



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 8
(2019, chapter 1)

**An Act to amend the Civil Protection
Act concerning financial assistance**

**Introduced 6 February 2019
Passed in principle 27 February 2019
Passed 19 March 2019
Assented to 20 March 2019**

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EXPLANATORY NOTES

The purpose of this Act is to enable the Government to establish a general compensation program particularly in respect of actual or imminent disasters or other events that compromise human safety. A further purpose of the Act is to enable the Government to establish special financial assistance or compensation programs when there is a risk of an occurrence of a disaster or other event that compromises human safety.

The Act also introduces a provision confirming the last resort nature of financial assistance paid under a financial assistance or compensation program, whether general or special.

In addition, the Government may prescribe, in its programs, cases for ineligibility other than those provided by law.

Lastly, the Act makes consequential amendments.

LEGISLATION AMENDED BY THIS ACT:

- Civil Protection Act (chapter S-2.3).

REGULATION AMENDED BY THIS ACT:

- Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1).

Bill 8

AN ACT TO AMEND THE CIVIL PROTECTION ACT CONCERNING FINANCIAL ASSISTANCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL PROTECTION ACT

1. Section 7 of the Civil Protection Act (chapter S-2.3) is amended by replacing “reasonable cause” in the first paragraph by “valid reasons”.

2. Section 100 of the Act is amended

(1) by inserting “or compensation” after “financial assistance” in the introductory clause;

(2) by replacing paragraph 1 by the following paragraph:

“(1) programs in respect of actual or imminent disasters or other events that compromise human safety;”;

(3) by replacing “, designed to facilitate the immediate implementation of the required mitigation and emergency response planning measures” in paragraph 2 by “for which prevention or emergency response planning measures for the protection of persons are required immediately, designed for the implementation of such measures”.

3. Section 101 of the Act is amended

(1) by replacing “the imminence of such a disaster or event” by “the imminence of any of those events or the risk of them occurring”;

(2) by

(a) inserting “In addition,” at the beginning;

(b) replacing “to meet specific needs arising from a particular disaster, from another event that compromises human safety or from” by “specific to a disaster, to another event that compromises human safety or to”;

(c) by inserting “, to meet any particular needs” at the end.

4. Section 102 of the Act is amended

(1) by replacing “provide primary assistance” in paragraph 1 by “provide for primary financial assistance or compensation”;

(2) in paragraph 2,

(a) by inserting “provide for last resort financial assistance or compensation and” after “must”;

(b) by replacing “any existing programs under other Acts, any existing programs of the federal government,” by “any programs established under other Acts, any programs of the federal government,”.

5. Section 104 of the Act is replaced by the following section:

“104. The following persons are not eligible under any financial assistance or compensation program:

(1) persons who have accepted a risk;

(2) persons who, without valid reason, failed to take the prevention measures prescribed by law or ordered by a competent public authority in respect of a risk; or

(3) persons who are responsible for their losses.

However, the first paragraph does not apply to financial assistance or compensation programs for the implementation of prevention and emergency response planning measures.

Nor do subparagraphs 1 and 2 of the first paragraph apply to programs in respect of events which, though they do not constitute actual or imminent disasters, compromise human safety.”

6. Section 105 of the Act is amended

(1) by replacing “financial assistance program in respect of disasters” in the first and second paragraphs by “financial assistance or compensation program”;

(2) by replacing “programs designed to facilitate the implementation of mitigation and emergency response planning measures” in the third paragraph by “or compensation programs for the implementation of prevention and emergency response planning measures, nor does it apply to programs in respect of other events which, though they do not constitute actual or imminent disasters, compromise human safety”.

7. The Act is amended by inserting the following section after section 105:

“105.1. A financial assistance or compensation program may prescribe cases for ineligibility other than those provided for in sections 104 and 105.”

8. Section 106 of the Act is amended by inserting “or compensation” after “financial assistance”.

9. Section 110 of the Act is amended by replacing “indemnity” by “compensation”.

10. Section 111.1 of the Act is amended by replacing “another public body or to a person or body responsible for acting in response to the disaster” in the introductory clause of the first paragraph by “any person or body”.

11. Section 115 of the Act is amended

(1) by replacing “Entitlement to financial assistance” in the first paragraph by “Financial assistance or compensation granted”;

(2) by striking out “to financial assistance” in the second paragraph, and by replacing “entitled to the assistance” and “of the event” in that paragraph by “eligible under a program” and “of the discovery of the risk or the occurrence of the event”, respectively;

(3) by striking out “to financial assistance” in the third paragraph, and by inserting “the discovery of the risk or the occurrence of” before “the event” in that paragraph.

12. Section 117 of the Act is amended by inserting “or compensation” after “financial assistance”.

13. Section 118 of the Act is amended by inserting “the risk,” before “the damage”.

14. The Act is amended by replacing all occurrences of “mitigation” in sections 1, 39, 61, 64, 67, 73 and 80 by “prevention”.

15. The Act is amended by replacing all occurrences of “coordinates” in sections 12, 39 and 60 by “contact information”.

INDIVIDUAL AND FAMILY ASSISTANCE REGULATION

16. Section 109 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) is amended by inserting “or compensation” after “financial assistance” in the second paragraph.

17. Section 138 of the Regulation is amended by replacing paragraph 15 by the following paragraph:

“(15) financial assistance or an indemnity received for extra temporary housing, food and clothing costs under a financial assistance or compensation program established under the Civil Protection Act (chapter S-2.3); and”.

18. Section 146 of the Regulation is amended by replacing “a general financial assistance program or a compensation or specific financial assistance program” in paragraph 10 by “a financial assistance or compensation program”.

FINAL PROVISION

19. This Act comes into force on 20 March 2019.

