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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 110

## **An Act to amend the Act respecting family assistance allowances**

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### **Introduction**

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

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## EXPLANATORY NOTES

*This bill amends the Act respecting family assistance allowances in response to the Budget Speech of the Minister of Finance of 14 May 1992. Families which adopt children under five years of age rather than two years of age as was formerly the case will be entitled to the allowance for newborn children. It also provides that a family which has adopted a child who will be the third or subsequent child in the family will be entitled to receive an allowance for newborn children at least equal to the allowance to which it would have been entitled had the child ranked second in the family.*

*The bill will allow the allowance for newborn children to be paid to a family whose child has died or has changed rank following the death of another child, where the death occurs less than two months before the date on which the family was to become entitled to the allowance.*

*Furthermore, the bill grants the Government the power to give retroactive effect to the regulatory provisions amending the amounts of family assistance allowances.*

*Lastly, the bill proposes the amendments rendered necessary as a result of the changes made to the federal family allowance system.*

# Bill 110

## **An Act to amend the Act respecting family assistance allowances**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 1 of the Act respecting family assistance allowances (R.S.Q., chapter A-17) is amended by striking out the words “, except for the purposes of section 26,” in the first and second lines of the first paragraph.

**2.** Section 8 of the said Act is amended by replacing the word “two” in the fourth line of the first paragraph by the word “five”.

**3.** Section 8.1 of the said Act is amended by replacing the word “two” in the fifth line of the first paragraph by the word “five”.

**4.** The said Act is amended by inserting, after section 8.1, the following section:

**“3.1.1** Every family in which the child ranking second, not more than two months before the month of the birthday or anniversary referred to in section 8.1, either becomes the first child in the family by reason of the death of another child or dies, continues to be entitled to the allowance for newborn children under section 8.1 provided that it was entitled to a family allowance in respect of the child for the month preceding the birthday or anniversary or preceding the death, and that the person who received the allowance has his principal residence in Québec in the month of the birthday or anniversary.”

**5.** Section 9 of the said Act is amended by replacing the word “The” in the first line of the fourth paragraph by the words “Except in the cases referred to in section 9.1, the”.

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

**“9.1** Every family in which a third or subsequent child, during the second or third month of a given quarter, either becomes the first or second child of the family by reason of the death of another child or dies, continues to be entitled to the payment of the allowance referred to in section 9 for the following quarter provided that it was entitled to a family allowance in respect of the child for the last month of the quarter concerned or for the month preceding the child’s death and that the person who received the allowance has his principal residence in Québec in the last month of the quarter concerned.

However, the first paragraph does not apply to a child who becomes the second child in the family on a date prior to the date of the birthday or anniversary referred to in section 8.1; in such a case, if the family has been entitled to only one quarterly payment in respect of that child, section 11 applies as if the change in rank occurred for a cause other than the death of another child in the family.”

**7.** Section 11 of the said Act is replaced by the following section:

**“11.** A family which, for a newborn child or a child placed for adoption, has been entitled only to a single quarterly allowance payment by reason of

- (1) the child’s death in the first month of the quarter,
- (2) the child’s becoming the first child in the family as a result of the death of another child in the family during the same month,
- (3) the child’s becoming the first or second child in the family for a reason other than the death of a child, or
- (4) the child’s reaching five years of age, in the case of a child placed for adoption,

is entitled to the allowance provided for in section 8, less the quarterly allowance already received, provided that the person who received the allowance has his principal residence in Québec in the last month of the quarter concerned.

The allowance shall be paid in the quarter following the quarter in which the child died or his rank changed or, in the case of a child placed for adoption, following the quarter in which the adoption judgment is pronounced; however, in the case of a child placed for adoption who reaches five years of age, the allowance shall be paid in the month following the month in which the child reaches that age

or following the month in which the adoption judgment is pronounced, where that occurs after the child reaches five years of age.”

**8.** The said Act is amended by inserting, after section 11, the following section:

**“11.1** A family which, for a third or subsequent child placed for adoption, has been entitled to only one or two quarterly allowance payments for newborn children by reason of the child’s reaching five years of age, is entitled to the allowance provided for in section 8.1 provided that the child is the third or subsequent child in the family on the date of the first anniversary of the adoption judgment and that the family is entitled, in respect of that child, to a family allowance for the month of that anniversary or for the preceding month. However, in the case of a family which has received two quarterly payments, the allowance is reduced to an amount representing the difference between the sum of the allowances provided for in sections 8 and 8.1 and the sum of the quarterly allowances already received.

An allowance under this section is payable in a lump sum in the month following the month of the anniversary concerned.”

**9.** Section 25 of the said Act is amended

(1) by replacing the words “and the” in the second line of subparagraph 3 of the first paragraph by the words “fix the”;

(2) by inserting the words “, and determine the date on which they take effect, which may be prior to the date of coming into force of the regulation” after the words “Division II” in the third line of subparagraph 3 of the first paragraph;

(3) by striking out subparagraph 12 of the first paragraph.

**10.** Section 26 of the said Act is repealed.

**11.** Section 27.2 of the said Act is amended by replacing the words “an application for a family allowance under the Family Allowances Act (Revised Statutes of Canada, 1985, chapter F-1)” in the third, fourth and fifth lines of the first paragraph by the words “a notice filed with the Minister of National Health and Welfare under section 122.62 of the Income Tax Act (Statutes of Canada)”.

**12.** Section 27.2.1 of the said Act is amended by replacing the words “family allowance paid under the Family Allowances Act

(Revised Statutes of Canada, 1985, chapter F-1)” in the third and fourth lines of the first paragraph by the words “child tax benefit paid under the Income Tax Act”.

**13.** Sections 2 and 3, section 7 to the extent that it concerns a child placed for adoption who is between two and five years of age, and section 8 of this Act have effect only with respect to children whose adoption is pronounced by judgment after 30 April 1992.

Section 1, paragraph 3 of section 9 and sections 10 to 12 have effect from 1 January 1993.

Sections 4 to 7 apply only to deaths occurring during a month following (*insert here the date of assent to this Act*).

**14.** This Act comes into force on (*insert here the date of assent to this Act*).