



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 6
(2009, chapter 42)

An Act to establish a caregiver support fund

Introduced 11 March 2009
Passed in principle 4 June 2009
Passed 8 October 2009
Assented to 27 October 2009

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EXPLANATORY NOTES

This Act provides for the establishment of a caregiver support fund. The purpose of the fund is to contribute to the achievement of the mission of the Minister responsible for Seniors by supporting caregivers who provide unpaid in-home care and regular assistance to seniors with a significant or persistent disability that may compromise their ability to continue living at home.

The fund will be dedicated to the financing of activities, projects and initiatives designed to help provide, increase and diversify respite services for caregivers, provide assistance and individual, community or social support services for caregivers, give effective and continuous support to local communities that work with caregivers and provide caregiver training and education services. The fund will also be used to support innovation and the acquisition and transfer of knowledge in the area of caregiver support.

The Act also contains measures governing the constitution and management of the fund, as well as rules applicable to the Société de gestion pour le soutien aux proches aidants.

Bill 6

AN ACT TO ESTABLISH A CAREGIVER SUPPORT FUND

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. A caregiver support fund is established at the Ministère de la Famille et des Aînés.

The purpose of the fund is to contribute to the achievement of the mission of the Minister responsible for Seniors by supporting caregivers who provide unpaid in-home care and regular assistance to seniors with a significant or persistent disability that may compromise their ability to continue living at home.

2. The fund is dedicated to the financing of activities, projects and initiatives to help

(1) provide, increase and diversify respite services for caregivers;

(2) provide assistance and individual, community or social support services for caregivers;

(3) give effective and continuous support to local communities that work with caregivers;

(4) provide caregiver training and education services; and

(5) support innovation and the acquisition and transfer of knowledge in the area of caregiver support.

Only activities, projects and initiatives that do not come under regular programs established or approved by the Government may be financed by the fund.

3. The Government sets the date on which the fund begins to operate and determines its assets and liabilities and the nature of the costs that may be charged to it.

4. The fund is made up of

- (1) the sums paid into it by the Minister of Revenue under section 6;
- (2) the sums paid into it by a minister out of the appropriations granted for that purpose by Parliament;
- (3) the gifts, legacies and other contributions paid into it to further the achievement of the purpose of the fund;
- (4) the sums paid into it by the Minister of Finance under sections 7 and 8; and
- (5) the interest earned on bank balances in proportion to the sums referred to in paragraphs 1 and 3.

5. The management of the sums making up the fund is entrusted to the Minister of Finance. The sums are paid to the order of the Minister of Finance and deposited with the financial institutions designated by the Minister of Finance.

The Minister responsible for Seniors keeps the books of account of the fund and records the financial commitments chargeable to it. The Minister also ensures that the commitments and the payments arising from them do not exceed the available balances and are consistent with them.

The particulars of the management of the fund are determined by the Conseil du trésor.

6. On the dates and in the manner determined by the Government, the Minister of Revenue pays into the fund part of the proceeds of the tobacco tax collected under the Tobacco Tax Act (R.S.Q., chapter I-2) for a total amount of \$15,000,000 per year.

7. The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the fund sums taken out of the consolidated revenue fund.

Conversely, subject to the conditions determined by the Minister of Finance, that minister may advance to the consolidated revenue fund on a short-term basis any part of the sums making up the fund that is not required for its operation.

Any sum advanced to a fund is repayable out of that fund.

8. The Minister responsible for Seniors, as manager of the fund, may borrow sums from the Minister of Finance out of the financing fund of the Ministère des Finances.

9. The sums required for the following purposes are taken out of the fund:

(1) the payment of subsidies or contributions by the Minister responsible for Seniors to the Société de gestion pour le soutien aux proches aidants or to any other body for the purposes set out in sections 1 and 2;

(2) the payment of the remuneration and expenses pertaining to the employee benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), to the activities related to the fund; and

(3) the payment of any expense necessary for carrying out the functions entrusted to the Minister responsible for Seniors by this Act.

The Government determines how and on what terms payments are to be made to the Société de gestion pour le soutien aux proches aidants or to any other body.

10. The Société de gestion pour le soutien aux proches aidants is a non-profit legal person whose board of directors includes an equal number of women and men, for a total of 10 members, as follows:

(1) three members from among persons proposed as candidates by the Minister responsible for Seniors;

(2) one member from among persons who occupy the position of Assistant Deputy Minister at the Ministère de la Santé et des Services sociaux and who are proposed as candidates by the Minister of Health and Social Services;

(3) four members from among persons proposed as candidates by Sojecci II Ltée; and

(4) two members from among persons proposed jointly as candidates by the Minister responsible for Seniors and Sojecci II Ltée.

The members referred to in subparagraph 4 of the first paragraph may not, in the three years preceding their election, have had a contractual or employment relationship with the Government, Sojecci II Ltée or the recipient of a subsidy or funding granted by the Société.

The chair of the Société's board of directors is a member proposed by the Minister responsible for Seniors from among those referred to in subparagraph 1 of the first paragraph. In the case of a tie vote, the chair has a casting vote, except if the vote concerns the appointment of the Société's chief executive officer.

The Société's chief executive officer is appointed from among the persons proposed jointly by the Minister responsible for Seniors and Sojecci II Ltée.

11. The Société de gestion pour le soutien aux proches aidants is not a government agency or enterprise within the meaning of the Auditor General Act (R.S.Q., chapter V-5.01).

However, the Auditor General has, with respect to the Société, the competence and powers conferred by section 30.2 of the Auditor General Act and, with respect to the auditor of the Société's books and accounts, the competence and powers conferred by section 32 of that Act. The Auditor General also has the powers set out in section 30 of that Act with respect to any recipient of a subsidy or funding granted by the Société and, in all cases, enjoys the immunity attached to the Auditor General's activities under that Act.

12. The Société de gestion pour le soutien aux proches aidants may form a relevance and monitoring committee to advise the Société in assessing the activities, projects and initiatives that may be financed.

If a relevance and monitoring committee is formed, it must be made up of an odd number of members but not more than nine, including two members of the Société's board of directors. The committee members are chosen taking into consideration the expertise and experience profiles determined by the Société's board of directors.

The Société must also establish a code of ethics and professional conduct applicable to the members of the board of directors, the members of the relevance and monitoring committee, if such a committee is formed, and the Société's officers and personnel.

13. Sections 20, 21 and 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (R.S.Q., chapter A-6.001) apply to the fund, with the necessary modifications.

14. Despite any provision to the contrary, the Minister of Finance must, in the event of a deficiency in the consolidated revenue fund, pay out of the caregiver support fund the sums required for the execution of a judgment against the State that has become *res judicata*.

15. The fiscal year of the fund ends on 31 March.

16. For every fiscal year, the Minister responsible for Seniors tables a report in the National Assembly on the activities of the fund and the activities of the Société de gestion pour le soutien aux proches aidants and any other body to which the Minister pays subsidies or contributions for the purposes set out in sections 1 and 2. The report must include a list of the activities, projects and initiatives financed and highlight any amendments made to the partnership memorandum of agreement between the Minister responsible for Seniors and Sojecci II Ltée. The report is examined by the competent committee of the National Assembly every three years.

Moreover, in the tenth report, the Minister responsible for Seniors must assess all the activities of the fund and express an opinion on the relevance of maintaining or reviewing the fund's financing. The tenth report must also be examined by the committee referred to in the first paragraph.

17. The Minister responsible for Seniors is responsible for the administration of this Act.

18. The provisions of this Act cease to have effect on the date or dates to be set by the Government, which may not be prior to 1 April 2019.

Any sum remaining in the fund on the date section 1 ceases to have effect is paid into the consolidated revenue fund and appropriated, in the manner established by the Government, to the funding of such complementary measures consistent with the purpose of the caregiver support fund as are determined by the Government.

19. This Act comes into force on 27 October 2009.

