

NATIONAL ASSEMBLY

SECOND SESSION

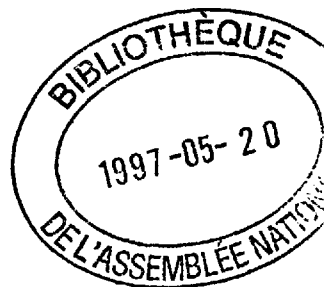
THIRTY-FIFTH LEGISLATURE

Bill 144

An Act respecting family benefits

Introduction

Introduced by
Madam Pauline Marois
Minister of Education and
Minister of Family Policy



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EXPLANATORY NOTES

This bill replaces the current program of family assistance allowances with a family benefits scheme. The new scheme provides for the granting of a family allowance that will vary according to the income and composition of each family, and for the granting of an allowance for handicapped children.

Under the provisions of the bill, every child will be entitled to family benefits until the age of eighteen, except in the cases prescribed by regulation. Family benefits will be paid to the person who assumes the major responsibility for a child's care and education, and who habitually lives with the child.

The amount of the family allowance may increase in cases where a person has sole responsibility for a child. To allow the amount of the family allowance to be calculated, the person applying to receive the allowance, and the person's spouse, must file a statement of their income.

The bill assigns responsibility for administering the family benefits scheme to the Régie des rentes du Québec, and sets out penal provisions as well as amending and transitional provisions, in particular, provisions to give effect to a measure announced in the 1997-98 Budget Speech, concerning the introduction of a unified housing allowance.

LEGISLATION REPLACED BY THIS BILL :

- Act respecting family assistance allowances (R.S.Q., chapter A-17).

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);

- Act respecting income security (R.S.Q., chapter S-3.1.1);
- 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 respecting administrative justice (1996, chapter 54).

Bill 144

AN ACT RESPECTING FAMILY BENEFITS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

OBJECT AND SCOPE

1. The family benefits scheme established by this Act provides for the granting of a family allowance, to vary according to the income and composition of each family, and the granting of an allowance for handicapped children.

2. Every person having one or more dependent children is entitled to the family benefits provided for by this Act, provided the person is resident in Québec for the purposes of the Taxation Act (R.S.Q., chapter I-3) and provided the person, or the person's spouse, is

(1) a Canadian citizen;

(2) a permanent resident within the meaning of the Immigration Act (Revised Statutes of Canada, 1985, chapter I-2);

(3) a visitor or a person in possession of a permit within the meaning of the Act cited in subparagraph 2, who has resided in Canada for at least 18 months;
or

(4) a refugee, within the meaning of the Geneva Convention, who has been recognized as such by the competent Canadian authority.

Foreign nationals to whom sections 982 and 983 of the Taxation Act apply, and those to whom a regulation made under subparagraphs *a* to *c* of the first paragraph of section 96 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) applies, are excluded.

3. To determine if a person is the spouse of another person, section 2.2.1 of the Taxation Act shall apply, adapted as required.

CHAPTER II

CONTENT AND CONDITIONS FOR THE GRANTING OF FAMILY BENEFITS

DIVISION I

JOINT PROVISIONS FOR THE FAMILY ALLOWANCE AND THE ALLOWANCE FOR HANDICAPPED CHILDREN

4. Every child is entitled to family benefits until the age of eighteen, except in the cases prescribed by government regulation.

5. Family benefits must be used for the needs of the child or children concerned.

6. Family benefits shall be paid by the Régie des rentes du Québec, referred to as the Board, to the person mainly responsible for the care and education of the child, and who normally lives with the child.

Only one person shall be recognized as having the right to receive benefits for a given child. However, the Government may, by regulation, determine who is to receive the benefits where more than one person is responsible for the child.

7. Family benefits shall be granted only on application, except where an exemption is provided for by government regulation. The Government shall specify, by regulation, the information and documents that must be submitted with an application. The Board may require an applicant to provide any other information or document it considers relevant.

DIVISION II

SPECIAL PROVISIONS CONCERNING THE FAMILY ALLOWANCE

8. The Government shall determine, by regulation, the method for determining the family allowance. The regulation may, in particular,

(1) provide for the amount of an allowance to be based, among other factors, on the spousal status of the person entitled to receive the allowance, the income of the person and the person's spouse, and the rank and number of the dependent children;

(2) determine the method for determining income under subparagraph 1;

(3) determine the reference period during which the spousal status of the person entitled to receive the allowance is to be taken into consideration in fixing the amount of the allowance, and the changes in a person's spousal status that give rise to a review of the amount of the allowance during that period;

(4) fix the amount below which the Board is not required to pay an allowance.

A regulation under subparagraph 1 of the first paragraph may have effect from any date occurring not more than six months before the date of its coming into force.

9. The amount of a family allowance may be increased if a person has sole responsibility for a child.

A person is deemed to have sole responsibility for a child if the person has no spouse.

10. A person who applies to receive a family allowance, and the person's spouse, must provide a statement of their income at the intervals and on the conditions prescribed by government regulation.

DIVISION III

SPECIAL PROVISIONS CONCERNING THE ALLOWANCE FOR HANDICAPPED CHILDREN

11. An allowance for handicapped children shall be granted for a child with a serious handicap.

The amount of the allowance shall be established by government regulation.

12. A handicap is a disability, of an indefinite duration of not less than one year, that results from a developmental disorder or impairment that limits the child in essential daily activities.

A developmental disorder is a persistent psycho-emotional disturbance or cognitive functional impairment that prevents or retards the integration of experience and learning and that compromises a child's adaptation.

An impairment is the persistent insufficiency of an organ or body structure. It takes the form of an observable metabolic, cellular, histological, anatomical or physiological anomaly.

Essential activities are activities that are appropriate to the child's age and are necessary for the satisfaction of the child's needs and for the acquisition of the new skills required for the child's progression towards autonomy.

13. A handicap is considered to be a severe handicap if

(1) the disability resulting from the handicap cannot be sufficiently attenuated by simple medication or available compensatory measures, with the result that the child remains clearly limited in essential daily activities;

(2) the child requires specialized treatment, complex apparatus or constant assistance to accomplish essential daily activities.

However, the Government may, by regulation, determine the criteria according to which a handicap resulting from the developmental disorders or the impairments it specifies is or is not considered to be a severe handicap.

14. Entitlement to the allowance for handicapped children shall cease when

(1) the treatments or rehabilitation measures that could improve the child's condition are not applied or are not followed;

(2) developments in the means of diagnosis or the methods used to assess disabilities give rise to the conclusion that the child has no severe handicap;

(3) the child's disability is attenuated because of a change in the child's needs and activities, technological advances or the evolution of society.

15. The Board may, in order to verify whether a child has a severe handicap, require that the information or documents establishing the existence of the handicap be provided to it.

In addition, the Board may require that the child be examined by the physician it designates or by another expert. If valid grounds are presented to oppose the choice of the physician or expert, the Board shall designate another physician or expert.

Entitlement to an allowance is dependent on compliance with the requirements set out above. An allowance that has been granted shall cease to be paid in the month following the month in which a failure to comply with the requirements expressed by the Board occurs.

CHAPTER III

PAYMENT AND RECOVERY OF BENEFITS

DIVISION I

PAYMENT

16. Family benefits are payable on the first day of the month following the month during which the conditions on which they are granted are met. However, where a delay occurs in the filing of the statement of income referred to in section 10, the benefits may be paid retroactively from the date on which the other conditions were met.

A government regulation may provide for cases in which benefits are to be paid in advance.

Benefits may be paid otherwise than monthly, according to the rules prescribed by government regulation.

17. Family benefits may be paid retroactively for a period of 12 months, including the month of the application.

18. In the event of a *de facto* separation of spouses, the following rules apply:

(1) a spouse may not be considered to be separated until the separation, resulting from the breakdown of the relationship, has lasted for at least 90 days;

(2) the revised amount of family benefits that may result from the separation shall be paid from the first day of the fourth month following the separation; the benefits shall, however, be paid retroactively from the first day of the month following the separation.

19. Family benefits cease to be payable on the first day of the month following the month during which the conditions for entitlement cease to be met. However, the death of a child in the month following its birth shall not give rise to a loss of entitlement to a benefit for that month.

20. Where a person receiving family benefits does not use them for the needs of the child or children concerned, the Board may pay them to another person or to an organization.

The person or organization must keep accounts detailing the administration of the benefits received for each child concerned, and must, on request, account to the Board for the administration.

DIVISION II

RECOVERY

21. A person who receives family benefits without entitlement or does not use them for the needs of the child concerned must repay them to the Board, except if the benefits were paid as the result of an administrative error of which the person could not reasonably have been aware.

If it is established that another person should have received the benefits, their payment shall be considered validly made if the benefits were used for the needs of the child concerned.

22. A formal notice demanding the repayment of an amount received without entitlement shall state the grounds for the demand for repayment and the amount to be repaid, and the right to apply for a review of the decision within the time limit set out in section 30.

The notice interrupts prescription of the debt.

23. The amount owed must be repaid within the time and according to the terms and conditions prescribed by government regulation, unless the debtor and the Board agree otherwise.

The Board may deduct the amount owed from any family benefit up to the percentage or amount fixed by regulation, or as it considers equitable in the circumstances.

24. If the amount owed is not repaid, the Board may, at the expiry of the time prescribed for applying for a review of the decision or for contesting the decision before the Administrative Tribunal of Québec or, where applicable, on the day following the day on which a decision of the Tribunal confirms all or part of the Board's decision, issue a certificate

(1) setting out the name and address of the person who received the benefits subject to repayment;

(2) stating the amount of the debt;

(3) stating that the person has not contested the decision pursuant to section 22 or, as the case may be, setting forth the final decision upholding the original decision.

Upon the deposit of the certificate at the clerk's office of the competent court, the decision of the Board or of the Administrative Tribunal of Québec becomes executory as a final decision of the competent court.

25. The Board may, even after a decision has become executory, cancel all or part of a debt if it considers that, in the circumstances, recovery of the debt would be inappropriate.

DIVISION III

SPECIAL PROVISIONS

26. Family benefits are untransferable and unseizable.

However, at the request of the Minister of Income Security, the Board shall deduct the benefits recoverable under section 35 of the Act respecting income security (R.S.Q., chapter S-3.1.1) from the family benefits payable under this Act. The Board shall remit any amount so deducted to the Minister of Income Security.

27. Proceedings for the payment of family benefits are prescribed after three years.

Proceedings instituted by the Board for the recovery of unduly paid benefits are prescribed after three years. In the case of bad faith on the part of the person who received the benefits, proceedings are prescribed three years after the date on which the Board became aware of the fact that the sum was payable. However, in such a case, no proceeding may be instituted if 15 years have elapsed since the date on which the benefits were paid.

28. Every person receiving family benefits must advise the Board of any change in the person's situation that may affect the person's entitlement to benefits.

The Government may, by regulation, determine the cases in which the Board may consider itself to have been advised of a change in situation.

29. Every person who receives family benefits without entitlement must advise the Board of that fact with dispatch.

CHAPTER IV

REVIEW AND CONTESTATION PROCEEDINGS

30. The Board may, on its own initiative or on application, review any decision it has made.

An application for review must be made within 90 days of notification of the decision, unless an extension is granted by the Board. The application must set out briefly the grounds for review.

31. The Board shall make a decision with dispatch and inform the person concerned of the person's right to contest the decision in the manner set out in section 32.

Any unfavourable decision of the Board must include reasons.

32. Any review decision may be contested before the Administrative Tribunal of Québec within 60 days of notification.

33. The accuracy of the information disclosed by the Ministère du Revenu to allow the determination of the amount of a family allowance is not within the jurisdiction of the Board or the Administrative Tribunal of Québec. Any contestation thereof must be brought under the Taxation Act.

CHAPTER V

ADMINISTRATIVE PROVISIONS

34. The Régie des rentes du Québec, referred to as the Board, is responsible for the administration of this Act. For the purposes of its administration it shall, in addition to powers granted by this Act, exercise its powers under the

Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) as necessary, including its power of inquiry under section 30 of that Act.

In exercising its functions, the Board may, in addition,

(1) conduct or commission studies and research, and make recommendations to the Minister concerning any matter relating to this Act;

(2) perform any task assigned to it by the Government.

35. The Board may require a person receiving family benefits to provide it with documents or information to ascertain whether the person is entitled to receive benefits and is using them for the needs of the child concerned.

The Board may, during its inquiry, suspend the payment of benefits if it has reasonable grounds to believe that the benefits are being received without entitlement or are not being used for the needs of the child concerned and the person receiving the benefits fails to provide the documents and information required by the Board.

The Board shall give written notice of the suspension of payment.

36. The Board shall make its decision with dispatch and inform the persons concerned of their right to apply for a review of the decision within the time limit prescribed by section 30.

Any unfavourable decision of the Board must include reasons.

37. The Board may enter into an agreement with any person, association, partnership or body, and with the government, a government department or a government body.

It may also enter into an agreement in accordance with the law with a government in Canada or elsewhere, a department or agency of such a government, an international organization or an agency of such an organization.

38. The Board shall make agreements with certain public bodies, in particular the Ministère du Revenu and the Ministère de la Sécurité du Revenu, concerning the communication of the information required for the purposes of this Act.

39. The Board may, as the debtor organization for family benefits, borrow moneys from the Minister of Finance out of the financing fund of the Ministère des Finances established under section 69.1 of the Financial Administration Act (R.S.Q., chapter A-6).

The Minister of Finance may advance moneys from the consolidated revenue fund to the Board, with the authorization of the Government and on the conditions it fixes.

40. The expenses incurred by the Ministère du Revenu in communicating information to the Board for the purposes of this Act shall be reimbursed according to the procedure determined by the Government.

41. The Board may delegate any power under this Act to a member of its board of directors, to a member of its personnel, or to a committee composed of persons to whom the Board may delegate such powers.

The Board may also, in the instrument of delegation, authorize the sub-delegation of the delegated powers. In such case, it shall designate the member of the board of directors or the personnel member to whom such powers may be subdelegated.

The instrument of delegation shall be published in the *Gazette officielle du Québec*.

42. Where the law of a State provides for the payment of benefits similar to the benefits provided for by this Act, the Minister may enter into social security agreements in accordance with the law with that State or with a department or agency of that State.

Such an agreement may include

(1) special provisions, that may depart from the provisions of this Act, concerning the entitlement of a national of that other State who resides or works in Québec to receive family benefits for any accompanying child, and the conditions for receiving such benefits;

(2) the terms and conditions governing the payment of benefits under this Act to such a national;

(3) the terms and conditions governing the payment of benefits, in respect of any accompanying child, under the laws of that other State to a Canadian national who resides or works in that other State and who was a resident of Québec upon departing for that other State;

(4) provisions to allow the necessary financial adjustments to be made;

(5) the procedure for communicating the information required.

The Government may, by regulation, provide for the application of any agreement entered into under this section.

43. The Board must, not later than 30 June each year, report on its administration of this Act to the Minister. The report must be tabled by the Minister within 15 days before the National Assembly if it is sitting, or if it is not in session, within 15 days of resumption.

The report must contain all the information required by the Minister.

CHAPTER VI

PENAL PROVISIONS

44. The following persons are liable to a fine of \$250 to \$1,500:

(1) every person who, in order to obtain family benefits, provides information knowing it to be false or misleading, or misrepresents a material fact;

(2) every person who assists or encourages another person to obtain or receive benefits, knowing that the person is not entitled thereto;

(3) every person who fails to perform an obligation mentioned in section 5, the second paragraph of section 20, the first paragraph of section 28 or section 29.

CHAPTER VII

APPLICATION OF THE ACT

DIVISION I

AMENDING PROVISIONS

ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

45. Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34), amended by section 104 of chapter 32 of the statutes of 1996, is again amended by replacing paragraph *b* by the following paragraph:

“(b) the contestations of decisions concerning entitlement to benefits brought under section 32 of the Act respecting family benefits (*insert here the year and chapter number of this Act*);”.

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

46. Section 108 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1), amended by section 34 of chapter 48 of the statutes of 1996, is again amended by replacing the words “assistance allowances or family” in the third line of subparagraph 6 of the first paragraph by the word “benefits”.

ACT RESPECTING THE MINISTÈRE DU REVENU

47. Section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 13 of chapter 46 of the statutes of 1994, section 213 of chapter 1 of the statutes of 1995, section 14 of chapter 36 of the statutes of 1995, section 50 of chapter 43 of the statutes of 1995, section 277 of chapter 63 of the statutes of 1995, section 22 of chapter 69 of the statutes of 1995, section 18 of chapter 12 of the statutes of 1996, section 4 of chapter 33

of the statutes of 1996 and section 104 of chapter 3 of the statutes of 1997, is again amended by replacing subparagraph *n* of the first paragraph by the following subparagraph:

“(n) the Régie des rentes du Québec, to the extent that the information

(1) relates to the earnings and contributions of contributors and is required for the determination of the amount of the benefits payable and the amount of a financial adjustment;

(2) is required for the keeping of a Record of Contributors within the meaning of the Act respecting the Québec Pension Plan;

(3) is required to ascertain a person’s entitlement to receive a family allowance under the Act respecting family benefits (*insert here the year and chapter number of this Act*) and to determine the amount of the allowance;”.

ACT RESPECTING THE QUÉBEC PENSION PLAN

48. Section 1 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing paragraph *v* by the following paragraph:

“(v) “recipient of family benefits”: the person who, in respect of a child less than seven years of age,

(1) receives a family allowance or benefit under the Statutes of Québec or of Canada, other than an allowance or benefit paid for the month of the child’s birth;

(2) would, were it not for the person’s income, have received benefits under the Act respecting family benefits (*insert here the year and chapter number of this Act*);

(3) is considered, in respect of the child, to be an eligible individual for the purposes of the child tax benefit provided for in the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), or would have been so considered had he filed the notice prescribed for that purpose.”

49. Section 101 of the said Act is amended by replacing the words “is the beneficiary of a family allowance” in the first line of subparagraph *c* of the second paragraph by the words “receives family benefits”.

50. Section 103 of the said Act is amended by replacing the words “was the beneficiary of a family allowance” in the sixth and seventh lines of the first paragraph by the words “received family benefits”.

ACT RESPECTING INCOME SECURITY

51. Section 6 of the Act respecting income security (R.S.Q., chapter S-3.1.1) is amended by replacing the words “prescribed by regulation, and increased, where applicable,” in the third and fourth lines of paragraph 2 by the words “for adults prescribed by regulation, increased, where applicable, by the amount of the additional amounts for dependent children, in the cases and on the conditions prescribed by regulation, and also”.

52. Section 7 of the said Act, amended by section 1 of chapter 69 of the statutes of 1995, is again amended by replacing the words “the applicable amount according to the scale of needs” in paragraph 6 by the words “, on the date of the application, the amount”.

53. Section 8 of the said Act is amended

(1) by replacing the words “and adding to it, where applicable,” in the second line of subparagraph 1 of the first paragraph by the words “for adults and adding to it, where applicable, the amount of the additional amounts for dependent children and”;

(2) by adding, after subparagraph 1 of the first paragraph, the following subparagraph:

“(1.1) by subtracting from the amount of the additional amounts for dependent children determined by regulation, the family allowances received by the family for that month under the Act respecting family benefits (*insert here the year and chapter number of this Act*);”;

(3) by replacing the words “subparagraph 1” in the first line of subparagraph 2 of the first paragraph by the words “subparagraphs 1 and 1.1”;

(4) by inserting the words “subparagraph 1.1 and under” after the word “under” in the fourth line of paragraph *a* of subparagraph 2 of the first paragraph.

54. Section 11 of the said Act is amended by replacing the words “prescribed by regulation, and increased, where applicable,” in the third and fourth lines by the words “for adults prescribed by regulation and increased, where applicable, by the amount of the additional amounts for dependent children, in the cases and on the conditions prescribed by regulation, and”.

55. Section 13 of the said Act is amended

(1) by replacing the words “and adding to it, where applicable,” in the second line of subparagraph 1 of the first paragraph by the words “for adults and adding to it, where applicable, the amount of the additional amounts for dependent children and”;

(2) by inserting, after subparagraph 1 of the first paragraph, the following subparagraph:

“(1.1) by subtracting from the amount of the additional amounts for dependent children determined by regulation, the family allowances received by the family for that month under the Act respecting family benefits;”;

(3) by replacing the words “subparagraph 1” in the first line of subparagraph 2 of the first paragraph by the words “subparagraphs 1 and 1.1”;

(4) by inserting the words “subparagraph 1.1 and under” after the word “under” in the fourth line of paragraph *a* of subparagraph 2 of the first paragraph.

56. Section 48.1 of the said Act is amended

(1) by striking out the words “section 48.4 and of” in the eighth line of the first paragraph;

(2) by striking out the words “section 48.4 and of” in the second line of the second paragraph.

57. Section 48.4 of the said Act is repealed.

58. Section 49 of the said Act is amended by striking out the words “, minus the premiums and contributions referred to in paragraphs *a* and *b* of section 752.0.18.1 of the said Act” in the fifth and sixth lines of the first paragraph.

59. Section 51 of the said Act is amended by replacing the words “and 48.2 to 48.4” in the second line by the words “, 48.2 and 48.3”.

60. Section 56 of the said Act is amended

(1) by replacing the word “adult,” in the second line of subparagraph 1 of the first paragraph by the words “adult and, except for the address, of”;

(2) by striking out subparagraph 5 of the first paragraph.

61. Section 65 of the said Act is amended by adding, at the end, the following paragraph:

“Notwithstanding the first paragraph, the beneficiary is not required to declare the amount of the family allowance paid to him by the Régie des rentes du Québec under the Act respecting family benefits, unless so required by the Minister.”

62. Section 91 of the said Act, amended by section 20 of chapter 69 of the statutes of 1995 and by section 6 of chapter 78 of the statutes of 1996, is again amended

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

“(4) prescribe a scale of needs for adults establishing monthly amounts for the purposes of the last resort assistance program and the amounts of the additional amounts for dependent children, and determine the cases in which and conditions on which such amounts are granted;

“(4.1) prescribe, for the purposes of the last resort assistance program, that the scales of needs for adults increased, where applicable, by the amount of the additional amounts for dependent children, are reduced in respect of lodging by an amount established according to the method and to the extent prescribed by regulation;”;

(2) by replacing the words “scale of needs required for the determination of the applicable amount” in the second and third lines of subparagraph 6.1 of the first paragraph by the words “amount required for computing the benefits for the month of the application”;

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

“(7.1) determine the additional amounts for dependent children from which are subtracted the family allowances received under the Act respecting family benefits, the cases in which and conditions on which such allowances are deemed to have been received by the family, and prescribe their exclusion from the application of certain provisions relating to income;”;

(4) by striking out subparagraph 33 of the first paragraph;

(5) by inserting the figure “4.1,” after the figure “4,” in the first line of the second paragraph;

(6) by inserting the figure “7.1,” after the figure “6.1,” in the first line of the second paragraph;

(7) by inserting the words “ and in particular, in the case of a child, the age, rank and occupation of the child, whether the child has a handicap within the meaning of the Act respecting family benefits, the child’s place of residence and time spent in day care” after the first occurrence of the word “family” in the fifth line of the second paragraph;

(8) by inserting, after the second paragraph, the following paragraph:

“The provisions of a regulation made as a consequence of a provision of a regulation made under subparagraph 1 of the first paragraph of section 8 of the

Act respecting family benefits may have effect on any earlier date occurring not more than six months before the date of their coming into force.”

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

63. 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), amended by section 874 of chapter 2 of the statutes of 1996, is again amended by replacing the words “Act respecting family assistance allowances (chapter A-17)” in the third and fourth lines of paragraph *r* by the words “Act respecting family benefits (*insert here the year and chapter number of this Act*)”.

64. Section 10 of the said Act is amended by replacing the words “allowances paid under the Act respecting family assistance allowances (chapter A-17)” in the fifth and sixth lines of subparagraph *e* of the first paragraph by the words “benefits paid under the Act respecting family benefits (*insert here the year and chapter number of this Act*)”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

65. Section 21 of the Act respecting administrative justice (1996, chapter 54) is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) under section 32 of the Act respecting family benefits (*insert here the year and chapter number of this Act*), to contest a decision determining, pursuant to section 11 of that Act, whether a child has a severe handicap;”.

66. Section 1 of Schedule I to the said Act is amended by inserting, after paragraph 2, the following paragraph:

“(2.1) proceedings against decisions pertaining to entitlement to benefits under section 32 of the Act respecting family benefits (*insert here the year and chapter number of this Act*)”.

DIVISION II

TRANSITIONAL PROVISIONS

67. This Act replaces the Act respecting family assistance allowances (R.S.Q., chapter A-17).

However, the Act respecting family assistance allowances continues to apply with regard to the payment of allowances for newborn children under sections 8 to 12.1 of that Act in respect of children who, on 30 September 1997, give or have given rise to entitlement to such allowances and in respect

of children placed for adoption in a family before 1 October 1997, even if, in the latter case, the required adoption judgment has yet to be pronounced.

The provisions of sections 5 and 6 of the Regulation respecting family assistance allowances made by Order in Council 1498-89 (1989, G.O. 2, 3833) pertaining to allowances for handicapped children continue to apply until the coming into force of the regulatory provisions made under the second paragraph of section 13, adapted as required, and to the extent that they are consistent with this Act.

68. The Act respecting family assistance allowances continues to apply to cases pending before the Board on 31 August 1997, and to applications for allowances made after that date in connection with situations existing prior to 1 August 1997.

Every application for the review of a decision made by the Board pursuant to the Act respecting family assistance allowances shall be dealt with in accordance with that Act.

69. The conditions governing entitlement to family benefits under this Act apply from 1 August 1997 for benefits payable in September 1997.

The payment due for the month of September shall replace any payment payable under the Act respecting family assistance allowances as an allowance for the month of August 1997, except an allowance for newborn children.

70. Until the provisions establishing the Administrative Tribunal of Québec come into force, every reference to that Tribunal in this Act shall be read as a reference to the Commission des affaires sociales.

71. The deductions provided for in the second paragraph of section 23 of this Act shall apply to any amount owing or recoverable under this Act or under the Act respecting family assistance allowances.

Section 25 applies to debts exigible under the Act respecting family assistance allowances.

72. All agreements entered into in connection with the Act respecting family assistance allowances shall remain in force as if entered into under this Act.

73. The first regulation made under this Act is not subject to the publication requirements of section 11 of the Regulations Act (R.S.Q., chapter R-18.1).

The regulation shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein, notwithstanding section 17 of that Act. It may, however, once published and if it so provides, apply from any date not prior to 1 August 1997.

The regulation shall not include any regulatory provision that may be made under the second paragraph of section 13 of this Act.

74. In any Act or in any regulation, order in council, order, agreement, contract and other document, unless the context indicates otherwise and taking account of the necessary modifications,

(1) a reference to a provision of the Act respecting family assistance allowances is a reference to the corresponding provision of this Act;

(2) the expressions "Act respecting family assistance allowances" and "family assistance allowances", and the word "allowances" where it designates such allowances, are replaced by the expressions "Act respecting family benefits" and "family benefits" and the word "benefits", respectively.

75. The Government may, in a regulation made under the Act respecting income security, prescribe, in the cases and on the conditions it determines, that certain additional amounts for dependent children shall be granted only to families eligible for the last resort assistance program on 31 August 1998.

76. The benefits of an adult eligible for the "parental wage assistance program" for the year 1997 shall be increased by an amount established according to the calculation method determined by regulation, in the cases and on the conditions prescribed therein. The second paragraph of section 91 of the Act respecting income security applies to such a regulation.

The Minister of Income Security shall inform the Minister of Revenue, on the conditions prescribed by section 56 of the Act respecting income security, of the amount of the additional amounts established pursuant to the first paragraph. The Minister shall transmit a copy of the information to the adult concerned.

77. The second paragraph of section 91 of the Act respecting income security is deemed to have always read as amended by paragraph 7 of section 62 of this Act.

78. The first regulation made under section 91 of the Act respecting income security as a consequence of a provision of this Act or of a regulation referred to in section 73 is not subject to the publication requirements of section 11 of the Regulations Act.

The regulation shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein, notwithstanding section 17 of that Act. It may, however, once published and if it so provides, apply from any date not prior to 1 August 1997.

79. Sections 58 and 76 have effect with respect to payments to be made from September 1997. Sections 56, 57, 59, paragraph 2 of section 60 and paragraph 4 of section 62 have effect with respect to any payments to be made

from the date of coming into force of the order in council concerning the unified housing benefit program made under the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8).

80. The appropriations granted to the Ministère de la Sécurité du revenu for expenditures relating to the administration of the Act respecting family assistance allowances shall, to the extent determined by the Government, be applied by the Minister responsible for the application of this Act to the payment of expenditures relating to the administration of this Act.

The appropriations already granted to the Ministère de la Sécurité du revenu for the period following 31 August 1997 in relation to dependent children under full age to whom the Act respecting income security applies shall, to the extent determined by the Government, be applied by the Minister responsible for the administration of this Act to the payment of benefits payable under this Act.

[81. The sums required for the application of the transitional measure provided for in the second paragraph of section 67 shall, to the extent determined by the Government, be taken out of the consolidated revenue fund.]]

82. The appropriations granted to the Ministère de la Sécurité du revenu for the period following the coming into force of the order in council concerning the unified housing benefit program for the purposes of the Act respecting income security in connection with the special benefits granted to families for lodging expenses under the “work and employment incentives program” and the “financial support program” and the additional amounts of benefits granted under the “parental wage assistance program” in respect of monthly family lodging expenses shall, to the extent determined by the Government, be transferred to the “Société d’habitation du Québec” program of the Ministère des Affaires municipales, and be used for the payment of allowances under the unified housing benefit program established under the Act respecting the Société d’habitation du Québec.

83. In addition to the transitional provisions set out in this chapter, the Government may, by a regulation made before 1 September 1998, make any other transitional provision needed to provide for the application of this Act.

Such a regulation may, if it so provides, apply from any date not prior to 1 August 1997.

DIVISION III

FINAL PROVISIONS

84. The Government shall designate the minister responsible for the administration of this Act.

85. The Minister must, not later than (*insert here the date occurring five years after the date of assent to this Act*), submit a report to the Government

concerning the implementation of this Act and, where applicable, the advisability of amending it.

The report shall be tabled within 15 days before the National Assembly or, if it is not sitting, within 15 days of resumption.

The competent Committee of the National Assembly shall examine the report in the year following its tabling.

86. This Act comes into force on 1 September 1997.