of the benefit to which they are entitled under another Act where the exercise of such rights or the realization of such benefit would affect their eligibility for benefits under a program or would reduce the amount thereof.

Subrogation In the case of an adult who is not deemed to receive parental contribution under the second paragraph of section 14, the Minister is subrogated by operation of law in the rights of the adult in proceedings to fix or vary support payments, unless the adult has elected to exercise his remedy for support; the Minister may also exercise the rights of any other creditor for the purpose of fixing or varying support payments if he is of the opinion that the exercise of such rights is endangered by the situation of the creditor.

Judicial
proceedings

31. The creditor of support must, where he or, as the case may be, his family applies for or receives benefits, promptly inform the Minister of any judicial proceedings brought in respect of such support.

Powers
regarding
support
payments

In any proceeding for fixing, varying or cancelling support payments, the court may, of its own initiative, implead the Minister, or the Minister may, of his own initiative and without notice, intervene at any time and take part in the inquiry and hearing.

Agreement

No agreement between the parties to fix, vary or cancel support payments may be set up against the Minister.

Prohibition

32. In the two years preceding an application for or the payment of benefits, independent adults or adult members of a family must not have waived their rights, must not have disposed of property or of liquid assets without just cause or have squandered them so as to become eligible or render their family eligible for benefits under a program or so as to be granted greater benefits than those which would otherwise have been granted to them.

Reduction of
benefits

33. In the case of contravention of any provision of sections 28, 29, the first paragraph of sections 30 and 31 and section 32, the Minister may refuse to grant an application, reduce the benefits of an independent adult or of a family or cease to pay such benefits.

Measure

In cases prescribed by regulation, the Minister shall impose the measure prescribed therein.

Decision

The decision of the Minister must be in writing and include the reasons on which it is based and be transmitted to the adults concerned.

DIVISION V

RECOVERY OF BENEFITS

Reimburse-
ment to
Minister

34. The following amounts, except the sums determined by regulation, shall be reimbursed to the Minister:

(1) any amount of benefits a person or, as the case may be, his family has unduly received, except where it has been paid by reason of an administrative error that the person could not reasonably have noticed;

(2) as soon as a legal impediment to the alienation of a property ceases, the amount of benefits that would not have been paid to the

person or to his family if the property had been considered in computing the amount of the benefits;

(3) the amount of benefits granted under this Act when the person or a member of his family has been declared ineligible for allowances or benefits under another Act in force in Québec or elsewhere for a reason similar to those set out in section 28 or 29, up to the amount that would have been payable, but for such a reason, under another Act, and as soon as the ineligibility ceases;

(4) the amount of benefits granted under this Act when allowances or benefits granted to the person or to his family under another Act in force in Québec or elsewhere had been reduced to compensate an overpayment, or as a penalty, up to the amount of the reductions, and as soon as such reductions cease.

Reimburse-
ment

35. Except the sums determined by regulation, every person shall reimburse to the Minister the amount of benefits granted following an event giving rise to the exercise, by the person or his dependent child, of a right, through judicial proceedings or by any other means, whether or not the right is a personal right, and whether or not benefits had been granted to the person or his family at the time of the event.

Exigibility

The amount of the reimbursement is exigible from the realization and up to the value of the right and is established by applying the rules of computation of resources set out in section 8 or 13.

Prescription

36. The recovery of a sum due is prescribed by three years from the date it becomes exigible. In the event of bad faith, it is prescribed by three years from the date on which the Minister became aware of the fact that the sum was exigible, but not later than 15 years after the date it became exigible.

Several
liability

37. Spouses shall be severally liable for the reimbursement of benefits unduly paid to their family unless either spouse proves that the ground giving rise to the claim is an act or omission of the other spouse and that he could not reasonably have been aware of it. Spouses shall also be severally liable for the reimbursement of any sum due under paragraphs 2 to 4 of section 34.

Liability of
spouse

The spouse of a person to whom benefits payable to an independent adult or to an adult who is the sole adult of a family have been unduly paid shall be severally liable for the reimbursement of the benefits unless he proves that he could not reasonably have known that his spouse was receiving the benefits or that he did not receive the notice provided for in section 41.

- Exigibility** **38.** A sum due under section 35 shall be exigible only from the creditor of the right realized or from the adult having charge of the child who is the creditor thereof.
- Subrogation** **39.** Where the claim of a person is a support payment determined by judgment, the Minister is subrogated by operation of law in the rights of the creditor for all payments of support which are due at the time the person or his family becomes eligible for benefits and for all payments which will become due during the period for which the benefits were granted.
- Collector of support payments** The Minister may, to exercise such subrogation, require the collector of support payments to intervene as provided in the Code of Civil Procedure (R.S.Q., chapter C-25), whether or not his request is made under oath.
- Excess amount** The Minister shall give the creditor the amount by which the sums collected exceed the amount recoverable under section 35.
- Payment by debtor** **40.** In the case of a claim under section 35, except support payments determined by judgment, the debtor of a person who has received or is receiving benefits for himself or his family, and every person who may become the debtor of such a person shall remit to the Minister, upon written notice of the latter, the amount due up to the amount recoverable under the said section.
- Payment** Any amount so remitted is deemed to be a payment validly made to the debtor; if the debtor fails to remit such amount, he shall be required to pay an equivalent amount to the Minister.
- Formal notice** **41.** The Minister shall send a formal notice to the debtor of recoverable benefits, indicating therein the amount and the reasons for which the debt is exigible and the debtor's right to apply for a review of such decision.
- Prescription** A formal notice under this section interrupts the prescription.
- Reimbursement** **42.** The debtor shall reimburse any amount due within the periods and according to the terms and conditions prescribed by regulation, unless otherwise agreed upon between him and the Minister.
- Interest** The debtor is liable for the payment of interest in the cases determined by regulation, at the rate fixed therein.
- Failure to pay** **43.** Where the debt is not paid in full, the Minister may, at the expiry of the time prescribed to apply for a review or to file an appeal,

or, as the case may be, at the expiry of 30 days after a decision of the Commission des affaires sociales confirming all or part of the Minister's decision, issue a certificate setting out the surname, given name and address of the debtor and the amount of the debt.

Compensation

44. After issuing such a certificate, the Minister may effect compensation up to the monthly amount fixed by regulation in respect of any benefits granted to the debtor or, as the case may be, to his family, unless the debtor authorizes the Minister to effect compensation for a greater amount.

Compensation

The debt may also be compensated out of a reimbursement due to the debtor by the Minister of Revenue in accordance with section 31 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

Effect of decision

45. Upon the deposit of a certificate, accompanied with a copy of the final decision establishing the debt, at the office of the competent court, the decision becomes executory as in the case of a final judgment, not subject to appeal, of that court, and has all the effects of such a judgment.

CHAPTER III

PARENTAL WAGE ASSISTANCE PROGRAM

DIVISION I

ELIGIBILITY

Eligibility

46. An adult who has at least one month of eligibility in a year and applies for benefits under the parental wage assistance program not later than 10 January of the following year is eligible for benefits under the said program for the year.

Requirements

A month of eligibility for an adult is a month during which he meets the following requirements:

(1) he is legally authorized to reside in Canada and is a resident of Québec;

(2) he does not own property, assessed in accordance with the method prescribed by regulation, or liquid assets, within the meaning of the regulation, the value of which, combined with the value of the property and liquid assets of his spouse and of dependent children, exceeds the amount determined by regulation;

(3) he works and is remunerated for his work;

(4) he, together with his spouse, earns as wages, salary or other remuneration, including gratuities, from an office or employment or as income from a business, an amount computed in accordance with the regulation, the total of which, excluding, in the case of an Indian, any amount that must not be included in computing his income under the first paragraph of section 488 of the Taxation Act (R.S.Q., chapter I-3), is greater than the amount determined by regulation;

(5) the amount of income described in paragraph 2 of the fourth paragraph of section 49 earned by the adult and his spouse is not greater than the amount determined by regulation.

Additional requirement In addition, the adult must, in the first month of eligibility in the year, be a member of a family that includes at least one dependent child.

Presumption In the month following the first month of eligibility in the year, the adult is deemed to meet the requirement set out in subparagraph 3 of the second paragraph if the requirement is met by his spouse.

Spouse **47.** The spouse of an adult who has been declared eligible for benefits under the program is, if he also becomes eligible for benefits under the program in the same year, deemed to be eligible from the same date as his spouse.

DIVISION II

COMPUTATION OF BENEFITS

Benefits for a year **48.** Subject to sections 50 and 51, the benefits granted to an adult for a year shall be equal to the amount obtained

(1) by determining the amount by which the amount determined according to the scale of family needs prescribed by regulation exceeds the aggregate of the following amounts:

(a) the amount obtained by applying the percentage determined by regulation to that part of the aggregate of the net work income, computed on an annual basis, of the adult and his spouse for the year which does not exceed the amount determined under the scale;

(b) the amount obtained by applying the percentage determined by regulation to that part of the aggregate of the net work income of the adult and his spouse, computed on an annual basis, which exceeds the amount determined under the scale;

(c) the amount obtained by subtracting from the total income of the family for the year the aggregate of the net work income of the adult and his spouse;

(d) the amount obtained by subtracting from the aggregate of the amounts determined for each month in the year according to the scale of needs applicable to the family of the adult under a last resort assistance program, whether or not it was eligible, the total income of the family for the year, increased by the income described in subparagraph 2 of the fourth paragraph of section 49, the child care expenses deducted under sections 353 and 356.0.1 of the Taxation Act and, in the case of a family sharing a dwelling with another person, even if only for part of the year, the amount determined by regulation;

(2) by multiplying the excess amount obtained under paragraph 1 by the quotient obtained after dividing the number of months of eligibility of the adult in the year concerned by 12;

(3) where a child's support is shared by two adults who are not spouses, by multiplying the amount obtained under paragraph 2 by the percentage established in accordance with the regulation;

(4) by subtracting from the amount resulting from the preceding operations the amount by which the minimum monthly lodging expenses prescribed by regulation exceed the lodging expenses paid by the adult's family for the months of eligibility during which it received no benefits under a last resort assistance program, up to the maximum amount prescribed by regulation;

(5) by adding to the amount resulting from the preceding operations a monthly amount determined according to the method prescribed by regulation in respect of lodging for the months of eligibility during which the family received no benefits under a last resort assistance program.

49. A person's work income for a year is equal to the aggregate of his income from a business, after deducting business losses, and the income from an office or employment, computed, as the case may be, in accordance with paragraphs i and ii of subparagraph *d* of the first paragraph of section 776.21 of the Taxation Act (R.S.Q., chapter I-3), as they read for the purposes of the taxation year 1986.

A person's net work income for a year is equal to the amount by which his work income for the year exceeds the child care expenses deducted by him under sections 353 and 356.0.1 of the Taxation Act for the said year.

Net work
income

A person's net work income for a year, computed on a yearly basis, is equal to the product obtained by multiplying his net work income for the year and the quotient obtained by dividing 12 by the number of months in the year during which the person met the requirements set out in subparagraphs 4 and 5 of the second paragraph of section 46.

Total income

A family's total income for a year is equal to the amount by which the aggregate of the total incomes of the adult, his spouse and dependent children, computed in accordance with subparagraph *d* of the first paragraph of section 776.21 of the Taxation Act, as it read for the purposes of the taxation year 1986, exceeds the following amounts:

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

(2) the aggregate of the following amounts of income received by the adult and his spouse in a month other than a month of eligibility, excluding any amount received as surviving spouse:

(a) any amounts received as unemployment benefits under the Unemployment Insurance Act, 1971;

(b) any amounts received as compensation under the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) and those received as compensation under an Act of Canada or of another province respecting industrial accidents and occupational diseases;

(c) any amounts received as pension or annuity under the Québec Pension Plan and the Canada Pension Plan and those received as pension and as guaranteed income supplement under the Old Age Security Act (R.S.C., chapter O-6);

(d) any amounts received under the Automobile Insurance Act (R.S.Q., chapter A-25);

(e) any amounts received under the Crime Victims Compensation Act (R.S.Q., chapter I-6);

(f) any other amount prescribed by regulation;

(3) any amounts received by the adult and his spouse under the Family Allowances Act, 1973 (Statutes of Canada, 1973-74, chapter 44);

(4) any benefits received in the year by the adult and his spouse under a last resort assistance program;

(5) 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.

Reduction of
spouse's
income

50. If, in a year, the spouse of an adult has ceased to be the spouse of that adult on 31 December of the same year, the adult may, for the purpose of computing his benefits for the year, reduce the work income of his spouse by the amount representing such part of the work income that can reasonably be attributed to the period of the year during which he no longer had a spouse.

Reduction

He may, on the same conditions and in the same manner, reduce the total income of his spouse to the extent that the amount referred to in the first paragraph has not been subtracted from the work income of his spouse in accordance with the first paragraph.

Benefits to
spouses

51. Where benefits are granted for a year to each spouse, such benefits shall be equal to one-half of the amount obtained under section 48.

DIVISION III

PAYMENT OF BENEFITS

Yearly
benefits

52. The yearly benefits shall be paid by the Minister of Revenue at the same time as he transmits to the adult a notice determining the amount to which he is entitled.

Advance
payments

However, the Minister of Manpower and Income Security may pay the benefits by way of advance payments. Such payments shall be made on a monthly basis in accordance with the terms and conditions prescribed by regulation, if the benefits estimated on the basis of the information furnished by the adult pursuant to sections 62 and 65 is greater than the amount determined by regulation, until the sum reaches the amount obtained by applying to the estimated benefits the percentage prescribed by regulation.

Advance

Each advance payment shall be equal to the amount so obtained divided by the potential number of months of eligibility in the year, and shall constitute an advance on the yearly benefits.

Joint
advance pay-
ment

53. Where advance payments are granted to both spouses, they shall be paid to them jointly or, at their request, to one of them. The

payments are deemed to have been received by the spouses in the proportion provided for in section 51.

Presumption **54.** Any advance payments made to two adults considered as spouses, but who have been spouses for less than 184 consecutive days in the year are deemed to have been received in the proportion provided for in section 51.

Payment applied to debt **55.** The amount of an advance payment due to an adult may be allocated, to the extent prescribed by regulation, to the payment of any amount owed by him under this Act.

Balance In that case, the Minister shall send him a detailed statement of the allocated sums and pay to him the balance of the advance payment, if any.

Presumption The advance payment allocated to the payment of the debt is deemed to have been received by the adult on the date of the statement.

DIVISION IV

ADMINISTRATIVE RULES

Information transmitted to Minister of Revenue **56.** The Minister shall, not later than the last day of February, transmit to the Minister of Revenue, in the form he determines and in respect of every adult declared eligible for benefits under the program for the preceding year, the following information for that year:

(1) the surname, given name, address, social insurance number and date of birth of the adult, his spouse and dependent children;

(2) the amount determined according to the family requirements scale applicable to the adult;

(3) the quotient obtained by dividing the number of months of eligibility by 12;

(4) the aggregate of the amounts determined, for each month in the year, in accordance with the scale of needs applicable to the family of the adult under a last resort assistance program, whether or not the family had been eligible therefor;

(5) the amount to be subtracted pursuant to paragraph 4 of section 48;

(6) the aggregate of the amounts referred to in subparagraph 2 of the fourth paragraph of section 49;

(7) the sum of the advance payments received by the adult or his spouse;

(8) the percentage applicable to the adult where he shares the support of a child with another adult who is not his spouse;

(9) the quotient mentioned in the third paragraph of section 49;

(10) whether or not benefits have been granted to the spouse;

(11) for the purposes of section 50, any part of the year during which the adult did not have a spouse;

(12) the amount to be added pursuant to paragraph 5 of section 48;

(13) the amount to be added to the total income under subparagraph *d* of paragraph 1 of section 48 in the case of a family sharing a dwelling with another person.

Changes The Minister shall also inform the Minister of Revenue of any changes in such information.

Copy He shall transmit a copy of such information to the adult concerned.

Statement of reconciliation **57.** An adult declared eligible for benefits under the program for a year shall, not later than 30 April of the following year, file with the Minister of Revenue a statement of reconciliation, in the form and with such attestations and information as may be determined by the latter, accompanied with a fiscal return within the meaning of section 1000 of the Taxation Act.

Determination of benefits **58.** The Minister of Revenue shall examine, with diligence, the information, statement and return transmitted to him by the Minister of Manpower and Income Security, and determine, in accordance with section 48, the amount of the adult's benefits and transmit notice thereof to the adult concerned.

Minister bound The Minister of Revenue is bound by the information transmitted by the Minister.

Failure to file statement **59.** Where an adult has not filed, for a year, a statement of reconciliation or a fiscal return in accordance with section 57, the

Minister of Revenue may determine that the amount of benefits is nil and shall transmit notice thereof to the adult concerned.

Excess amount

60. Where the amount of benefits determined in respect of an adult for a year exceeds the total of the advance payments he has received, the Minister of Revenue must pay that excess to him at the same time he notifies him of the amount thereof, and section 1052 of the Taxation Act, adapted as required, shall apply.

Reimbursement to Minister

Where the total of the advance payments exceeds the amount of the benefits, the adult shall, subject to the third paragraph, reimburse the excess amount to the Minister of Revenue within 30 days after the date of mailing of the notice of the Minister, even where an application for review or an appeal has been filed pursuant to Chapter VI.

Refund and debt

Chapter III of the Act respecting the Ministère du Revenu, adapted as required, applies to such excess amounts which are, for that purpose, deemed to be, respectively, a refund due to the adult under a fiscal law and, from the date of mailing of the notice referred to in the second paragraph, a debt exigible from him under such a law.

Benefits reassessed

61. The Minister of Revenue may reassess the amount of an adult's benefits

(1) within three years after the date of mailing of a notice under section 58 or 59;

(2) at any time, if the adult who filed the return or statement misrepresented the facts by negligence or by willful omission, or if he has committed a fraudulent act in filing such return or statement or in furnishing any other information required by law;

(3) where, following an opposition served or an appeal filed by the adult, his spouse or a dependent child in respect of an assessment established under the Taxation Act, the change in the assessment also affects the total income of one of such persons.

CHAPTER IV

GENERAL PROVISIONS

Application

62. To avail himself of a program, a person must apply therefor to the Minister and provide him with any document or information necessary to ascertain his eligibility, or that of his family, and to determine the amount of benefits and advance payments.

Decision The Minister shall examine the application and render his decision with diligence.

Prohibition 63. No person may avail himself simultaneously of the financial support program and of the work and employment incentives program.

Medical report 64. Any person required to produce a medical report shall do so by means of the form prescribed by the Minister. In addition, that person shall, whenever the Minister deems it appropriate, submit to a new medical examination by the physician designated by the Minister who shall ascertain whether he is presenting severe limitations in his capacity for employment or is prevented from availing himself of a measure on any of the grounds set out in paragraph 1 of section 16.

Notice of decision Any notice of the decision of the Minister concluding that the person does not present severe limitations in his capacity for employment or, as the case may be, is not prevented from availing himself of a measure on any of the grounds set out in paragraph 1 of section 16 shall be accompanied with the report of the physician designated by the Minister.

Obligations of beneficiary 65. The beneficiary shall, (1) without delay, notify the Minister of any change in his situation or that of his family, as the case may be, which may affect his or its benefits; (2) at intervals fixed by regulation, provide the Minister with a statement in the form prescribed by him.

Refusal, reduction or cessation 66. In case of contravention of any provision of the first paragraph of section 62, of the first paragraph of section 64 or of section 65, the Minister may refuse to grant an application, reduce the benefits of an independent adult or of a family, or cease to pay such benefits.

Measure In cases prescribed by regulation, the Minister shall impose the measure prescribed therein.

Decision The decision of the Minister must be in writing and include the reasons on which it is based and be transmitted to the adults concerned.

Notice of intention 67. The Minister shall, before reducing or ceasing to pay benefits granted under a last resort assistance program on the ground

that the beneficiary might not have declared his true situation, give the beneficiary a ten-day notice in writing of his intention and the reasons therefor.

Hearing The beneficiary may present his views before the expiry of the ten-day period.

Unassignability and unseizability **68.** Benefits paid under Chapter II are unassignable and unseizable. The sums paid under Chapter III are also unassignable and unseizable except for support payments.

Delegation of functions to city of Montréal **69.** The Minister may enter into a written agreement with the city of Montréal to delegate to it the exercise, on its territory and to the extent determined by him, of the functions conferred on him by this Act.

Powers and obligations of city employee Any employee of the city who is entrusted with the application of this Act has the same powers and obligations and has access to the same information as an employee of the Ministère de la Main-d'oeuvre et de la Sécurité du revenu who exercises similar functions.

CHAPTER V

EXAMINATION AND INVESTIGATION

Powers of examiner **70.** A person generally or specially authorized by the Minister to act as an examiner may, for the carrying out of this Act, require any information or document and examine and make a copy of such documents.

Immunity **71.** In no case may an examiner be prosecuted for any act performed in good faith in the exercise of his functions.

Investigation **72.** The Minister or any person whom he designates as an investigator may investigate any matter contemplated by this Act or the regulations.

Powers of investigator **73.** For the purposes of an investigation, the Minister and the investigator shall have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

Identification **74.** An examiner or an investigator shall, on request, identify himself and produce a certificate signed by the Minister attesting his capacity.

Concealment
or false
declaration

75. No person may hinder an examiner in the exercise of his functions, in particular mislead him by concealment or false declarations, or conceal or destroy any document which may be useful for an examination.

CHAPTER VI

REVIEW AND APPEAL

Application
for review

76. Every person affected by a decision of the Minister, other than a decision rendered under section 22 or 23, the first paragraphs of sections 24 and 25 or under the second paragraph of section 52, or affected by a determination made under section 58 may, in writing, apply for a review of the decision and present his views within 90 days from the date of notice of the decision.

Execution of
decision

An application for review does not suspend the execution of the decision or the effects of the determination.

Application
heard

77. The application shall be heard by a person designated by the Minister or, in the case of an assessment of a person's limitations in his capacity for employment or inability to avail himself of a measure on any of the grounds set out in paragraph 1 of section 16, by a committee consisting of a physician and at least two other professionals designated by the Minister.

Designation

Such persons shall be designated for such term as will be specified in the notice of designation.

Time limit

78. An application for review cannot be refused on the ground that it was received after the time prescribed, where the applicant proves that he was unable to act earlier.

Appeal

If an application is refused on the ground that it was received after the period prescribed, the decision may be appealed from to the Commission des affaires sociales within 15 days from the date on which the person was notified of the decision. If the Commission quashes the decision, the file shall be returned to the person or committee who or which rendered it.

Review

79. The reviewed decision must be rendered within 30 days from the date of receipt of the application or, in the case of section 78, of the decision of the Commission des affaires sociales to return a file for review.

- Decision** The decision must include the reasons on which it is based and be transmitted in writing to the person concerned and inform him of his right to file an appeal.
- Legal aid** **80.** In the case of a decision concerning legal aid services, the review shall be made in accordance with the Legal Aid Act (R.S.Q., chapter A-14).
- Appeal** **81.** Every person who believes he has been wronged by a reviewed decision may appeal therefrom to the Commission des affaires sociales within the period and according to the procedure provided for in the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34).
- Amounts established by the Minister** **82.** When a decision rendered under Chapter III is reviewed or appealed from, no amount established by the Minister of Revenue for the purpose of computing the total income of an adult, his spouse or a dependent child may be contested.
- Opposition or appeal** **83.** The Commission des affaires sociales shall suspend the hearing of an appeal relating to the determination of benefits paid under Chapter III where, at the request of the Minister of Revenue or the appellant, it is established that the appellant, his spouse or a dependent child has served an opposition or filed an appeal in respect of an assessment under the Taxation Act for the year which is the subject of the appeal and that such opposition or appeal may cause the amounts referred to in section 82 to vary.
- Term of suspension** A suspension under the first paragraph shall continue until a final decision upholding the assessment is rendered or, as the case may be, until the Minister of Revenue, following a final decision cancelling or varying the assessment, re-determines the benefits of the appellant.

CHAPTER VII

PENAL PROVISIONS

- False statement** **84.** Every person who makes a statement he knows or should have known to be incomplete or to contain false or misleading information or who transmits a document which is incomplete or which contains such information so as to
- (1) render himself or his family eligible for benefits under a program or maintain such eligibility, or

(2) receive, or cause his family to receive, benefits which can no longer be granted or which are greater than the benefits which may be granted,

is liable, in addition to costs, to a fine of not less than \$250 nor more than \$1 500.

Fine **85.** Every person who contravenes a provision of the third paragraph of section 31 is liable, in addition to costs, to a fine of not more than \$1 000.

Fine **86.** Every person who contravenes a provision of section 75 is liable, in addition to costs, to a fine of not less than \$250 nor more than \$1 000.

Party to an offence **87.** Every person who, by his act or omission, assists another person in committing an offence under this Act is guilty of the offence as if he had committed it himself if he knew or should have known that his act or omission would likely result in aiding the commission of the offence.

Party to an offence **88.** Every person who, by his encouragement, advice or order, induces another to commit an offence under this Act is guilty of the offence if he knew or should have known that such encouragement, advice or order would likely result in the commission of the offence.

Proceedings **89.** Proceedings under this Act are instituted in accordance with the Summary Convictions Act (R.S.Q., chapter P-15).

Penal proceedings **90.** Penal proceedings under this Act may be instituted by the Attorney General or by any person generally or specially authorized by him for that purpose.

CHAPTER VIII

REGULATIONS

Regulations **91.** The Government may, by regulation,

(1) determine, for each program, in which cases a child is deemed not to be the dependant of a person;

(2) determine, for each program, in which cases a child is the dependant of an adult other than his father or mother and designate such adult;

(3) determine, for each program, in which cases a person continues to be, ceases to be, or becomes a member of a family;

(4) prescribe a scale of needs establishing the monthly amounts allocated for the purposes of the last resort assistance programs which are reduced, in respect of lodging, by an amount established according to the method and to the extent prescribed by regulation;

(5) prescribe, for each last resort assistance program, the amounts of the special benefits intended to provide for certain specific needs and determine subject to what conditions and in which cases they are granted;

(6) define, for the purposes of section 7, what constitutes the attendance of an educational institution of college or university level;

(7) determine in which cases an adult who is incarcerated in a penitentiary or detained in a house of detention or any other prison, or who is required to reside in a half-way house is not ineligible for benefits under a last resort assistance program;

(8) exclude, for the purpose of computing the benefits granted under the last resort assistance programs, all or part of the income from work or from property, of the earnings, pecuniary benefits, liquid assets and property; such exclusion may vary according to the resources, the property or the programs;

(9) prescribe, for the purpose of computing the benefits, the methods used to compute the income, earnings and pecuniary benefits and prescribe in which cases such income, earnings and pecuniary benefits may be spread and the time they are deemed to be received;

(10) determine, for each last resort assistance program, the period during which unrealized unemployment benefits are considered in computing the amount of the benefits;

(11) determine, for each program, the elements constituting liquid assets;

(12) determine, for each last resort assistance program, the method used to establish the value of the property and determine the percentage applicable to that value;

(13) prescribe, for each last resort assistance program, the method used to compute the amount of the benefits granted for the month of the application;

(14) prescribe, for the purposes of the financial support program, the amount to be added to the benefits if an adult avails himself of a measure provided for in section 23;

(15) determine in which cases a dwelling is shared and prescribe the method used to compute the amount to be subtracted for the purpose of computing the benefits of an independent adult or family sharing a dwelling;

(16) determine the amount of parental contribution to be considered in computing the benefits of an adult from the net incomes, within the meaning of section 28 of the Taxation Act, of his father and mother for the last taxation year and prescribe in which cases the Minister may determine the amount of the contribution by substituting for the net incomes those of the current year or the net income of only one parent;

(17) fix, in respect of the parental wage assistance program, the minimum lodging expenses used, for the purpose of a reduction of benefits, to determine the amount by which the said minimum exceeds the lodging costs allowable under the regulations and paid by the family, up to a maximum amount prescribed by regulation;

(18) determine, for each last resort assistance program, under which circumstances and on which conditions a beneficiary may continue to receive benefits after ceasing to be eligible therefor;

(19) prescribe the terms and conditions for the payment of benefits granted under a last resort assistance program or of advance payments made under the parental wage assistance program;

(20) determine the rules to be observed by a person or body that administers the benefits of a beneficiary;

(21) determine, for the purposes of sections 33 and 66, in which cases the Minister must impose the measure determined therein;

(22) determine the recoverable amounts or parts of recoverable amounts which the debtor is not bound to reimburse;

(23) determine the periods and the terms and conditions of reimbursement of recoverable amounts;

(24) determine the cases where the debtor is required to pay interest, and fix the rate thereof;

(25) determine the monthly amount up to which the Minister may effect compensation for a debt out of any benefits;

(26) determine the method used to establish the value of the property of the adult, his spouse and dependent children and determine the maximum amount of that value, combined with that of the liquid assets, that may be available to them to be eligible for benefits under the parental wage assistance program;

(27) determine, for the purposes of section 46, the method of computing income from a business;

(28) determine the minimum amount of income from an office or employment and from a business that the adult and his spouse must have earned in any month for that month to be a month of eligibility;

(29) determine the maximum amount of income referred to in paragraph 2 of the fourth paragraph of section 49 that an adult and his spouse may realize to be declared eligible for benefits under the parental wage assistance program;

(30) prescribe a scale of family needs establishing the annual amounts that are allocated for the purposes of the parental wage assistance program, which may vary according as the family shares a dwelling or not;

(31) determine the percentages for the purposes of subparagraphs *a* and *b* of paragraph 1 of section 48 and the percentage used where the support of a child is shared by two adults who are not spouses, for the purposes of paragraph 3 of the said section;

(32) determine the amount to be added for the purposes of the computation under subparagraph *d* of paragraph 1 of section 48 in the case of a family sharing a dwelling with another person;

(33) prescribe the method used to compute the amount to be added in respect of lodging under paragraph 5 of section 48;

(34) determine the maximum amount of a dependent child's income that can be subtracted from the total income of a family under the parental wage assistance program;

(35) determine any other amount that may be subtracted from the total income of a family under subparagraph *f* of paragraph 2 of the fourth paragraph of section 49;

(36) determine, for the purposes of section 52, the minimum amount of the estimated benefits of an adult which allows him to receive advance payments;

(37) prescribe, for the purposes of section 52, the percentage applicable to estimated benefits;

(38) prescribe, for the purposes of section 55, to what extent the amount of an advance payment due to an adult may be allocated to the payment of any sum exigible from the adult under this Act;

(39) fix, for each program, intervals for producing statements and returns;

(40) prescribe administrative standards regarding the programs provided for in this Act.

Factors of variation

The regulatory provisions under subparagraphs 4, 5, 8, 13, 18, 21, 25, 30 and 38 of the first paragraph may vary according as an independent adult or a family is concerned, according to the composition of the family, according to the situation of the independent adult or the member of a family, or according as the independent adult or the member of a family is sheltered or incarcerated in an establishment or resides in a subsidized dwelling.

CHAPTER IX

AMENDING PROVISIONS

c. A-16, replaced

92. This Act replaces the Social Aid Act (R.S.Q., chapter A-16).

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

c. A-3.001, s. 11, am.

93. Section 11 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), amended by section 13 of chapter 19 of the statutes of 1987, is again amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) a person performing work within the scope of a measure provided for in section 23 of the Act respecting income security (1988, chapter 51).”

c. A-3.001, s. 127, repealed

94. Section 127 of the said Act is repealed.

c. A-3.001, s. 144, am.

95. Section 144 of the said Act is amended by adding, at the end, the following paragraph:

Deduction

“At the request of the Minister of Manpower and Income Security, the Commission shall deduct from indemnities payable to a person under this Act the benefits paid to that person or his family under the Act respecting income security and which may be recovered

under section 35 of the said Act. The Commission shall remit the amount thus deducted to the Minister of Manpower and Income Security.”

LEGAL AID ACT

c. A-14, s. 2,
am. **96.** Section 2 of the Legal Aid Act (R.S.Q., chapter A-14) is amended

(1) by replacing the words “to whom legal aid may be granted as a special need under the Social Aid Act (chapter A-16)” in the second and third lines of the first paragraph by the words “to whom benefits may be granted for his needs relating to legal aid under the Act respecting income security (1988, chapter 51), or who is a member of a family to which such benefits may be granted”;

(2) by replacing the last paragraph by the following paragraph:

Underpri-
vileged
person

“The fact that a person is receiving benefits, other than special benefits, under Chapter II of the Act respecting income security or is a member of a family receiving such benefits is *prima facie* proof that he is an economically underprivileged person within the meaning of the first paragraph.”

c. A-14,
s. 62, am. **97.** Section 62 of the said Act is amended by replacing the words “a recipient of or eligible for social aid” in the fourth line of the second paragraph by the words “receiving benefits, other than special benefits, under Chapter II of the Act respecting income security or is eligible therefor”.

FAMILY ALLOWANCES ACT

c. A-17,
s. 11, am. **98.** Section 11 of the Family Allowances Act (R.S.Q., chapter A-17) is amended by striking out the words “except in application of section 13 of the Social Aid Act (chapter A-16),” in the second and third lines.

c. A-17,
s. 12,
repealed **99.** Section 12 of the said Act is repealed.

AUTOMOBILE INSURANCE ACT

c. A-25,
s. 10, am. **100.** Section 10 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by striking out, at the end, the words “and under the Social Aid Act (chapter A-16)”.

c. A-25,
s. 74, am. **101.** Section 74 of the said Act is amended by replacing the second paragraph by the following paragraph:

Deduction “The Régie shall, at the request of the Minister of Manpower and Income Security, deduct from the indemnities payable to a person pursuant to this Act the benefits which were paid to that person or his family under the Act respecting income security (1988, chapter 51) and which may be recovered under section 35 of the said Act. The Régie shall remit the amount thus deducted to the Minister of Manpower and Income Security.”

HEALTH INSURANCE ACT

c. A-29,
s. 67, am. **102.** Section 67 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing the words “entitled to social aid under the Social Aid Act (chapter A-16)” in the eighth and ninth lines of the third paragraph by the words “and family eligible for benefits under a last resort assistance program provided for in the Act respecting income security (1988, chapter 51)”.

c. A-29,
s. 70, am. **103.** Section 70 of the said Act is amended by replacing the words “prescribed under section 72 to every person who is entitled to social aid under the Social Aid Act” in the second and third lines by the words “he prescribes to every person or family receiving benefits under a last resort assistance program provided for in the Act respecting income security” and by adding the words “or it” after the word “he” in the fifth line.

c. A-29,
s. 71, am. **104.** Section 71 of the said Act is amended

(1) by replacing the words “prescribed under section 72” in the second line of what precedes paragraph *a* by the words “he prescribes”;

(2) by replacing paragraph *b* by the following paragraph:

“(b) if such person would but for such allowance be entitled to benefits under a last resort assistance program provided for in the Act respecting income security or would be the recipient of an allowance paid under the second paragraph of section 67 of the Social Aid Act (1969, chapter 63).”

c. A-29,
s. 71.1,
replaced **105.** Section 71.1 of the said Act is replaced by the following section:

Claim
booklet **“71.1** The Minister of Manpower and Income Security shall issue a claim booklet in the form he prescribes to every person or family receiving benefits under a last resort assistance program provided for in the Act respecting income security, attesting that he

or it is entitled to the services mentioned in the second paragraph of section 3, during the period provided for therein.”

c. A-29,
s. 71.2,
replaced

106. Section 71.2 of the said Act is replaced by the following section:

Provision not
applicable

“71.2 The obligation imposed on the Minister under sections 70, 71 and 71.1 does not apply in respect of a person or family who or which may be granted only special benefits relating to legal aid under the Act respecting income security.”

ACT RESPECTING THE BARREAU DU QUÉBEC

c. B-1,
s. 128, am.

107. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 53 of chapter 85 of the statutes of 1987, is again amended by replacing the words “has entered into an agreement in accordance with section 35 of the Social Aid Act (chapter A-16)” in the third and fourth lines of subparagraph 5 of paragraph *a* of subsection 2 by the words “is his delegatee as regards the application of the Act respecting income security (1988, chapter 51)”.

CODE OF CIVIL PROCEDURE

c. C-25,
a. 553.9, am.

108. Article 553.9 of the Code of Civil Procedure (R.S.Q., chapter C-25), enacted by section 1 of chapter 56 of the statutes of 1988, is amended

(1) by replacing the words “a recipient of social aid pursuant to the Social Aid Act (R.S.Q., chapter A-16)” in the first and second lines of the second paragraph by the words “contemplated by section 39 of the Act respecting income security (1988, chapter 51)”;

(2) by replacing the words “social aid” in the sixth line of the second paragraph by the words “last resort assistance benefits under the said Act”.

c. C-25,
a. 989, am.

109. Article 989 of the said Code is amended by replacing the third paragraph by the following paragraph:

“A person who establishes that he receives benefits under a last resort assistance program provided for in the Act respecting income security is not required to make the deposit.”

ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

c. C-34,
s. 21, am.

110. Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34), amended by section 47 of chapter 68, by section 57 of chapter 85 and by section 149 of chapter 107 of the statutes of 1987, is again amended by replacing the words “section 30 of the Social Aid Act (chapter A-16)” in the first and second lines of paragraph *a* by the words “section 78 or section 81 of the Act respecting income security (1988, chapter 51)”.

c. C-34,
s. 22, am.

111. Section 22 of the said Act is amended by replacing the words “section 30 of the Social Aid Act (chapter A-16)” in the third line of the second paragraph by the words “section 81 of the Act respecting income security”.

c. C-34,
s. 26, am.

112. Section 26 of the said Act is amended by adding, after the second paragraph, the following paragraph:

Assessor to
be physician

“In the case of an appeal under section 81 of the Act respecting income security from a decision relating to the assessment of a person’s limitations in his capacity for employment or his inability to avail himself of a measure pursuant to paragraph 1 of section 16 of the said Act, the assessor must be a physician.”

c. C-34,
s. 38, am.

113. Section 38 of the said Act is amended by replacing the words “has entered into an agreement in accordance with section 35 of the Social Aid Act (chapter A-16)” in the third and fourth lines of the fifth paragraph by the words “is his delegatee as regards the application of the Act respecting income security”.

ACT RESPECTING COLLECTIVE AGREEMENT DECREES

c. D-2, s. 46,
am.

114. Section 46 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) is amended by adding, at the end, the following paragraph:

Deduction

“At the request of the Minister of Manpower and Income Security, the committee shall also deduct from that amount the benefits paid to the employee or his family under the Act respecting income security (1988, chapter 51) and which may be recovered under section 35 of the said Act. The committee shall remit the amount thus deducted to the Minister of Manpower and Income Security.”

ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

c. E-20.1,
s. 54, am.

115. Section 54 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by

replacing the words “ as defined in paragraph *b* of section 1 of the Social Aid Act (chapter A-16)” in the fourth and fifth lines of the first paragraph by the words “within the meaning of section 5 of the Act respecting income security (1988, chapter 51)”.

ACT RESPECTING THE MINISTÈRE DE LA MAIN-D'OEUVRE ET DE LA SÉCURITÉ DU REVENU

c. M-19.1,
s. 1, am. **116.** Section 1 of the Act respecting the Ministère de la Main-d'oeuvre et de la Sécurité du revenu (R.S.Q., chapter M-19.1) is amended by striking out the words “, social aid,” in the last line of the second paragraph.

c. M-19.1,
s. 14, am. **117.** Section 14 of the said Act is amended by adding, at the end, the following paragraph:

Member of
personnel “A member of the personnel of a body is, to the extent that he is assigned to the carrying out of a program entrusted to the body by agreement with the Minister, a member of the personnel of the department for the purposes of the first paragraph.”

ACT RESPECTING THE MINISTÈRE DU REVENU

c. M-31,
heading
replaced **118.** The heading of Division I of Chapter V of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is replaced by the following heading:

“REMISSION AND REDUCTION OF DUTIES, INTEREST, PENALTIES AND CERTAIN DEBTS”.

c. M-31,
s. 94.0.1,
added **119.** The said Act is amended by inserting, after section 94, the following section:

Remission of
debt **“94.0.1** The Government may, to save individuals in good faith from hardship or injustice, remit any debt referred to in the third paragraph of section 60 of the Act respecting income security (1988, chapter 51).

Conditions Such a remission may be made by general or special order; it may be total or partial, conditional or unconditional; if conditional and the condition is not fulfilled, the order applicable to the case is null and void and all proceedings may be taken or continued as if it had not been made.

Statement to
National
Assembly A detailed statement of such remissions shall be submitted annually to the National Assembly within the first fifteen days of its next session. The statement may omit the identity of the individuals.”

ACT RESPECTING LABOUR STANDARDS

c. N-1.1,
s. 121, am.

120. Section 121 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by adding, at the end, the following paragraph:

Deduction

“At the request of the Minister of Manpower and Income Security, the Commission shall deduct from that amount the benefits paid to the employee or his family under the Act respecting income security (1988, chapter 51) and which may be recovered under section 35 of the said Act. The Commission shall remit the amount thus deducted to the Minister of Manpower and Income Security.”

ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

c. R-5, s. 2,
am.

121. Section 2 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5) is amended

(1) by replacing the words “entitled to social aid under the Social Aid Act (chapter A-16)” in the fourth and fifth lines of the fourth paragraph by the words “and family eligible for benefits under a last resort assistance program provided for in the Act respecting income security (1988, chapter 51)”;

(2) by replacing the words “entitled to social aid under the Social Aid Act” in the sixth line of the fifth paragraph by the words “and family eligible for benefits under a last resort assistance program provided for in the Act respecting income security”.

ACT RESPECTING THE QUÉBEC PENSION PLAN

c. R-9,
s. 145,
replaced

122. Section 145 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is replaced by the following section:

Unassigna-
bility and
unseizability

“145. Benefits are unassignable and unseizable.

Deduction

At the request of the Minister of Manpower and Income Security, the Board shall deduct from the benefits payable to a person under this Act, the benefits paid to the person or his family under the Act respecting income security (1988, chapter 51) and which may be recovered under section 35 of the said Act. The Board shall remit the amount thus deducted to the Minister of Manpower and Income Security.”

c. R-9,
s. 229, am.

123. Section 229 of the said Act is amended by replacing the words “the amounts paid by him as social aid respecting” in the second

and third lines of the first paragraph by the words “the benefits paid by him under a last resort assistance program provided for in the Act respecting income security in respect of”.

c. R-9,
s. 231, am.

124. Section 231 of the said Act is amended by replacing the words “who receive social aid and who were receiving it” in the second and third lines by the words “who are eligible for benefits under a last resort assistance program under the Act respecting income security and who were receiving social aid”.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER
MANAGEMENT IN THE CONSTRUCTION INDUSTRY

c. R-20,
s. 122, am.

125. Section 122 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20), amended by section 17 of chapter 35 of the statutes of 1988, is again amended by adding, at the end of subsection 8, the following paragraph:

Deduction

“At the request of the Minister of Manpower and Income Security, the Commission shall deduct from such reimbursement the benefits paid to the employee or his family under the Act respecting income security (1988, chapter 51) and which may be recovered under section 35 of the said Act. The Commission shall remit the amount thus deducted to the Minister of Manpower and Income Security.”

ACT RESPECTING INCOME SECURITY FOR CREE HUNTERS AND TRAPPERS WHO ARE
BENEFICIARIES UNDER THE AGREEMENT CONCERNING JAMES BAY AND NORTHERN
QUÉBEC

c. S-3.2,
s. 1, am.

126. Section 1 of the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2) is amended by replacing the words “the Social Aid Act (chapter A-16)” in the third line of paragraph *r* by the words “Chapter II of the Act respecting income security (1988, chapter 51)”.

c. S-3.2,
s. 4, am.

127. Section 4 of the said Act is amended by inserting the words “, under Chapter III of the Act respecting income security” before the word “or” in the fifth line.

c. S-3.2,
s. 5, am.

128. Section 5 of the said Act is amended

(1) by striking out the word “de” in the third line of the first paragraph of the French text;

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

“(a) Chapter II of the Act respecting income security;”;

(3) by inserting the word “de” at the beginning of subparagraphs *b* and *c* of the first paragraph of the French text.

c. S-3.2,
s. 10, am.

129. Section 10 of the said Act is amended by replacing the words “and social aid payments” in the third and fourth lines of subparagraph *e* of the first paragraph by the words “, benefits paid under Chapter II of the Act respecting income security”.

c. S-3.2,
s. 46, am.

130. Section 46 of the said Act is amended by striking out the second paragraph.

ACT TO AMEND THE CODE OF CIVIL PROCEDURE IN RESPECT OF THE COLLECTION OF SUPPORT PAYMENTS

1988, c. 56,
s. 11,
repealed

131. Section 11 of the Act to amend the Code of Civil procedure in respect of the collection of support payments (1988, chapter 56) is repealed.

CHAPTER X

TRANSITIONAL AND FINAL PROVISIONS

Last resort
assistance

132. Benefits paid until (*insert here the date occurring one year less one day after the date of coming into force of Chapter II*) to an independent adult or to a family eligible for social aid during the month of (*insert here the month preceding the month in which Chapter II comes into force, followed by the year of that month*) under the Social Aid Act and who or which remained eligible for benefits under a last resort assistance program pursuant to this Act shall be determined on the basis of needs recognized in sections 23 to 29, 35.0.2, 35.0.3, 35.0.6.2 and 35.0.6.3 of the Regulation respecting social aid (R. R. Q., c. A-16, r. 1) as they read on (*insert here the date of the day preceding the day of coming into force of Chapter II*), if the application of the scales referred to in sections 6 and 11 of this Act would result in lesser benefits.

Amounts

The amounts prescribed in the regulatory provisions shall in that case replace the scales referred to in sections 6 and 11 of this Act.

Cessation of
benefits

However, the first paragraph ceases to apply from the month during which the independent adult or the family ceases to receive benefits established on the basis of the needs contemplated by the first paragraph.

Temporary
scales

133. Between (*insert here the date of coming into force of Chapter II*) and (*insert here the date occurring one year less one day after the date of coming into force of Chapter II*), temporary scales fixed by regulation shall replace the scales contemplated by sections 6 and 11 of this Act.

Scale
variations

In addition to variations based on the criteria provided for in the second paragraph of section 91, the scales may also vary according to the beneficiary's capacity to hold employment, his decision to avail himself of a measure provided for in section 23 or his age. The same applies in respect of the resources excluded for the purpose of computing the benefits.

Last resort
benefits

134. Until (*insert here the date occurring one year less one day after the date of coming into force of Chapter II*), the Minister may postpone the application of the scales contemplated by section 133 as regards benefits paid to an independent adult or a family eligible for social aid and during the month of (*insert here the month preceding the month in which Chapter II comes into force, followed by the year of that month*) and pay to the independent adult or the family benefits established in accordance with section 132.

Excess
amount

However, the Minister shall, on or before (*insert here the date occurring one year after the date of coming into force of Chapter II*), pay to the beneficiary the amount, if any, by which the amount of benefits he should have received under the scale exceeds the amount of benefits actually received by him.

Presumption

135. Where a person participates in the programs referred to in section 35.0.1 or 35.0.6.1 of the Regulation respecting social aid, he is deemed to be availing himself of a measure provided for in section 23 of this Act.

Provisions
not appli-
cable

136. Subparagraphs *f* and *g* of paragraph 2 of the first paragraph of section 13 do not apply for the purpose of computing benefits established under section 132.

Computation
of period

Any period during which a person was receiving social aid under the Social Aid Act shall be counted in computing the period prescribed in subparagraph *g* of paragraph 2 of the first paragraph of section 13.

Recovery of
amount

137. Any amount recoverable under the Social Aid Act may be recovered under the Act respecting income security and, for that purpose, sections 39 to 45 of the said Act apply, except if the amount has already been the subject of a claim for which legal proceedings are pending.

- Review or appeal If, on (*insert here the date of coming into force of Chapter II*), an application for review or an appeal is filed in respect of such claim, only sections 43 to 45 may apply to that claim.
- Special benefits **138.** Any person who is not entitled, for the years 1988 and 1989, to any benefit under the Act respecting work income supplement (R.S.Q., chapter S-37.1) for the sole reason that he or his spouse had a dependent child on 31 December of the preceding year, and whose benefit under Chapter III of this Act is, for the same year, nil or lower than an amount fixed by regulation of the Government, shall be entitled to special benefits according to the criteria determined by regulation of the Government.
- Recovery of benefits Paragraph 1 of section 34 and sections 36, 37 and 41 to 45 of this Act apply to the recovery of such benefits.
- Decision of the Minister Sections 76 to 79 and 81 apply to every decision rendered by the Minister under this section.
- Provisions applicable Sections 84 to 90 apply as if the benefits were paid under a program established by this Act.
- Unassignability and unseizability The benefits are unassignable and unseizable, except in the case of a debt for support payments.
- Social aid **139.** Until (*insert here the date of the day preceding the day of coming into force of Chapter II*), any provision included in Chapter III which refers to the scales and benefits provided for in Chapter II is deemed to refer to the ordinary needs or social aid provided for in the Social Aid Act.
- Allowances continued **140.** Persons contemplated by the second paragraph of section 67 of the Social Aid Act (1969, chapter 63) shall continue to receive the allowances provided for thereunder.
- Minister responsible **141.** The Minister of Manpower and Income Security is responsible for the administration of this Act.
- Coming into force **142.** The provisions of this Act will come into force on the date or dates fixed by the Government, except the provisions of Chapter III and any other provision of this Act, to the extent that it relates to the program provided for in the said chapter, and sections 138 to 140, which will come into force on 22 December 1988.
- Retroactive effect Chapter III and any other provision of this Act to the extent that it relates to the program provided for in the said chapter have effect from 1 January 1988.