



CHAPTER 71

An Act to amend the Social Aid Act

[Assented to 22 December 1978]

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

1969, c. 63,
s. 1, am.

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:

“family”;

“(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;

“adult”;

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

“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;”.

1969, c. 63,
ss. 7-11,
replaced.

2. Sections 7 to 11 of the said act are replaced by the following sections:

Individual
attending
school or
college.

7. Social aid shall not be granted to an individual who attends an educational institution at the college or university level as a day student or to a family where an adult attends an educational institution at the college or university level as a day student, 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.

Individual unemployed due to labour dispute. **"8.** Social aid shall not be granted to an individual who, within the meaning of the Unemployment Insurance Act, 1971 (Statutes of Canada, 1970-71-72, chapter 48), has lost his employment in consequence of a stoppage of work attributable to a labour dispute or to a family where an adult has lost his employment in similar circumstances.

Interpretation. The adult who could not or was not declared eligible for benefits by the Canada Employment and Immigration Commission under the Unemployment Insurance Act, 1971 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.

Aid continued. However, the aid that was already being paid to that individual or to that family and would have continued to be paid even if the adult had remained in his employment may continue to be paid to him to the same extent and on the same conditions.

Member of religious community. **"9.** 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).

Aid continued for rehabilitation. **"10.** 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.

Recovery plan. **"11.** The Minister may propose a recovery plan to a family or individual who is receiving or who applies for social aid."

1969, c. 63, s. 12, am. **3.** Section 12 of the said act is amended by replacing the first paragraph by the following paragraph:

Aid refused. **"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 11 or ceases to comply with it after he has accepted it;

(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;

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

1969, c. 63,
s. 14,
replaced.

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

Status of
member
preserved.

“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.”

1969, c. 63,
s. 16,
replaced.

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

Person
under 18
years of
age.
Adult.

“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 to that person or is the father or the mother of a dependent child.”

1969, c. 63,
ss. 28-29,
replaced.

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

Delay to
apply.

“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.

Contents
of
applica-
tion.

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.

Verifica-
tion by
Minister.

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.

Application
for review.

“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.

Decision
quashed.

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.

Notice of
Minister.

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."

1969, c. 63,
s. 42,
replaced.

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:

Right to
appeal.

"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."

1969, c. 63,
s. 42, am.

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."

Effect.

9. Except with regard to cases pending on 30 November 1978, paragraph *a* of section 8 of this act has effect from 12 December 1969 and section 8 enacted by section 2 of this act has effect from 1 January 1976.

Coming
into force
(29 Jan.
1979, G.O.,
p. 505).

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.



CHAPTER 72

An Act to amend the Act respecting health services
and social services and other legislation

[Assented to 22 December 1978]

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

1971, c. 48,
s. 16, am.

1. Section 16 of the Act respecting health services and social services (1971, chapter 48), amended by section 6 of chapter 48 of the statutes of 1977, is again amended by adding, at the end, the following paragraph:

“(g) to carry out, within its territory, any other function or assume the cost of any programme relating to the administration of health services and social services that is entrusted to it by the Lieutenant-Governor in Council.”

1971, c. 48,
s. 21, am.

2. Section 21 of the said act, amended by section 12 of chapter 42 of the statutes of 1974 and by section 7 of chapter 48 of the statutes of 1977, is again amended by replacing the fifth paragraph by the following paragraph:

Exclusive
services.

“The members contemplated in subparagraphs *a* and *b* and two of the members contemplated in each of subparagraphs *c* to *f* of the third paragraph shall not hold any employment or carry on any occupation in an establishment except as a director.”

1971, c. 48,
s. 26, re-
placed.

3. Section 26 of the said act, replaced by section 13 of chapter 42 of the statutes of 1974, is again replaced by the following section:

Vacancy.

“**26.** Any vacancy occurring among the members of the board of directors of a regional council other than the general manager shall be filled, for the unexpired portion of the term of office of the member to be replaced, by a resolution of the members of the board of directors remaining in office, taking into

account, as far as possible, the representation of each electoral body in which the vacancy occurred."

1971, c. 48,
s. 29, am.

4. Section 29 of the said act is amended by replacing the first paragraph by the following paragraph:

Adminis-
trative
committee.

"29. The board of directors of any regional council may, by by-law, establish an administrative committee and determine the functions, powers and duties thereof."

1971, c. 48,
s. 35, am.

5. Section 35 of the said act, amended by section 15 of chapter 42 of the statutes of 1974, is again amended by replacing the first paragraph by the following paragraph:

Appoint-
ment of
senior
manage-
ment
personnel.

"35. The board of directors shall appoint the general manager and shall also appoint the senior management personnel on the recommendation of the general manager.

Remunera-
tion.

The members of the personnel shall be remunerated in accordance with the standards and scales established for that purpose by the Lieutenant-Governor in Council."

1971, c. 48,
s. 38c, am.

6. Section 38c of the said act, enacted by section 9 of chapter 48 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

Adminis-
tration of
public
estab-
lishments.

"38c. Notwithstanding sections 50 to 53, the powers of a public establishment belonging to the classes enumerated in subparagraphs *a*, *b*, *d* and *e* of the first paragraph of section 39 and situated in a sector of Region 10A, shall be exercised by a board of directors consisting of the following members:

(*a*) one representative from, and elected for three years by, each municipality of the sector;

(*b*) three persons elected for three years by the members of the clinical staff advisory council constituted in the establishment and chosen among the members of that council, with not more than one representative for each professional corporation;

(*c*) one person elected for three years by all the members of the non-clinical staff of the establishment and chosen among such members;

(*d*) the director of the community health department of a hospital centre, of an agency governed by the Region 10A Health and Social Services Council or of a hospital centre with which the said council has a service contract, or his nominee, or the director of professional services or his nominee; such persons shall be appointed by the Region 10A Health and Social Services Council if there is more than one such hospital centre;

(e) the head of the Health and Social Services Department of the Regional Government or his nominee;

(f) the general manager of the establishment.”

1971, c. 48,
s. 38j,
replaced.

7. Section 38j of the said act, enacted by section 9 of chapter 48 of the statutes of 1977, is replaced by the following section:

Establish-
ment of
council;
additional
function.

“38j. The Lieutenant-Governor in Council may delineate the territory of Region 10B and establish in such Region a health and social services council which shall, in addition to fulfilling the functions, duties and powers of such a council, maintain a public establishment belonging to the classes enumerated in subparagraphs *a*, *b*, *d* and *e* of the first paragraph of section 39 through which health services and social services are provided to any person ordinarily resident or temporarily present in the Region.”

1971, c. 48,
s. 39, am.

8. Section 39 of the said act, amended by section 16 of chapter 42 of the statutes of 1974 and by section 10 of chapter 48 of the statutes of 1977, is again amended by replacing the first paragraph by the following paragraph:

Establish-
ment by
letters
patent.

“39. The Ministre des consommateurs, coopératives et institutions financières may, with the written authorization of the Minister, establish by letters patent under his hand and seal, public establishments of one or more of the five following classes:

- (a) local community service centres;
- (b) hospital centres;
- (c) functional rehabilitation centres;
- (d) social service centres;
- (e) reception centres.”

1971, c. 48,
s. 41, am.

9. Section 41 of the said act is amended by replacing the first paragraph by the following paragraph:

Amend-
ments.

“41. The Ministre des consommateurs, coopératives et institutions financières may, with the written authorization of the Minister, issue supplementary letters patent amending the letters patent or the supplementary letters patent of an establishment.”

1971, c. 48,
s. 41a,
added.

10. The said act is amended by inserting, after section 41, the following section:

Clerical
error.

“41 a. Where letters patent contain an error of name, an incorrect designation or a clerical error, the Ministre des consom-

mateurs, coopératives et institutions financières, if no contrary claim is made, may order that these letters patent be corrected or cancelled and that accurate letters patent be issued.

Effect and
acquired
rights.

The corrected letters patent or the new letters patent have the same effect as if accurate letters patent had been issued at the date of the original letters patent and the acquired rights of third persons are not affected by that correction or new issuance.

Notice.

Notice of the correction of the letters patent or of the issuance of new letters patent is immediately published in the *Gazette officielle du Québec* by the Ministre des consommateurs, coopératives et institutions financières."

1971, c. 48,
s. 42, am.

11. Section 42 of the said act, amended by section 17 of chapter 42 of the statutes of 1974, is again amended by replacing the second paragraph by the following paragraphs:

Cancellation
of
letters
patent.

"The Ministre des consommateurs, coopératives et institutions financières, at the request of a public establishment constituted pursuant to this act, and with the written authorization of the Minister, may cancel the letters patent of such an establishment, and that cancellation is effective on the sixtieth day following the publication of a notice to that effect in the *Gazette officielle du Québec*.

Devolution
of
property.

The establishment is thereby dissolved and its property devolves, after the payment of its debts and performance of its obligations, to the Government or to a public establishment designated by the Lieutenant-Governor in Council."

1971, c. 48,
s. 43b,
replaced.

12. Section 43b of the said act, enacted by section 18 of chapter 42 of the statutes of 1974, is replaced by the following section:

Depart-
ments and
practi-
tioners.

"43b. Subject to section 43a, the organization plan of a hospital centre affiliated with a university must provide, after consultation with the university it is affiliated with, for the formation of clinical departments and services in the centre according to its permit and the financial resources at its disposal and must also provide the number of physicians and dentists who will be entitled to carry on their functions in each of such departments and services.

Minister's
approval.

Before submitting the organization plan for approval to the health and social service council of its region, the board of directors of a hospital centre shall consult the council of physicians and dentists."

1971, c. 48,
s. 44, am.

13. Section 44 of the said act, amended by section 19 of chapter 42 of the statutes of 1974 and by section 12 of chapter 48 of the statutes of 1977, is again amended:

(a) by replacing the first paragraph by the following paragraph:

Authoriza-
tion
required.

“44. No person may found or cease to operate an establishment in whole or in part without the authorization of the Lieutenant-Governor in Council.”;

(b) by replacing the second and third paragraphs by the following paragraph:

Operation
inter-
rupted.

“If the directors of an establishment which holds an operating permit issued under this act fail to apply for the renewal of that permit in the prescribed manner or combine to bring about a situation preventing the issue of such permit, they are deemed to attempt to interrupt the operation of the establishment and they contravene this section, unless they act according to a recommendation from the health and social service council of the region.”

1971, c. 48,
s. 44a,
added.

14. The said act is amended by inserting, after section 44, the following section:

Acquisition
of land
etc., pro-
hibited.

“44a. No person may, for the purposes of a public or private establishment under agreement, acquire land or a building, construct, alter or demolish a building or transfer or grant a lease on an immovable without the authorization of the Lieutenant-Governor in Council.

No author-
ization
required.

However, the authorization of the Lieutenant-Governor in Council is not required for construction or alteration works or for the signature of leases for a total value or total rental within the financial limits fixed by regulation. The written authorization of the Minister is sufficient in such cases.”

1971, c. 48,
s. 47, am.

15. Section 47 of the said act, amended by section 13 of chapter 48 of the statutes of 1977, is again amended:

(a) by replacing the first paragraph by the following paragraph:

Charter
granted.

“47. No charter other than an act of the Legislature, whether it be letters patent or another document incorporating an establishment, may be granted, amended, revoked or abandoned without the written authorization of the Minister.”;

(b) by replacing the third paragraph by the following paragraph:

Exception. "However, the Minister may, with the same effects, give the authorization contemplated in the first paragraph in any case where a charter has been granted, amended, revoked or abandoned without such authorization."

1971, c. 48,
s. 50, am. **16.** Section 50 of the said act, amended by section 23 of chapter 42 of the statutes of 1974, is again amended by replacing paragraph *b* by the following paragraph:

"(b) two persons appointed for two years in writing by the Minister, chosen from among the population of the territory served by the centre after consultation with the most representative socio-economic groups in the territory served by the centre and with the regional council concerned;"

1971, c. 48,
s. 51, am. **17.** Section 51 of the said act, amended by section 24 of chapter 42 of the statutes of 1974, is again amended by replacing paragraph *b* by the following paragraph:

"(b) two persons appointed for two years in writing by the Minister after consultation with the most representative socio-economic groups in the territory served by the centre and with the regional council concerned;"

1971, c. 48,
s. 51a, am. **18.** Section 51a of the said act, enacted by section 16 of chapter 48 of the statutes of 1977, is amended by replacing paragraphs *a*, *b* and *c* by the following paragraphs:

"(a) in the case of a functional rehabilitation centre that accepts adults only, two persons of full age elected for two years by the meeting of the users of the centre and chosen among such users; in the case of a functional rehabilitation centre that accepts children under eighteen years of age only, two of the parents of such children elected for two years by the meeting of the parents of the children;

(b) in the case of a functional rehabilitation centre that accepts both adults and children under eighteen years of age, one person of full age elected for two years by the meeting of such users and one parent of such a child elected for two years by the meeting of the parents of the children;

(c) two persons appointed for two years in writing by the Minister after consultation with the most representative socio-economic groups in the territory served by the centre and with the regional council concerned;"

1971, c. 48,
s. 52, am. **19.** Section 52 of the said act, amended by section 25 of chapter 42 of the statutes of 1974 and by section 2 of chapter 61 of the statutes of 1975, is again amended by replacing paragraph *b* by the following paragraph:

“(b) two persons appointed for two years in writing by the Minister after consultation with the most representative socio-economic groups in the territory served by the centre and with the regional council concerned;”.

1971, c. 48,
s. 53, am.

20. Section 53 of the said act, amended by section 26 of chapter 42 of the statutes of 1974, section 3 of chapter 61 of the statutes of 1975 and by section 17 of chapter 48 of the statutes of 1977, is again amended by replacing subparagraphs *a*, *b* and *c* of the first paragraph by the following subparagraphs:

“(a) in the case of a reception centre exclusively for adults, two persons of full age elected for two years by the meeting of the users of the centre and chosen among such users; in the case of a reception centre exclusively for children under 18 years of age, two of the parents of such children, elected for two years by the meeting of the parents of the children;

(b) in the case of a reception centre for both adults and children under 18 years of age, one person of full age chosen among such adults, elected for two years by the meeting of such users and one parent of such a child, elected for two years by the meeting of the parents of the children;

(c) two persons appointed for two years in writing by the Minister after consultation with the most representative socio-economic groups of the territory served by the centre and with the regional council concerned;”.

1971, c. 48,
s. 54, am.

21. Section 54 of the said act, replaced by section 28 of chapter 42 of the statutes of 1974 and amended by section 19 of chapter 48 of the statutes of 1977, is again amended by replacing the first paragraph by the following paragraph:

Biennial
meeting.

“**54.** The meeting contemplated in paragraph *a* of each of sections 50, 51 and 52, in paragraph *a* or *b* of section 51*a* or in subparagraph *a* or *b* of the first paragraph of section 53 must be held every two years, on the fourth Sunday of the month of May.”

1971, c. 48,
s. 54*a*,
replaced.

22. Section 54*a* of the said act, enacted by section 28 of chapter 42 of the statutes of 1974 and replaced by section 20 of chapter 48 of the statutes of 1977, is again replaced by the following section:

First
elections
or
appoint-
ments.

“**54*a*.** The first elections or appointments in accordance with each of sections 50 to 53 are held during the first month of May following the issue of the first permanent permit issued in accordance with subdivision 1 of Division IV.

Alternate
elections.

The elections provided for in paragraph *a* of section 50, paragraph *a* or *c* of section 51, paragraph *a*, *b* or *d* of section 51*a* and paragraph *a* or *c* of section 52 and in subparagraph *a*, *b* or *d* of the first paragraph of section 53 shall be held during even years. The other elections and appointments provided for in the same sections shall be held during odd years."

1971, c. 48,
s. 55*a*,
replaced.

23. Section 55*a* of the said act, enacted by section 24 of chapter 48 of the statutes of 1977, is replaced by the following section:

Destitu-
tion.

"55*a*. A person shall cease to be a member of a board of directors of an establishment upon losing the qualifications necessary for appointment or election, except any member elected under paragraph *a* of each of sections 50, 51 and 52, paragraph *a* or *b* of section 51*a*, or subparagraph *a* or *b* of the first paragraph of section 53."

Exception.

1971, c. 48,
s. 56, am.

24. Section 56 of the said act, replaced by section 29 of chapter 42 of the statutes of 1974, is amended by replacing the second paragraph by the following paragraph:

Vacancy.

"Any vacancy which occurs one year or more after the election or appointment shall be filled, for the unexpired portion of the term of the member to be replaced, by a resolution of the members of the board who remain in office."

1971, c. 48,
s. 61, re-
placed.

25. Section 61 of the said act is replaced by the following section:

Adminis-
trative
committee.

"61. The board of directors of any public establishment may, by by-law, establish an administrative committee and determine the functions, powers and duties thereof."

1971, c. 48,
s. 62,
replaced.

26. Section 62 of the said act, amended by section 30 of chapter 42 of the statutes of 1974, is replaced by the following section:

Composi-
tion.

"62. The administrative committee shall consist of the chairman of the board of directors, the general manager and four other members of the board of directors of the establishment appointed each year by such board, one of whom must be elected under paragraph *a* of each of sections 50, 51 and 52, paragraph *a* or *b* of section 51*a* or subparagraph *a* or *b* of the first paragraph of section 53."

1971, c. 48,
s. 81, am.

27. Section 81 of the said act, amended by section 42 of chapter 42 of the statutes of 1974, is again amended by replacing paragraph *b* by the following paragraph:

“(b) verify the functioning of the committees of the clinical staff advisory council and the council of physicians and dentists and satisfy himself that they are performing their functions and, in the case of the council of physicians and dentists, that it adequately supervises the medical and dental acts performed in the establishment.”

1971, c. 48,
s. 82,
replaced. **28.** Section 82 of the said act is replaced by the following section:

Amalgamation. **“82.** The Ministre des consommateurs, coopératives et institutions financières may, with the written authorization of the Minister, issue letters patent under his hand and seal amalgamating with any corporation which maintains an establishment incorporated under this act:

(a) any other such establishment; or

(b) any other corporation which has similar objects, by whatever law governed, even if it is constituted under a special act.”

1971, c. 48,
s. 83,
replaced. **29.** Section 83 of the said act, amended by section 43 of chapter 42 of the statutes of 1974, is replaced by the following section:

Conversion. **“83.** The Ministre des consommateurs, coopératives et institutions financières may in like manner convert any corporation contemplated in paragraph *b* of section 82 into a corporation contemplated in paragraph *a* of the same section, or amalgamate several corporations contemplated in paragraph *b* of the said section.”

1971, c. 48,
s. 89, am. **30.** Section 89 of the said act, amended by section 45 of chapter 42 of the statutes of 1974 and by section 32 of chapter 48 of the statutes of 1977, is again amended by replacing the fourth paragraph by the following paragraphs:

Public information meeting. **“The annual public information meeting held under this section may take place at the same time as the meeting of users contemplated in paragraph *a* of each of sections 50, 51 and 52, in paragraph *a* or *b* of section 51*a* or in subparagraph *a* or *b* of the first paragraph of section 53.**

Joint meeting. **That meeting may be held jointly by several public establishments serving the same territory.”**

1971, c. 48,
s. 92*a*, am. **31.** Section 92*a* of the said act, enacted by section 48 of chapter 42 of the statutes of 1974, is amended by replacing the sixth paragraph by the following paragraph:

Refusal of
candida-
ture.

“Any refusal of candidature must be substantiated and be based on criteria of qualifications, scientific competence or conduct of the physician or dentist and take account of the required number of medical and dental staff contemplated in the organization plan of the hospital centre affiliated with the university.”

1971, c. 48,
s. 94, re-
placed.

32. Section 94 of the said act is replaced by the following section:

Permit.

“**94.** No person may operate an establishment unless he holds a permanent permit or a temporary permit issued for such purpose by the Minister.”

1971, c. 48,
s. 95, am.

33. Section 95 of the said act, replaced by section 50 of chapter 42 of the statutes of 1974 and amended by section 5 of chapter 61 of the statutes of 1975, is again amended by replacing the first paragraph by the following paragraphs:

Contents.

“**95.** The permanent permit indicates the category of the establishment and its class, kind and capacity, if any.

Temporary
permit.

The temporary permit indicates, in addition, the conditions within which the establishment is authorized to carry on its activities.”

1971, c. 48,
s. 96, am.

34. Section 96 of the said act is amended by replacing the second paragraph by the following paragraph:

Issue.

“The Minister shall issue a permanent permit or a temporary permit if he considers that it is in the public interest.”

1971, c. 48,
s. 97, re-
placed.

35. Section 97 of the said act is replaced by the following section:

Duration
and
renewal.

“**97.** Every permanent permit shall be granted for a period of two years ending on 31 March. It shall be renewed on that date for the same period if the holder fulfils the conditions prescribed by regulation.

Temporary
permit.

The Minister may issue a temporary permit for any period of less than two years.”

1971, c. 48,
s. 99, re-
placed.

36. Section 99 of the said act is replaced by the following section:

Books, etc.

“**99.** Every permit holder must carry on his activities within the limits fixed in his permit and keep the books and accounts prescribed by the regulations.”

1971, c. 48,
s. 101, re-
placed.

37. Section 101 of the said act, replaced by section 52 of chapter 42 of the statutes of 1974, is again replaced by the following section:

Access.

"101. A person authorized in writing by the Minister to make an inquiry may, at any reasonable time, enter any premises other than a professional's private consulting office, where he has reason to believe that operations or activities for which a permit is required under this act are carried on.

Certifi-
cate.

That person must, if he is so required, produce a certificate signed by the Minister attesting his capacity.

Hindering,
etc.

Every person who hinders, impedes or attempts to hinder or to impede that person in the performance of his duties is guilty of an offence."

1971, c. 48,
s. 105, re-
placed.

38. Section 105 of the said act is replaced by the following section:

Hearing.

"105. The Minister shall, before cancelling or suspending any permit or refusing to renew a permanent permit, give the holder an opportunity to be heard. The latter must express in writing his intention to be heard within fifteen days after the invitation of the Minister to that effect. That delay is mandatory and entails forfeiture.

Decision
substan-
tiated.

The Minister shall give notice of his decision in writing, with the reasons on which it is based, to any person whose permit he cancels, suspends or refuses to renew."

1971, c. 48,
ss. 117, 118
and 119,
replaced.

39. Sections 117, 118 and 119 of the said act, replaced by section 57 of chapter 42 of the statutes of 1974, are again replaced by the following sections:

Exemption
from con-
tribution.

"117. The Minister or an establishment designated by regulation may, upon the request of a person from whom payment of a contribution is required under section 116, exempt such person from paying that contribution in accordance with the terms and conditions and in the cases determined by regulation.

Expense
allowance
and finan-
cial assis-
tance.

"118. The Lieutenant-Governor in Council shall determine by regulation the conditions and cases in which and up to what amount of allowance or financial assistance the Minister may

(a) pay an expense allowance to a recipient sheltered in an establishment or pay that allowance in the name of a recipient to the establishment where he is sheltered; or

(b) pay to a children's day-care centre, for a child for whom an exemption has been granted under section 117, financial assistance corresponding to that exemption.

Appeal. **"119.** Any person may appeal before the Commission from any decision respecting the exemption from payment requested under section 117 or the payment of an expense allowance or financial assistance requested under section 118."

1971, c. 48,
s. 120, re-
placed. **40.** Section 120 of the said act is replaced by the following section:

Provi-
sional ad-
ministra-
tion of an
establish-
ment. **"120.** The Minister may assume provisional administration of an establishment for not more than one hundred and twenty days,

(a) if that establishment has no permit, no longer meets the conditions required for obtaining a permit, or has had its permit cancelled under this act;

(b) if that establishment's permit has been suspended under this act and the causes of such suspension have not been remedied within thirty days after the date on which it took place;

(c) if an establishment indulges in practices or tolerates a situation which could endanger the health or well-being of persons the establishment receives or could receive; or,

(d) in case of malfeasance, breach of trust or other misconduct by one or more members of the board of directors or the administrative committee of a public establishment or of a private establishment under agreement, or if that board or committee is seriously remiss in the performance of the obligations imposed upon it under this act, especially by incurring expenditures not provided for in the budget approved by the Minister or not specially authorized under section 135."

1971, c. 48,
s. 120a,
added. **41.** The said act is amended by inserting, after section 120, the following section:

Provi-
sional ad-
ministra-
tion of a
regional
council. **"120a.** The Minister may also assume provisional administration of a regional council for not more than one hundred and twenty days in case of malfeasance, breach of trust or other misconduct by one or more members of the board of directors or the administrative committee or if that board or committee is seriously remiss in the performance of the obligations imposed upon it by this act."

1971, c. 48,
ss. 121-128,
replaced. **42.** Sections 121 to 128 of the said act are replaced by the following sections:

Delay
extended.

"121. The one hundred and twenty days' delay provided in sections 120 and 120*a* may be extended by the Lieutenant-Governor in Council for such period as he determines provided that the additional delay does not exceed ninety days.

Provis-
ional
report.

"122. As soon as possible after he assumes provisional administration of an establishment or a regional council, the Minister shall make a provisional report of his findings to the Lieutenant-Governor in Council, accompanied by his recommendations.

View
presented.

"123. Before submitting his provisional report to the Lieutenant-Governor in Council, the Minister shall give the establishment or the regional council an opportunity to present its point of view.

Represent-
ations.

The Minister must attach to his report a summary of the representations the establishment or the regional council has made to him.

Powers of
Lt.-G. in C.

"124. The Lieutenant-Governor in Council may, if the Minister's provisional report confirms the existence of any situation contemplated in section 120 or 120*a*,

(*a*) attach such restrictions and conditions to the establishment's permit as he sees fit;

(*b*) prescribe a delay within which the establishment must remedy any situation contemplated in section 120;

(*c*) order the Minister to continue administering the establishment or to discontinue it and not resume it unless the establishment fails to comply with the conditions the Lieutenant-Governor in Council imposes under subparagraph *a* or *b*, and to make a final report to him.

Provisions
applicable.

Subparagraphs *b* and *c* of the first paragraph apply *mutatis mutandis* to a regional council.

Suspension
of powers.

"125. Where the Minister assumes provisional administration of an establishment or a regional council under this division, the powers of the board of directors of the establishment or of the regional council or of the director of the establishment or the regional council shall be suspended and the Minister shall exercise the powers of such board of directors or director and all those of the establishment or the regional council.

Final
report.

"126. The Minister must make a final report to the Lieutenant-Governor in Council upon ascertaining that the situation contemplated in section 120 or 120*a* has been corrected or cannot be corrected.

Powers on
final
report.

"127. After receiving the Minister's final report, the Lieutenant-Governor in Council may

(a) declare the members of the board of directors of the establishment or of the regional council or the director of the establishment or of the regional council forfeited of office and provide for the appointment or election of the persons replacing them;

(b) exercise any power granted him under section 124.

Inquiry.

"128. The Lieutenant-Governor in Council may entrust a person whom he designates with making an inquiry into any matter in connection with the administration or operation of an establishment or a regional council.

Powers
and im-
munity.

The person so designated shall, for the purposes of such inquiry, have the powers and immunity of a commissioner appointed under the Public Inquiry Commission Act (Revised Statutes, 1964, chapter 11).

Adminis-
trator.

When an inquiry is so ordered, the Lieutenant-Governor in Council may order that the powers of the board of directors of the establishment or of the regional council be suspended and appoint an administrator to exercise its powers for the duration of the inquiry."

1971, c. 48,
s. 128a,
replaced.

43. Section 128a of the said act, enacted by section 58 of chapter 42 of the statutes of 1974, is replaced by the following section:

Appoint-
ment of
controller.

"128a. The Lieutenant-Governor in Council may, upon the recommendation of the Minister, appoint a controller charged with ensuring the proper use of public funds in any establishment or regional council which does not exercise adequate budgetary control.

Powers.

Where a controller is appointed in accordance with this section, his powers shall be determined by the order in council appointing him and every person holding administrative duties in the establishment or regional council shall be bound to submit to the directives of such controller within the limits of the powers assigned him.

Counter-
signature
for engage-
ments.

No engagements may be made in the name of the establishment or regional council nor any disbursement made without the counter-signature of such controller. Every engagement made without compliance with this paragraph shall be void."

1971, c. 48,
s. 129, am.

44. Section 129 of the said act, replaced by section 59 of chapter 42 of the statutes of 1974 and amended by section 6

of chapter 61 of the statutes of 1975 and by section 39 of chapter 48 of the statutes of 1977, is again amended:

(a) by replacing subparagraphs *b* and *c* of the first paragraph by the following subparagraphs:

“(b) rule on the essential elements and documents of the records of the recipients, the keeping and examination of records and their photographic reproduction;

“(c) determine the formalities of registration, admission and discharge of recipients in an establishment or of their taking in charge by a foster family, depending, if necessary, on the category, class or kind of establishment or the category of the foster family and determine the terms and conditions of the creation of admission committees in reception centres and hospital centres;”;

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

“(j) compel every establishment to give access to an official auditor appointed by the Minister or to obtain the authorization of the Minister or of the regional council, as the case may be, in connection with the borrowings made by the establishment, with the endowment fund, with the accepting of a gift subject to conditions or with building or alteration projects, in the manner and cases he specifies;”;

(c) by replacing subparagraph *l* of the first paragraph by the following subparagraph:

“(l) determine in what cases certain categories of establishments must establish a recipients’ committee composed either of recipients or of recipients and volunteers, determine its composition and describe its role;”.

1971, c. 48,
s. 130, re-
placed.

45. Section 130. of the said act is replaced by the following section:

Coming
into force
of regula-
tion.

“130. Every regulation made by the Lieutenant-Governor in Council under this act comes into force on the day of the publication in the *Gazette officielle du Québec* of a notice indicating that it has received the approval of the Lieutenant-Governor in Council, or, if amended by him, of its final text, or on any other later date fixed in the notice or in the final text.

Coming
into force
of regula-
tion.

However, every regulation not subject to the notice provided for in the second paragraph of section 129 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.”

1971, c. 48,
s. 133, re-
placed.

46. Section 133 of the said act, amended by section 60 of chapter 42 of the statutes of 1974, is replaced by the following section:

Contract
for remun-
eration.

"133. The Minister may make a contract with a private establishment contemplated in section 134a to remunerate it, for the health services or social services it provides under the contract, at a rate fixed outright by the regulations for each category of establishments or of services which they designate."

1971, c. 48,
s. 134, re-
placed;
s. 134a,
added.

47. Section 134 of the said act, amended by section 61 of chapter 42 of the statutes of 1974, is replaced by the following sections:

Expenses
repaid.

"134. The Minister may also, in all cases where an outright rate is not fixed by regulation in accordance with section 133, agree with a private establishment contemplated in section 134a to repay to it all or part of the expenses incurred by it which are permissible under the regulations and to also pay to it fees corresponding to an annual percentage fixed by the regulations, computed on the operating expenses incurred by the establishment in providing the services which are the object of the agreement. Such amounts may be paid to the establishment in advance or periodic instalments.

Applica-
tion of
certain
sections.

"134a. Sections 133 and 134 do not apply except to a private establishment which on 1 February 1979 is already receiving amounts paid under a contract or an agreement made with the Minister for the purposes contemplated in those sections.

Contract
or agree-
ment.

However, if the Minister considers that the requirements of the region so justify in the public interest, he may make a contract or an agreement contemplated in section 133 or 134 with a private establishment not contemplated in the first paragraph."

1971, c. 48,
ss. 136a-
136c,
added.

48. The said act is amended by inserting, after section 136, the following sections:

Loan guar-
anteed,
cost as-
sumed.

"136a. The Lieutenant-Governor in Council may, on the conditions he determines, guarantee the payment in capital and interest of any loan or assume the cost of any other obligation contracted by the Corporation d'hébergement du Québec, which is incorporated for an exclusively charitable purpose, where that loan or obligation is effected for the acquisition, construction or alteration of an establishment.

Supply
contract.

The Minister may, on the conditions he determines, guarantee the payment in capital and interest of any loan or assume the

cost of any supply contract within the meaning of the regulations, made by such a corporation when that loan or that supply contract is effected for the operation of an establishment.

Moneys
required.

The sums that the Government may be called upon to pay under this section are taken out of the moneys granted each year for that purpose by the Legislature.

Report of
activities.

"136b. Not later than 30 June each year, the corporation contemplated in section 136a must make to the Minister a report of its activities for the preceding fiscal year; that report must also contain all the information that the Lieutenant-Governor in Council or the Minister may prescribe.

Informa-
tion.

Such a corporation must, in addition, furnish at any time to the Minister any information he may require on its operations.

Audit of
books and
accounts.

"136c. The books and accounts of the corporation contemplated in section 136a are audited each year by the Vérificateur général and, in addition, each time the Lieutenant-Governor in Council so orders; those reports must accompany the annual report of such corporation."

1971, c. 48,
s. 139b,
am.

49. Section 139b of the said act, enacted by section 62 of chapter 42 of the statutes of 1974 and amended by section 41 of chapter 48 of the statutes of 1977, is again amended by replacing the first paragraph by the following paragraph:

Prohibited
names
without
permit.

"139b. No person may operate an establishment under a name or corporate name including the words "hospital", "hospital centre", "reception centre", "social service centre", "local community service centre" or "functional rehabilitation centre" unless he holds a permit issued in conformity with this act."

1968, c. 48,
repealed.

50. The Act to establish the Office for the Prevention of Alcoholism and Other Toxicomanias (1968, chapter 48) is repealed.

Valid
consent.

51. The Government may, with the same effects, give the consent contemplated in the first paragraph of section 47 of the Act respecting health services and social services (1971, chapter 48) in the case where a charter has been granted, amended, revoked or abandoned before 1 February 1979, without that consent.

Permits
continued
in force.

52. Permits issued before 31 December 1978 remain in force until 31 March 1979.

1970, c. 42,
s. 9a,
added.

53. The Social Affairs Department Act (1970, chapter 42) is amended by inserting, after section 9, the following section:

Destruc-
tion of
documents.

“9a. For the purposes of the application of the Photographic Proof of Documents Act (Revised Statutes, 1964, chapter 280), any document, book or register emanating from the Department or forming part of its records may, notwithstanding the delay provided in subparagraph *b* of the first paragraph of section 2 of the said act, be destroyed immediately after it has been reproduced.”

Coming
into force.

54. This act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by that proclamation, which will come into force on any later date to be fixed by proclamation of the Government. (*)

(*) Sections 35 and 52 of this act came into force on 31 December 1978 (Gazette officielle du Québec, 1979, page 1679).

Sections 1 to 34, 36 to 51, 53 and 54 came into force on 1 February 1979 (Gazette officielle du Québec, 1979, page 1681).