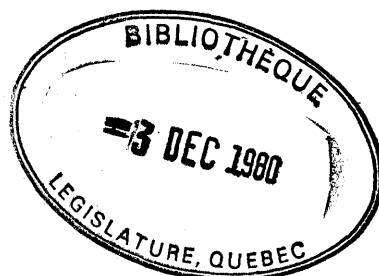


SIXTH SESSION

THIRTY-FIRST LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 11



**An Act to amend the Act respecting the Commission
des affaires sociales and the Act respecting
health services and social services**

First reading

Second reading

Third reading

M. DENIS LAZURE

Minister of Social Affairs

L'ÉDITEUR OFFICIEL DU QUÉBEC

1980

EXPLANATORY NOTES

This bill proposes amendments to the Act respecting the Commission des affaires sociales and to the Act respecting health services and social services.

Its objects are to amend the Act respecting the Commission des affaires sociales so as to create a second vice-president, to extend to all members of the Commission the obligation of devoting their time exclusively to the work of the Commission, to specify that assessors are to remain in office notwithstanding the expiry of their term, until re-appointed or replaced, and to allow the president of the Commission to reduce the numbers required for certain quorums where he sees fit.

It also provides that, in certain cases, the Commission des affaires sociales may return the record relating to the decision appealed from to the authority concerned for further decision.

Finally, it amends the Act respecting health services and social services to allow the Minister to evacuate and relocate the persons sheltered in a facility where activities are carried on without a permit required by that act. It also provides that an appeal may be brought before the Commission des affaires sociales from the Minister's decision.

Bill 11

**An Act to amend the Act respecting the Commission
des affaires sociales and the Act respecting
health services and social services**

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Section 3 of the Act respecting the Commission des affaires sociales (R.S.Q., c. C-34), amended by section 225 of chapter 68 of the statutes of 1977 and by section 276 of chapter 63 of the statutes of 1979, is again amended by replacing, in the third and fourth lines of the first paragraph, the words "a vice-president" by the words "two vice-presidents".

2. Section 5 of the said act is amended by replacing, in the first line of the first paragraph, the words "the vice-president and at least one other member" by the words "the vice-presidents and the members".

3. Section 7 of the said act, amended by section 227 of chapter 68 of the statutes of 1977 and by section 277 of chapter 63 of the statutes of 1979, is again amended by adding, after the third paragraph, the following paragraph:

"At the expiry of their term of office, the assessors remain in office until they are re-appointed or replaced."

4. Section 10 of the said act is amended by replacing the second paragraph by the following paragraph:

"When opinions are equally divided on a question, it shall be decided by the president or the vice-president he designates."

5. Section 18 of the said act is replaced by the following section:

“18. If the president is absent or unable to act, he is replaced by the vice-president designated by the Government.”

6. Section 21 of the said act, amended by section 228 of chapter 68 of the statutes of 1977, section 106 of chapter 7 and section 32 of chapter 16 of the statutes of 1978, section 59 of chapter 1, section 278 of chapter 63 and by section 88 of chapter 85 of the statutes of 1979, is again amended by inserting, between paragraphs *h* and *i*, the following paragraph:

“(h.1) the appeals brought under section 182.1 of the Act respecting health services and social services;”.

7. The said act is amended by inserting, between sections 22 and 23, the following section:

“22.1 Where the date for the hearing of an appeal contemplated in section 21 has not been fixed and the president or one of the vice-presidents, on examining the appeal declaration and the decision appealed from, perceives that the authority concerned has failed to decide a question which that authority is required by law to decide, he may *ex officio* issue an order to return the matter to that authority for decision.

The new decision may be appealed to the Commission in the same manner and time as the original decision.”

8. Section 28 of the said act, replaced by section 108 of chapter 7 of the statutes of 1978, section 279 of chapter 63 and by section 90 of chapter 85 of the statutes of 1979, is again replaced by the following section:

“28. The requests and applications contemplated in paragraphs *d*, *e*, *f*, *x* and *z* of section 21 and the appeals contemplated in paragraphs *g*, *h*, *h.1*, *l*, *r*, *s*, *t*, *w* and *aa* of the said section 21 are heard by the health services and social services division.

The appeals contemplated in paragraph *h.1* are heard and decided by preference.”

9. Section 29 of the said act, amended by section 109 of chapter 7 of the statutes of 1978, section 280 of chapter 63 and by section 91 of chapter 85 of the statutes of 1979, is again amended by replacing the third paragraph by the following paragraph:

“In the case of an appeal contemplated in paragraphs *e*, *h*, *h.1*, *j*, *s*, *t* and *w* of section 21, two members constitute a quorum.”

10. The said act is amended by inserting, between section 28*b*, enacted by section 229 of chapter 68 of the statutes of 1977, and section 32, the following heading and section:

“ § 8. — *Special Provision*

“31.1 Where the quorum fixed by the act is three members or two members and an assessor who is a physician, the president may, where he sees fit, reduce the quorum to two members or to one member and an assessor who is a physician, as the case may be.”

11. Section 32 of the said act, amended by section 110 of chapter 7 of the statutes of 1978 and by section 92 of chapter 85 of the statutes of 1979, is again amended by adding, at the end, the following paragraph:

“The appeals contemplated in paragraph *h.1* are brought by a declaration filed with the Commission or mailed to its address within five days after notification of the decision appealed from.”

12. Section 33 of the said act, replaced by section 111 of chapter 7 of the statutes of 1978, section 282 of chapter 63 and by section 93 of chapter 85 of the statutes of 1979, is again replaced by the following section:

“33. Where the Commission is seized of a request, application or appeal contemplated in section 21, the secretary or the assistant-secretary shall issue forthwith a copy of the declaration to the party against which the request, application or appeal was made.

He shall also, in the same manner, issue a copy of the declaration

(1) to the Minister of Social Affairs, in the case of a request or application contemplated in paragraph *e* or *f* of section 21,

(2) to the Minister of Revenue, in the case of an appeal contemplated in paragraph *k* of section 21; and

(3) to the interested parties contemplated in the first paragraph of section 120 of the Act respecting occupational health and safety, in the case of a request or application contemplated in paragraph *z* of section 21.

The person or body to whom a copy of a declaration has been delivered in accordance with this section may intervene at any stage of the proceedings.”

13. Section 182 of the Act respecting health services and social services (R.S.Q., c. S-5) is replaced by the following sections:

“182. Where activities for which a permit is required under section 136 have been carried on without a permit in a facility, the Minister may cause the evacuation and relocation of the persons sheltered therein.

The Minister, before acting as in the first paragraph, shall serve notice on the person maintaining the facility of his decision and the grounds therefor.

“182.1 The person maintaining a facility contemplated in section 182 may, for the reasons provided for in section 148, bring an appeal before the Commission within ten days of receiving the Minister’s decision.

The ten day period is peremptory and entails loss of the right to appeal.

Notwithstanding section 22 of the Act respecting the Commission des affaires sociales, the Minister may in no case cause the evacuation and relocation of the persons sheltered in a facility contemplated in section 182 before the expiry of the period for appeal or, if an appeal is pending, before the Commission renders its decision.”

14. This act comes into force on the day of its sanction.

Section 7 has effect even in respect of cases pending before the Commission des affaires sociales on the day of the coming into force of the act.