

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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### Summary

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## Regulations and other acts

Gouvernement du Québec

### **O.C. 201-2001, 7 March 2001**

Public Curator Act  
(R.S.Q., c. C-81)

#### **Fees, nature and amount of expenses relating to certain property under the administration of the Public Curator**

Fees and the nature and amount of expenses relating to certain property under the administration of the Public Curator

WHEREAS, under the second paragraph of section 55 of the Public Curator Act (R.S.Q., c. C-81), replaced by section 30 of chapter 80 of the Statutes of 1997, the Government may, by order, on the recommendation of the Minister of Relations with the Citizens and Immigration and the Minister of Finance, establish the fees and the nature and amount of expenses relating to property the administration of which terminates in the circumstances described in the second paragraph of section 40 of the Act, replaced by section 23 of chapter 80 of the Statutes of 1997;

WHEREAS the second paragraph of section 40 of the Act applies to property the Public Curator's administration of which ceases in the absence of any beneficiary of the administration as well as to property administered by the Public Curator on behalf of the State;

WHEREAS the fees and the nature and amount of expenses relating to such property were established by Order in Council 773-99 dated 23 June 1999;

WHEREAS, under the second paragraph of section 41 of the Act, amended by section 24 of chapter 80 of the Statutes of 1997, where the administration of the Public Curator ceases in circumstances described in the second paragraph of section 40 of the Act, the rendering of account shall be effected, and the sums of money remaining upon the termination of the administration shall be transferred, to the Minister of Finance in the manner prescribed by regulation;

WHEREAS, under the first paragraph of section 58 of the Act, replaced by section 31 of chapter 80 of the Statutes of 1997 and by section 8 of chapter 30 of the

Statutes of 1999, expenditures made by the Public Curator for the purposes of the Act shall be charged to the appropriations voted each year for such purposes by Parliament;

WHEREAS it is expedient to replace Order in Council 773-99 to cancel the fees relating to property the administration of which terminates in the circumstances described in the second paragraph of section 40 of the Act, except the fees relating to property the administration of which ceases in the absence of any beneficiary;

WHEREAS it is expedient to replace Order in Council 773-99 so that expenses incurred by the Public Curator to gather the property referred to in section 40 of the Act and to search for assigns may also be charged;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Relations with the Citizens and Immigration and the Minister of Finance:

THAT the fees relating to property the Public Curator's administration of which ceases in the absence of any beneficiary of the administration shall be those prescribed in Schedule II of the Regulation respecting the application of the Public Curator Act, as it reads at the time of its application;

THAT the nature and amount of the expenses that may be charged in connection with property the Public Curator's administration of which terminates in the circumstances described in section 40 of the Public Curator Act, replaced by section 23 of chapter 80 of the Statutes of 1997, shall be those relating to the gathering, administration, conservation, liquidation and restitution of the property and, in particular, expenses incurred for taxes, search for assigns, publications or any public notice or any other notice that the Public Curator is acting as administrator, legal costs, bank charges, brokerage fees, bailiff fees, as well as expenses incurred for maintenance, safekeeping, appraisals and investigations;

THAT this Order in Council replace Order in Council 773-99 dated 23 June 1999;

THAT this Order in Council come into force on 1 April 2001.

4154

Gouvernement du Québec

## **O.C. 202-2001, 7 March 2001**

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9)

### **Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Croatia**

#### **— Approval and implementation**

Approval of the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Croatia and Regulation respecting the implementation of that Understanding

WHEREAS Order in Council 195-98 dated 17 February 1998 authorized the Minister of International Relations to sign alone the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Croatia;

WHEREAS that Understanding was entered into on 25 October 1999 in Montréal;

WHEREAS that Understanding is intended, among other things, to co-ordinate the pensions plans of Québec and Croatia in order to lessen the disadvantages caused by the migration of persons;

WHEREAS under paragraph 3 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001), the Minister of Social Solidarity may, in particular, in the exercise of his functions, enter into agreements in accordance with the law, with a government other than the Gouvernement du Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization;

WHEREAS under section 10 of that Act, notwithstanding any other legislative or regulatory provision, where an agreement in the area of income security and social benefits under paragraph 3 of section 5 extends the coverage of an Act or a regulation to a person defined in

the agreement, the Government may, by regulation, enact the measures required to implement the agreement in order to give effect to the agreement;

WHEREAS the Government may, by regulation made under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31) amended by section 46 of chapter 65 and section 283 of chapter 83 of the Statutes of 1999, give effect to international agreements of a fiscal nature entered into under section 9 of that Act;

WHEREAS under section 215 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), the Government may make regulations respecting the manner in which that Act shall apply to any case affected by an agreement entered into with another country;

WHEREAS under section 19 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1), the Minister of International Relations shall see to the negotiation and implementation of international agreements and shall administer the programs created under such agreements;

WHEREAS, the Understanding in question is an international agreement within the meaning of that section;

WHEREAS under section 20 of that Act, international agreements must be approved by the Government and signed by the Minister in order to be valid;

WHEREAS under Order in Council 1118-93 dated 11 August 1993, proposed regulations and regulations concerning the implementation of reciprocal agreements in matters of social security entered into by the Gouvernement du Québec are excluded from the application of the Regulations Act (R.S.Q., c. R-18.1);

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations, the Minister of Revenue and the Minister of Social Solidarity:

THAT the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Croatia, entered into on 25 October 1999 and whose text is attached to the implementation regulation mentioned below, be approved;

THAT the Regulation respecting the implementation of the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Croatia, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## Regulation respecting the implementation of the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Croatia

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001, s. 10)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, ss. 9 and 96; 1999, c. 65 s. 46; 1999 c. 83 s. 283)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9, s. 215)

1. The Act respecting the Québec Pension Plan (R.S.Q., c. R-9) and the regulations thereunder apply to any person referred to in the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Croatia signed on 25 October 1999 and attached as Schedule I.

2. That Act and the regulations apply in the manner stipulated in the Understanding and in the Administrative Arrangement for the application of the Understanding, attached as Schedule II.

3. This Regulation comes into force on 1 May 2001.

### SCHEDULE I

(s.1)

#### UNDERSTANDING ON SOCIAL SECURITY BETWEEN QUÉBEC AND THE REPUBLIC OF CROATIA

#### THE GOUVERNEMENT DU QUÉBEC

AND

#### THE GOVERNMENT OF THE REPUBLIC OF CROATIA

RESOLVED to guarantee to their respective nationals the advantages of the co-ordination of their social security statutes,

HAVE AGREED AS FOLLOWS:

### TITLE 1 GENERAL

#### ARTICLE 1 DEFINITIONS

In this Understanding, unless a different meaning is indicated by the context, the following expressions shall mean:

(a) "Croatia": the Republic of Croatia;

(b) "competent authority": the Minister from Québec or the Minister from Croatia responsible for the administration of the statutes referred to in Article 2;

(c) "competent institution": the Québec department or agency or the department or agency of Croatia responsible for the administration of the statutes referred to in Article 2;

(d) "statutes": present or future laws, regulations, statutory provisions and any other implementation measure concerning the branches and social security plans referred to in Article 2;

(e) "period of insurance": for Québec, any year for which contributions have been paid or for which a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent; and, for Croatia, any contribution, employment or professional activity period, as well as any other period defined or accepted as a period of insurance or considered equivalent by the statutes referred to in Article 2;

(f) "benefit": a pension, an annuity, an allowance, a lump-sum grant or any other benefit in cash provided under the statutes of each Party;

(g) "national": for Québec, a person of Canadian citizenship, who is or has been subject to the statutes referred to in Article 2 1a and has gained rights under such statutes and, for Croatia, a person of Croatian citizenship, and any term not defined in the Understanding shall be understood as having the meaning given to it in the applicable statutes.

#### ARTICLE 2 MATERIAL SCOPE

1. The Understanding shall apply:

(a) to the Québec statutes concerning the Québec Pension Plan;

(b) to the statutes of Croatia with respect to pension and disability insurance.

2. The Understanding shall equally apply to any legislative or regulatory act which modifies, adds to, or replaces the statutes referred to in paragraph 1.

3. The Understanding shall also apply to a statutory or regulatory act of one Party which extends the existing systems to new classes of beneficiaries; notwithstanding the preceding, that Party may, within three months of the date of the official publication of that act, notify the other Party that the Understanding shall not apply.

4. The Understanding shall not apply to a statutory or regulatory act which covers a new branch of social security, unless the Understanding is modified to that effect.

#### **ARTICLE 3** PERSONAL SCOPE

Unless otherwise provided, the Understanding shall apply to any person who is subject to the statutes of a Party or who has gained rights under such statutes.

#### **ARTICLE 4** EQUAL TREATMENT

Unless otherwise provided in the Understanding, persons designated in Article 3 shall, in the administration of the statutes of a Party, receive equal treatment in comparison with the nationals of that Party.

#### **ARTICLE 5** EXPORT OF BENEFITS

1. Unless otherwise provided in the Understanding, any benefit acquired under the statutes of one Party, as well as benefits acquired under the Understanding, may not suffer any reduction, modification, suspension, suppression or confiscation solely as a result of the beneficiary residing or sojourning in the territory of the other Party, and such benefit shall be payable in the territory of the other Party.

2. Any benefit which, under the Understanding, is payable by one Party in the territory of the other Party, shall also be payable outside the territory of either Party, under the same conditions that the first Party applies to its nationals under its own statutes.

## **TITLE II** APPLICABLE STATUTES

### **ARTICLE 6** GENERAL RULE

Unless otherwise provided in the Understanding and subject to Articles 7, 8, 9, 10 and 11, persons shall be subject only to the statutes of the Party in whose territory they are working.

### **ARTICLE 7** SELF-EMPLOYED PERSONS

Persons residing in the territory of one Party and working for their own account in the territory of the other Party or in the territory of both Parties shall, with respect to such work, be subject only to the statutes of their place of residence.

### **ARTICLE 8** DETACHED PERSONS

1. Persons subject to the statutes of one Party and temporarily detached by their employers, for a period not exceeding sixty months, to the territory of the other Party shall, with respect to such work, be subject only to the statutes of the first Party during the term of their detachment.

2. However, if the time required to complete the work extends over sixty months, the statutes of the first Party may continue to apply provided that the competent institutions of both Parties give their approval.

### **ARTICLE 9** TRAVELLING PERSONNEL EMPLOYED IN INTERNATIONAL TRANSPORT

1. Persons working in the territory of both Parties as travelling personnel for an international carrier which, on behalf of others or on its own account, transports passengers or goods, by air or by sea, and which has its head office in the territory of one Party, shall, with respect to such work, be subject only to the statutes of the Party on whose territory the head office is located.

2. Notwithstanding the preceding paragraph, if those persons are employed by a branch or permanent agency which the undertaking has in the territory of one Party other than the Party in whose territory it has its head office, they shall, with respect to such work, be subject only to the statutes of the Party in whose territory the branch or permanent agency is located.



3. Notwithstanding paragraphs 1 and 2, if the persons are employed wholly or mainly in the territory of the Party where they reside, they shall, with respect to such work, be subject only to the statutes of that Party, even if the undertaking which employs them has neither its head office nor a branch or permanent agency in that territory.

#### **ARTICLE 10** PERSONS IN GOVERNMENT SERVICE

1. Persons in Government Service for one of the Parties and assigned to a post in the territory of the other Party shall be subject only to the statutes of the first Party for all matters relative to that post.

2. Persons residing in the territory of one Party and being in that territory in Government Service for the other Party shall, with respect to that service, be subject only to the statutes which apply to that territory. Notwithstanding the foregoing, if those persons are nationals of the Party by which they are employed, they may, within six months of the beginning of their employment or of the coming into force of the Understanding, choose to be subject only to the statutes of the employing Party.

3. No provision of the Understanding may be interpreted as being contrary to the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or to the provisions of the Vienna Convention on Consular Relations of April 24, 1963, relative to the statutes referred to in Article 2.

#### **ARTICLE 11** DEROGATION FROM THE PROVISIONS ON COVERAGE

The competent authorities of both Parties may by common agreement derogate from the provisions of Articles 6, 7, 8, 9 and 10 with respect to any persons or categories of persons.

### **TITLE III** BENEFITS

#### **ARTICLE 12** BENEFITS COVERED

1. This Title applies to all benefits referred to in the Act respecting the Québec Pension Plan.

2. This Title also applies to all benefits referred to in the statutes of Croatia concerning pension and disability insurance.

#### **ARTICLE 13** PRINCIPLE OF TOTALIZATION

When persons have completed periods of insurance under the statutes of both Parties and are not eligible for benefits by virtue of the periods of insurance completed solely under the statutes of one Party, the competent institution of that Party shall totalize, to the extent necessary for the entitlement to benefits under the statutes applied by it, the periods of insurance completed under the statutes of each of the Parties, provided that overlapping periods are counted only once.

#### **ARTICLE 14** BENEFITS UNDER QUÉBEC STATUTES

1. If persons who have been subject to the statutes of both Parties meet the requirements for entitlement to benefits, for themselves or for their dependants, survivors or other rightful claimants, under Québec statutes without having recourse to the totalization mentioned in Article 13, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the statutes it applies.

2. If the persons referred to in paragraph 1 do not fulfill the requirements for entitlement to benefits without totalization, the competent institution of Québec shall proceed as follows:

(a) it shall recognize one year of contribution when the competent institution of Croatia certifies that a period of insurance of at least 90 days has been credited in a calendar year under the statutes of Croatia, provided that the year is included in the contributory period as defined in Québec statutes;

(b) years recognized under subparagraph *a* shall be totalized with periods of insurance completed under Québec statutes, in accordance with Article 13.

3. When the totalization prescribed in paragraph 2 entitles persons to benefits, the competent institution of Québec shall determine the amount payable as follows:

(a) that part of the benefit which is related to earnings is calculated according to the provisions of Québec statutes;

(b) the amount of the flat-rate portion of the benefit payable under the provisions of this Understanding shall be determined by multiplying:

the amount of the flat-rate portion of the benefit determined under the provisions of the Québec Pension Plan

by

the fraction which represents the ratio of the periods of contributions to the Québec Pension Plan in relation to the contributory period as defined in the statutes regarding that Plan.

**ARTICLE 15**  
BENEFITS UNDER THE STATUTES OF THE  
REPUBLIC OF CROATIA

1. When persons who have been subject to the statutes of both Parties meet the requirements for entitlement to monthly pensions, for themselves or for their dependants, survivors or other rightful claimants, under the statutes of the Republic of Croatia without having recourse to the totalization mentioned in Article 13, the competent institution of Croatia shall determine the amount of monthly pensions in accordance with the provisions of the statutes it applies.

2. Where the persons referred to in paragraph 1 do not fulfill the requirements for entitlement to monthly pensions without totalization, the competent institution of the Republic of Croatia shall proceed as follows:

(a) for the purposes of old age benefits,

i. it shall recognize twelve months of contribution under the statutes of Croatia for each period of insurance credited by the competent institution of Québec;

ii. it shall recognize one week of contribution under the statutes of Croatia for each week of residence within the meaning of the Old Age Security Act which applies to Québec, provided that the week does not overlap a period of insurance completed under Québec statutes;

iii. periods recognized under clauses *a i.* and *a ii.* shall be totalized with periods of insurance completed under the statutes of Croatia, in accordance with Article 13;

(b) for the purposes of disability or survivors' benefits,

i. it shall recognize twelve months of contribution under the statutes of Croatia for each period of insurance credited by the competent institution of Québec;

ii. periods recognized under clause *i* of subparagraph *b* shall be totalized with periods of insurance completed under the statutes of Croatia, in accordance with Article 13.

3. Where the totalization prescribed in paragraph 2 entitles persons to benefits, the competent institution of Croatia shall determine the amount payable solely on the basis of the periods of insurance completed under

the statutes of Croatia. When it is not possible to do so, the competent institution of Croatia shall proceed as follows:

(a) it shall first determine the amount of the theoretical monthly benefits that the person could claim if all the periods of insurance has been completed under its statutes. In the case of benefits whose amount does not depend on the duration of the completed periods of insurance, that amount shall be considered as the theoretical amount;

(b) it shall then determine the actual amount to which the person is entitled by multiplying the theoretical amount of subparagraph *a* monthly pension by the fraction expressing the ratio between

the period of insurance completed under the statutes of Croatia;

and

i. the total period recognized under paragraph 2; or

ii. the maximum period of insurance provided for by the statutes of Croatia if the periods of insurance obtained by totalization provided for in Article 2 exceed the maximum period of insurance provided for by the statutes of Croatia;

(c) to fix the basic amount used to calculate the benefits, it shall take into account only the period of insurance completed under the statutes of Croatia.

**ARTICLE 16**  
PERIODS COMPLETED UNDER THE STATUTES  
OF THIRD PARTIES

If a person is not entitled to benefits after the totalization provided for in Article 14 or 15, the periods of insurance completed under the statutes of a third party that is related to both Parties by a legal instrument respecting social security and making provisions for the totalization of periods of insurance shall be taken into account to determine if the person is entitled to benefits, in accordance with the provisions of this Title.

**TITLE IV**  
MISCELLANEOUS

**ARTICLE 17**  
ADMINISTRATIVE ARRANGEMENT

1. The terms and conditions for the application of the Understanding shall be set out in an Administrative Arrangement to be agreed to by the competent authorities.

2. The liaison agency of each Party shall be designated in the Administrative Arrangement.

#### **ARTICLE 18** CLAIM FOR BENEFITS

1. To be entitled to a benefit under the Understanding, a person shall file a claim in accordance with the terms and conditions provided for in the Administrative Arrangement.

2. For the purposes of Title III, a claim for a benefit filed under the statutes of one Party after the date of the coming into force of the Understanding shall be deemed to be a claim for a corresponding benefit under the statutes of the other Party, in any of the following cases:

(a) when a person asks that the claim be considered as a claim under the statutes of the other Party;

(b) when a person indicates, at the time of the claim, that periods of insurance have been completed under the statutes of the other Party.

The date of the receipt of such a claim shall be deemed to be the date on which that claim was received under the statutes of the first Party.

3. The presumption set out in paragraph 2 shall not prevent a person from requesting that a claim for benefits under the statutes of the other Party be deferred.

#### **ARTICLE 19** PAYMENT OF BENEFITS

1. Cash benefits under the statutes of Québec shall be payable directly to the beneficiary in Canadian currency or in a currency freely convertible in the place of residence of the recipient, without any deduction for administrative charges or for any other expenses incurred in paying the benefits.

2. Cash benefits under the statutes of Croatia shall be payable directly to the beneficiary in legal tender or in a currency freely convertible in the place of residence of the recipient, without any deduction for administrative charges or for any other expenses incurred in paying the benefits.

3. For the purposes of paragraphs 1 and 2, where an exchange rate is required, the rate shall be that in force on the day payment is made.

#### **ARTICLE 20** DEADLINE FOR FILING

1. A request, a declaration or an appeal which, under the statutes of one Party shall be filed within a prescribed time to the authority or institution of that Party shall be accepted if filed within the same time period to the corresponding authority or institution of the other Party. In such a case, the authority or institution of the second Party shall immediately forward the request, declaration or appeal to the authority or institution of the first Party.

2. The date on which the request, declaration or appeal is filed with the authority or institution of one Party shall be considered as the date of filing with the authority or institution of the other Party.

#### **ARTICLE 21** MEDICAL EXAMINATION REPORTS

1. At the request of the competent institution of one Party, the competent institution of the other Party shall make the necessary arrangements to provide the medical examination reports required for persons residing or staying in the territory of the latter Party.

2. The medical examination reports referred to in paragraph 1 shall not be considered invalid solely because they have been made in the territory of the other Party.

#### **ARTICLE 22** EXEMPTION OF FEES AND AUTHENTICATION

1. Any reduction or exemption of fees provided for in the statutes of one Party with respect to the issuing of a certificate or document required in accordance with those statutes shall be extended to the certificates and documents required in accordance with the statutes of the other Party.

2. Any document required for the application of the Understanding shall be exempt from authentication by diplomatic or consular authorities or from any other similar procedure.

#### **ARTICLE 23** DISCLOSURE OF PERSONAL INFORMATION

1. In this Article, the word “information” shall mean any indication from which the identity of a natural or legal person can be easily established.

2. Unless disclosure is required under the statutes of a Party, any information communicated by an institution of one Party to an institution of the other Party shall be confidential and shall be used exclusively for the application of the Understanding.

3. Access to a file containing information shall be subject to the statutes of the Party on whose territory the file is located.

#### **ARTICLE 24** MUTUAL ASSISTANCE

The competent authorities and institutions shall:

(a) communicate to each other any information required for the application of the Understanding;

(b) assist each other free of charge in any matter concerning the application of the Understanding;

(c) forward to each other any information on measures adopted for the application of the Understanding or on amendments to their statutes to the extent that such amendments affect the application of the Understanding;

(d) notify each other of the difficulties encountered in the interpretation or in the application of the Understanding.

#### **ARTICLE 25** REIMBURSEMENT BETWEEN INSTITUTIONS

1. The competent institution of one Party shall reimburse to the competent institution of the other Party the costs related to each medical examination report produced in accordance with Article 21. Notwithstanding the foregoing, the transmission of medical information or other information already in the possession of the competent institutions shall constitute an integral part of administrative assistance and shall be performed without charge.

2. The Administrative Arrangement shall provide for the terms and conditions of the reimbursement of costs referred to in paragraph 1.

#### **ARTICLE 26** COMMUNICATION

1. The competent authorities and institutions and the liaison agencies of both Parties may communicate with each other in French or in Croatian.

2. A decision of a tribunal or of an institution may be communicated directly to a person residing in the territory of the other Party.

#### **ARTICLE 27** SETTLEMENT OF DISPUTES

1. Any dispute between the two contracting Parties concerning the interpretation or the application of the Understanding shall, as far as possible, be settled amicably by the competent authorities.

2. If a dispute cannot be settled as prescribed in paragraph 1, it shall be referred, at the request of one Party, to an arbitration tribunal.

3. Unless both Parties agree otherwise, the arbitration tribunal shall be composed of three arbitrators, one appointed by each party, and those two arbitrators shall appoint a third arbitrator, who shall act as president. If they cannot agree, the president of the International Court of Justice shall be invited to appoint the president.

4. The arbitration tribunal shall determine its own procedure.

5. A decision by the arbitration tribunal is final and binding on the Parties.

#### **TITLE V** TRANSITIONAL AND FINAL

#### **ARTICLE 28** TRANSITIONAL PROVISIONS

1. The Understanding shall not confer any right to the payment of benefits for a period preceding the date of its coming into force.

2. For the application of Title III and subject to the provisions of paragraph 1 of this Article:

(a) a period of insurance completed prior to the date of the coming into force of the Understanding shall be taken into consideration for the purposes of determining entitlement to benefits under the Understanding;

(b) a benefit, other than the death benefit payable, is due under the Understanding even if it is related to an event prior to the date of its coming into force;

(c) where benefits are payable pursuant to Article 13 and when the claim for such benefits is made within two years from the date of the coming into force of the Understanding, rights arising from of the Understanding

shall be acquired from that date or from the date of retirement, death or invalidity as confirmed by a medical report creating the right to benefits if such date follows, notwithstanding the provisions of the statutes of both Parties relative to the forfeiture of rights;

(d) a benefit which, on account of nationality or residence, has been refused, reduced or suspended shall, at the request of the person in question, be granted or re-established from the date of the coming into force of the Understanding;

(e) benefits granted before the date of the coming into force of the Understanding shall be revised, at the request of the person in question. It may also be revised *ex officio*. If the revision leads to benefits lower than those which were paid before the coming into force of the Understanding, the amount of benefits previously paid shall be maintained;

(f) if a request referred to in subparagraphs *d* and *e* is filed within two years of the date of the coming into force of the Understanding, rights arising from the Understanding shall be acquired from that date, notwithstanding the provisions of the statutes of both Parties relative to the forfeiture of rights;

(g) if a request referred to in subparagraph *d* and *e* is filed after the limit of two years following the coming into force of the Understanding, rights which are not forfeited shall be acquired from the date of the request, unless there are more favourable provisions in the applicable statutes.

3. For the purposes of Article 8, a person already detached at the date of the coming into force of the Understanding shall be deemed to have become detached on that date.

#### **ARTICLE 29** COMING INTO FORCE AND TERM

1. Each contracting Party shall notify the other when the internal procedures required for the coming into force of the Understanding have been completed.

2. The Understanding comes into force on the first day of the month following the month in which the last of the notices referred to in paragraph 1 was sent.

3. The Understanding is entered into for an indefinite term. It may be denounced by one of the Parties by notifying the other Party. The Understanding shall expire on the 31st day of December which follows the date of notification by at least twelve months.

4. If the Understanding is terminated, all rights acquired by a person or in the process of being acquired under the provisions of the Understanding shall remain in effect.

Done at Montréal on October 25th, 1999, in duplicate, in French and in Croatian, both texts being equally authentic.

For the Gouvernement du Québec

For the Government of the Republic of Croatia

ROBERT PERREAULT  
*Minister*

ANDRIJA JAKOVCEVIC  
*Ambassador*

#### **SCHEDULE II** (s. 2)

#### ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE UNDERSTANDING ON SOCIAL SECURITY BETWEEN QUÉBEC AND THE REPUBLIC OF CROATIA

#### THE COMPETENT AUTHORITY OF QUÉBEC

AND

#### THE COMPETENT AUTHORITY OF THE REPUBLIC OF CROATIA

CONSIDERING Article 17 of the Understanding on Social Security between Québec and the Republic of Croatia,

HAVE AGREED AS FOLLOWS:

#### **ARTICLE 1** DEFINITIONS

In this Administrative Arrangement,

(a) the term "Understanding" shall mean the Understanding on Social Security between Québec and the Republic of Croatia signed on;

(b) all other terms shall have the meaning given to them in Article 1 of the Understanding.

#### **ARTICLE 2** LIAISON AGENCIES

In accordance with the provisions of paragraph 2 of Article 17 of the Understanding, the liaison agencies designated by each of the Parties shall be:

(a) as regards Québec, the Direction des équivalences et des ententes de sécurité sociale of the Ministère des Relations avec les citoyens et de l'Immigration or any other agency that the competent authority of Québec may subsequently designate;

(b) as regards Croatia, the Workers' Old age And Disability Insurance Fund of the Republic of Croatia, Zagreb Central Service (*Republički Fond mirovinskog i invalidskog Osiguranja Radnika Hrvatske, Centralna Sluzba u Zagrebu*).

### **ARTICLE 3** CERTIFICATE OF COVERAGE

1. For the application of Articles 7 to 11 of the Understanding, when a person remains subject to the statutes of one Party while working in the territory of the other Party, a certificate of coverage shall be issued

(a) by the liaison agency of Québec, when the person remains subject to the statutes of Québec;

(b) by the liaison agency of Croatia, when the person remains subject to the statutes of Croatia.

2. The liaison agency issuing the certificate of coverage shall send a copy of that certificate to the other liaison agency mentioned in paragraph 1, to the person in question and, if applicable, to the person's employer.

### **ARTICLE 4** RETIREMENT, DISABILITY AND SURVIVORS' BENEFITS

1. For the purposes of Part III of the Understanding, a claim for a benefit under the Understanding may be presented to the liaison agency of either Party, or to the competent institution of the Party whose statutes apply.

2. When a claim for benefit mentioned in paragraph 1 is presented to a liaison agency, that agency shall send the claim to the competent institution of the Party whose statutes are applicable, along with the required supporting documents.

3. When the claim for benefits referred to in paragraph 2 of Article 18 of the Understanding is received by the competent institution of one Party, that institution shall send the claim to the liaison agency of the same Party. The liaison agency shall forward the claim to the competent institution of the other Party, along with the required supporting documents.

4. Any information on civil status appearing on a liaison form shall be certified by the liaison agency forwarding the claim, which shall then be exempt from forwarding supporting documents.

5. Any original document or copy thereof shall be kept by the liaison agency to which it was first submitted and a copy shall be put at the disposal of the competent institution of the other Party if so requested.

6. A liaison form shall accompany the claim and the supporting documents referred to in this Article.

7. If so requested by the competent institution or by the liaison agency of one Party, the liaison agency or the competent institution of the other Party shall indicate, on the liaison form, the periods of insurance recognized under the statutes it administers.

8. As soon as decisions with respect to claims have been made pursuant to the statutes it administers, the competent institution shall notify the claimant and inform the claimant about recourses and time limits for such recourse prescribed by such statute; the competent institution shall also inform the other Party's liaison agency of the decisions by means of the liaison form.

### **ARTICLE 5** REIMBURSEMENT BETWEEN INSTITUTIONS

For the purposes of Article 25 of the Understanding, at the end of each calendar year, when the competent institution of a Party has paid benefits or has had medical examinations carried out on behalf or at the expense of the competent institution of the other Party, the liaison agency of the first Party shall send to the liaison agency of the other Party a statement of benefits paid or of the fees pertaining to the medical examinations carried out during that year, indicating the amount owed. Supporting documents shall be attached.

### **ARTICLE 6** FORMS

Any form or other document necessary to implement the procedures prescribed by the Administrative Arrangement shall be determined by common agreement by the competent institutions and the agencies responsible for the administration of the Understanding for each of the Parties.

### **ARTICLE 7** STATISTICS

The liaison agencies of both Parties may exchange, in the form agreed upon, statistical data concerning the payments made to beneficiaries during each calendar year under the Understanding. Such data shall include the number of beneficiaries and the total amount of benefits, by benefit category.

**ARTICLE 8**  
COMING INTO FORCE AND TERM

The Administrative Arrangement shall come into force on the same date as the Understanding and they shall both have the same term.

Done at Montréal on 25 October 1999, in duplicate, in the French and Croatian languages, both texts being equally authentic.

|                                |   |
|--------------------------------|---|
| For the Gouvernement du Québec | For the Government of the Republic of Croatia |
|--------------------------------|---|

ROBERT PERREAULT,  
*Minister*

ANDRIJA JAKOVCEVIC,  
*Ambassador*

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Gouvernement du Québec

**O.C. 205-2001, 7 March 2001**

An Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001)

**Income support**  
— **Amendments**

Regulation to amend the Regulation respecting income support

WHEREAS in accordance with the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001), the Government made the Regulation respecting income support by Order in Council 1011-99 dated 1 September 1999;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force between the date of its publication in the *Gazette officielle du Québec* and the date applicable under section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

Whereas the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— on the one hand, the amendments provided for in the Regulation attached to this Order in Council are related to the making of Order in Council 179-2001 dated 28 February 2001, concerning the coming into force on 1 April 2001 of certain provisions of the Act to amend the Act respecting health services and social services and amending various legislative provisions (1998, c. 39) relating to the taking in charge by intermediate resources of certain users of institutions within the meaning of that Act;

— on the other hand, the Regulation is intended to increase as soon as possible the exemption for the value of a residence possessed by families with several dependent children so as to preserve the employment-assistance benefits they receive;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Social Solidarity:

THAT the Regulation to amend the Regulation respecting income support, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting income support\*

An Act respecting income support, employment assistance and social solidarity  
(R.S.Q., c. S-32.001, s. 155, pars. 3 and 5, s. 156, pars. 5, 8, 13, 15, 30 and 31, s. 159, par. 8, and s. 160)

1. Section 1 of the Regulation respecting income support is amended

(1) by substituting “(R.S.Q., c. S-4.2) or” for “(R.S.Q., c. S-4.2),” in the second paragraph;

(2) by striking out “, or” in the second paragraph after “(R.S.Q., c. S-5)”;

by inserting the words ““intermediate resource,”” after “applies to the expressions” in the fourth paragraph.

2. The following is substituted for section 9.1:

“**9.1** Notwithstanding section 9, the amount of the liquid assets of an independent adult who is sheltered or an adult taken in charge by an intermediate resource or a foster home may not exceed \$2 500 if he is severely limited for employment or \$1 500 otherwise, if the application is made within six months of the date a benefit ceased to be paid to him under the program because of excess liquid assets and if, on that date, the adult was independent and sheltered or taken in charge by an intermediate resource or a foster home and, in such case, if a benefit was granted to him as an independent adult sheltered during the six months preceding the month of the application.”

3. The following is inserted after section 19:

“**19.1** An adult ceases to be part of the family from the month in which he is taken in charge by an intermediate resource or a foster home.”

4. The following is inserted after section 29:

“**29.1** Notwithstanding sections 25 to 28, the basic benefit of an adult referred therein shall be adjusted for the month in which a change of situation increasing the amount of that benefit occurs.”

5. The following paragraph is added to section 30:

“(3) to an adult taken in charge by an intermediate resource.”

6. The following paragraph is added to section 70:

“The payment of those special benefits shall continue on the same conditions if the independent adult or the adult member of the family referred to in the first paragraph is later taken in charge by an intermediate resource or a foster home.”

7. Section 117 is amended

(1) by substituting, in subparagraph 2 of the first paragraph, the following for everything that follows “since”: “having been sheltered or taken in charge by an intermediate resource or a foster home, during the first year the adult is sheltered or taking in charge”; and

(2) by adding the following at the end of the second paragraph: “In the case of a family including more than two dependent children, the amount provided for in the first paragraph shall be increased by \$2 000 per additional child.”

8. The following is substituted for paragraph 1 of section 124:

“(1) between a recipient in charge of a foster family, foster home or an intermediate resource and the persons he is in charge of, and with respect to those persons between them;”

9. Section 146 is amended

(1) by inserting “, an intermediate resource” after “an institution”; and

(2) by inserting “, resource” after “such institution”.

10. The words “, the intermediate resource” are inserted after “the institution” in section 147.

11. The following is substituted for paragraph 3 of section 154:

“(3) for each month during which the adult is sheltered or taken in charge by an intermediate resource or a foster home.”

12. The words “, an adult taken in charge by an intermediate resource or a foster home” are substituted for the words “or placed in a reception centre” in the second paragraph of section 186.

\* The Regulation respecting income support, made by Order in Council 1011-99 dated 1 September 1999 (1999, *G.O.* 2, 2881), was last amended by the Regulations made by Orders in Council 1427-2000 dated 6 December 2000 (2000, *G.O.* 2, 5724), 1428-2000 dated 6 December 2000 (2000, *G.O.* 2, 5726) and 15-2001 dated 11 January 2001 (2001, *G.O.* 2, 445). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.



13. The words “, an adult taken in charge by an intermediate resource or a foster family” are substituted for the words “or placed in a reception centre” in the second paragraph of section 188.

14. This Regulation comes into force on 1 April 2001.

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## Index Statutory Instruments

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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