

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 118

An Act to amend the Social Aid Act

First reading
Second reading
Third reading

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

This bill to amend the Social Aid Act is mainly intended

— to formulate the provisions concerning the general rules of eligibility for social aid;

— to increase from thirty to sixty the number of days' delay granted to a complainant to apply for review of a decision;

— to provide an appeal from the decision of the Minister concerning the permission to request a review when the delay has expired;

— to make various amendments to the regulatory powers of the Government.

Sec. 1. *Subparagraphs b, c and e of section 1 of the act presently read as follows:*

“(b) “family”: the consorts or the surviving consort and any dependent child of theirs, and any unmarried child who habitually is the chief provider for the needs of such family, a consort separated judicially or in fact and any dependent child of his, and any unmarried child who habitually is the chief provider for the needs of such family, those consorts who are childless, any unmarried man or woman and any dependent child of either;

(c) “head of a family”: the member of a family who habitually is the chief provider for the needs of such family;

(e) “dependent child”: an unmarried child, whatever be his filiation, who is less than eighteen years of age or, if he is eighteen years of age or more, regularly attends an educational institution, and depends upon the head of the family for his subsistence;”.

Sec. 2. *Sections 6 to 11 of the act presently read as follows:*

“**6.** Social aid shall meet the ordinary and special needs of any family or individual lacking means of subsistence.

7. For the purposes of section 6, a family or individual shall be deemed not to lack means of subsistence when the head of such family, or such individual, is engaged in either full time or part-time regular employment, or seasonal employment, or works on his own behalf or attends an educational institution.

Nevertheless, a family or individual shall be deemed to lack means of subsistence when the head of such family, or such individual, does any work approved by the Minister which has as its principal object the training or rehabili-

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HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1. Section 1 of the Social Aid Act (1969, chapter 63), amended by section 1 of chapter 44 of the statutes of 1970 and by section 52 of chapter 39 of the statutes of 1974, is again amended by replacing paragraphs *b*, *c* and *e* by the following paragraphs:

“(b) “family”: the consorts or the surviving consort and a dependent child of theirs, a consort separated judicially or in fact and a dependent child of that consort, consorts having no dependent child or an unmarried person and a dependent child of that person;

“(c) “adult”: an individual or, in the case of a family, the member or members of that family other than a dependent child;

“(e) “dependent child”: an unmarried child, whatever be his filiation, who is less than eighteen years of age or, if he is eighteen years of age or more, regularly attends an educational institution, and depends upon an adult for his subsistence;”.

2. Sections 6 to 11 of the said act are replaced by the following sections:

6. Social aid shall not be granted to an individual who attends an educational institution or to a family where an adult attends an educational institution, except where such aid is necessary to prevent such individual or such family from being faced with a situation which endangers the health or threatens to lead to the complete destitution of such individual or family.

7. Social aid shall not be granted to an individual who has lost his employment in consequence of a stoppage of work attrib-

tation of such head of a family or such individual, or has left regular employment to pursue studies under a training or rehabilitation program approved by the Minister.

A family or individual shall also be deemed to lack means of subsistence when the head of such family, or such individual, by reason of his physical or mental condition, is unable to meet the ordinary and special needs of his family, or his own needs in the case of an individual, through his work.

8. Social aid shall meet the special needs of a family which or individual who does not lack means of subsistence when such aid is necessary to prevent such family or individual from losing the same or from being faced with a situation which endangers the health or threatens to lead to the complete destitution of such family or individual.

9. When the social aid granted to a family or individual under section 8 is not sufficient to prevent such family or individual from losing means of subsistence or from being faced with a situation which endangers the health or threatens to lead to the complete destitution of such family or individual, the Minister shall grant such family or individual social aid to meet its or his ordinary and special needs, and may propose a recovery plan to such family or individual.

Upon failure by such family or individual to accept the plan so proposed, the Minister may refuse to grant social aid to such family or individual or may reduce the benefits which he would have otherwise granted to it or him.

10. A family or individual to whom social aid has been granted under section 6 may continue to receive such aid after such family or individual has recovered its or his means of subsistence, if such aid is necessary to ensure the complete and permanent rehabilitation of the head of such family, or of such individual, as the case may be.

11. Social aid shall not be granted to a person who is a member of a religious community capable of providing for the subsistence of its members, or to a person who is hospitalized in a psychiatric hospital or receives a public assistance allowance granted under the Public Charities Act (Revised Statutes, 1964, chapter 216)."

Sec. 3. The first paragraph of section 12 of the act presently reads as follows:

"12. Social aid may be refused, discontinued, suspended or reduced in the case of any person who, without sufficient reason:

(a) refuses or abandons any employment which he could have held or continued to hold;

(b) refuses or neglects to avail himself of the appropriate training or rehabilitation measures indicated by the Minister except to the extent prescribed by the regulations;

(c) ceases to comply with a recovery plan with which he has agreed to comply under section 9;

(d) refuses or neglects to exercise his rights and recourses;

(e) refuses or neglects to avail himself of the advantages which he may receive under any other law;

utable to a labour dispute or to a family where an adult has lost his employment in similar circumstances, except where such aid was already being paid and would have continued to be paid even if the adult had remained in his employment.

The adult who is not declared eligible for benefits by the Unemployment Insurance Commission under the Unemployment Insurance Act, 1971 (Statutes of Canada, 1970-71-72, chapter 48) due to the fact that he has lost his employment in consequence of a stoppage of work attributable to a labour dispute, is considered to have lost his employment in consequence of a stoppage of work attributable to a labour dispute.

"8. Social aid shall not be granted to an individual who is a member of a religious community capable of providing for the needs of its members or receives a public assistance allowance granted under the Public Charities Act (Revised Statutes, 1964, chapter 216).

"9. A family or individual to whom social aid has been granted may continue to receive such aid after such family or individual has recovered sufficient means to meet its or his needs, for the purpose of ensuring the complete and permanent rehabilitation of such family, or of such individual.

"10. The Minister may propose a recovery plan to a family or individual who is receiving or who applies for social aid."

3. Section 12 of the said act is amended by replacing the first paragraph by the following paragraph:

"12. Social aid may be refused, discontinued, suspended or reduced in the case of any adult who, without sufficient reason:

(a) refuses or abandons any employment which he could have held or continued to hold;

(b) refuses or neglects to avail himself of the appropriate training or rehabilitation measures indicated by the Minister except to the extent prescribed by the regulations;

(c) refuses to accept a recovery plan proposed to him under section 10 or ceases to comply with it after he has accepted it;

(d) refuses or neglects to exercise his rights and recourses;

(f) refuses or neglects to furnish the information and documents required for the consideration of his application.”

Sec. 4. *Section 14 of the act presently reads as follows:*

“**14.** No person shall cease to be a member of a family for the sole reason that he is temporarily away from the family home.

No person shall cease to be the consort of the head of a family for the sole reason that he has temporarily ceased to live with his consort.”

Sec. 5. *Section 16 of the act presently reads as follows:*

“**16.** For the purposes of the carrying out of this act and in the interests of the family, the Minister may recognize as the head of a family any member other than the member who habitually is the chief provider for the needs of such family.”

Sec. 6. *The intent of this provision is to extend the delay during which a complainant may introduce a request for review from thirty to sixty days and to grant the complainant the opportunity to appeal to the Commission des affaires sociales from the decision of the Minister concerning the permission to request a review after the delay.*

Sections 28 and 29 of the act presently read as follows:

“**28.** Every request for review shall be made by an application in writing within 30 days after the date on which the complainant was notified of the decision which he requests to have reviewed. The Minister may allow the complainant to apply for a review after such delay if he shows that in fact it was impossible for him to act sooner.

The application for review shall contain a summary statement of the reasons invoked and shall be sent to the person appointed for that purpose by the Minister in accordance with the regulations.

29. Upon receiving the application for review, the Minister or the person appointed by him must verify the facts and circumstances of the case, analyse the reasons invoked and render his decision within 30 days after receiving the application for review. He shall immediately give a written notice to the person concerned of the decision rendered, the grounds upon which it was based and the right of such person to appeal therefrom in accordance with this act.”

(e) refuses or neglects to avail himself of the advantages which he may receive under any other law;

(f) refuses or neglects to furnish the information and documents required for the consideration of his application."

4. Section 14 of the said act is replaced by the following section:

"14. No person ceases to be a member of a family for the sole reason that he is temporarily away from the family home, except in the cases determined by regulation."

5. Section 16 of the said act is replaced by the following section:

"16. No person less than eighteen years of age may receive social aid as an individual.

Such a person shall be considered an adult forming a family with another person only if he is married with that person or is the father or the mother of a dependent child."

6. Sections 28 and 29 of the said act are replaced by the following sections:

"28. Every request for review shall be made by an application in writing within sixty days after the date on which the complainant was notified of the decision which he requests to have reviewed.

The application for review shall contain a summary statement of the reasons invoked and shall be sent to the Minister or the person appointed for that purpose by him in accordance with the regulations.

Upon receiving the application for review, the Minister or that person must verify the facts and circumstances of the case, analyse the reasons invoked and render his decision within thirty days after receiving the application for review. He shall immediately give a written notice to the person concerned of the decision rendered, the grounds upon which it was based and the right of such person to appeal therefrom in accordance with this act.

"29. Notwithstanding section 28, the Minister may allow the complainant to apply for review after the delay contemplated in the first paragraph of section 28 if he shows that it was impossible in fact for him to act sooner. An appeal from such decision lies before the Commission des affaires sociales within fifteen days of the date on which it was notified to the complainant.

Sec. 7. Section 42 of the act is amended for concordance with sections 28 and 29 proposed by section 6 of the bill.

Sec. 8. Subparagraphs e, g, 1, and w of the first paragraph of section 48 of the act presently read as follows:

“(e) the extent to which the ordinary needs of a family or individual may be met through social aid and the methods whereby such needs must be proven and appraised;

(g) the cases in which the physical or mental disability of the head of a family or of an individual renders such family or individual eligible for social aid and the manner in which such disability is to be established;

(l) the cases in which the Minister may recognize as the head of a family a member other than the member who habitually is the chief provider for the needs of such family;

(w) the definition of the expressions “means of subsistence”, “regular employment” and “seasonal employment” for the purposes of this act.”

If the Commission quashes the decision of the Minister made under this section, the Minister or the person designated by him must examine the facts and conditions of the matter, analyse the reasons invoked and render his decision within thirty days after receiving the decision of the Commission.

The Minister shall immediately give a written notice to the person concerned of the decision rendered, the grounds upon which it was based and of the right of such person to appeal therefrom in accordance with this act."

7. Section 42 of the said act, amended by section 4 of chapter 44 of the statutes of 1970 and by section 54 of chapter 39 of the statutes of 1974, is replaced by the following section:

"42. Any person contemplated by section 27 who believes he is aggrieved by a decision rendered under section 28 or under the second paragraph of section 29 may appeal therefrom to the Commission des affaires sociales."

8. Section 48 of the said act is amended:

(a) by adding, at the end of subparagraph *e* of the first paragraph, the following: "in determining what the aid shall be, account may be taken of the age or capacity for work of an individual or of the members of a family having no dependent children, having had no children who are deceased, or the fact that a family or individual is living with a relative or a child;";

(b) by replacing subparagraph *g* of the first paragraph by the following subparagraph:

"(g) the cases in which the physical or mental disability of an individual or of an adult member of a family renders such individual or family eligible for social aid and the manner in which such disability is to be established;";

(c) by striking out subparagraph *l* of the first paragraph;

(d) by replacing subparagraph *w* of the first paragraph by the following subparagraph:

"(w) the definition of the expression "family home" for the purposes of this act."

9. Except with regard to cases pending on (*insert here the date of the tabling of Bill 118*), paragraph *a* of section 8 of this act has effect from 12 December 1969 and section 7 enacted by section 2 of this act has effect from 1 January 1976.

10. This act will come into force on the date which is to be fixed by proclamation of the Government, except those provisions that are excluded by such proclamation, which will come into force on any later date that may be fixed by proclamation of the Government.