



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FIFTH LEGISLATURE

Bill 115

(1995, chapter 69)

An Act to amend the Act respecting income security and other legislative provisions

Introduced 4 December 1995
Passage in principle 12 December 1995
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Assented to 15 December 1995

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EXPLANATORY NOTES

This bill amending the Act respecting income security provides for the application of working conditions legislation to persons working within the framework of a temporary job support measure or taking part in community activities within the framework of the financial support program or the work and employment incentives program. It also provides that an adult or a family possessing a certain amount of liquid assets are ineligible for such programs and abolishes the scale based on availability of the work and employment incentives program.

Under this bill, a number of changes are made to the financial support program, the work and employment incentives program and the parental wage assistance program. Thus, the hearing process for applications for review in cases of unavailability for medical reasons is modified. Amendments are made to take account of the taxation system, financial assistance to students and the recent recognition of the practice of midwifery. Also modified is the manner of factoring last resort assistance benefits into the computation of estimated benefits and advance payments under the parental wage assistance program. As regards the latter program, the production of information statements according to a different time frame will be made possible.

Furthermore, regarding the recovery of reimbursable last resort assistance benefits, the bill extends the prescription period from three to five years and provides that debtors are to pay a recovery charge. The Minister of Income Security will be authorized to recover the amount of last resort assistance benefits granted to a person in respect of whom an undertaking has been subscribed under the Act respecting immigration to Québec.

New provisions will allow the Minister to enter into an agreement, subject to certain terms and conditions, in order to collect or communicate such nominative information as is necessary for the application of the Act respecting income security and to ensure that the information remains confidential.

The budgetary responsibility for dental, pharmaceutical, optometry and other services provided to income security beneficiaries is transferred to the Régie de l'assurance-maladie du Québec.

Finally, the bill contains transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5);
- Act respecting income security (R.S.Q., chapter S-3.1.1).

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 7 of the Act respecting income security (R.S.Q., chapter S-3.1.1) is amended

(1) by inserting the words “providing vocational instruction at the secondary level or instruction” after the word “institution” in the third line of paragraph 2;

(2) by adding, at the end, the following paragraph:

“(6) an adult or a family with liquid assets, within the meaning of the regulation, the amount of which exceeds the applicable amount according to the scale of needs determined by regulation. In such a case, the adult or the family are ineligible from the date of the application until the last day of the month.”

2. Section 10 of the said Act is amended by replacing the words “the Acts listed in section 24 do not apply to him” in the first and second lines of the second paragraph by the words “the second paragraph of section 24 applies”.

3. Section 14 of the said Act is amended by adding, at the end of subparagraph 7 of the first paragraph, the words “or by a written report signed by a midwife taking part in a pilot project governed by the Act respecting the practice of midwifery within the framework of pilot projects (chapter P-16.1). The report must indicate the name and date of birth of the adult, the number of weeks of pregnancy and the expected date of delivery”.

4. Section 15 of the said Act is amended by striking out paragraph 2.

5. Section 16 of the said Act is amended by adding, at the end of subparagraph 2 of the first paragraph, the words “; the medical certificate may be replaced by a written report attesting the pregnancy, signed by a midwife taking part in a pilot project governed by the Act respecting the practice of midwifery within the framework of pilot projects and indicating the name and date of birth of the adult, the number of weeks of pregnancy and the expected or actual date of delivery;”.

6. Section 17 of the said Act is repealed.

7. Section 19 of the said Act is amended by striking out the figure “, 17” in the second line.

8. Section 24 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Except in the cases and to the extent prescribed by regulation, the provisions of the Labour Code (chapter C-27), the Public Service Act (chapter F-3.1.1), the Act respecting collective agreement decrees (chapter D-2) and the Act respecting labour standards (chapter N-1.1) apply to an adult who performs work within the scope of a measure proposed under section 23.”

9. The said Act is amended by inserting, after section 35, the following section:

“35.1 Every person having subscribed an undertaking under the Act respecting immigration to Québec (chapter I-0.2) whereby he promised to help a foreign national and the dependants, if any, who accompany the foreign national, to settle in Québec, must reimburse the amount of the benefits granted to the foreign national and to those dependants during the period covered by the undertaking, where the undertaking so provides. The sums involved are recoverable by the Minister in accordance with the provisions of this division.”

10. Section 36 of the said Act is amended by replacing the word “three” in the first line and in the second line by the word “five”.

11. Section 42 of the said Act is amended by adding, at the end, the following paragraph:

“The debtor is also liable for the payment of a recovery charge, in the cases determined and in the amount fixed by regulation.”

12. Section 48.2 of the said Act, amended by section 234 of chapter 1 of the statutes of 1995, is again amended by adding, at the end, the following paragraph:

“The amount of last resort assistance benefits referred to in subparagraph 1 of the second paragraph is, for the purposes of the second paragraph of section 52, the amount fixed by regulation and paragraph *b* of subparagraph 2 of the first paragraph does not apply.”

13. Section 49 of the said Act, amended by section 236 of chapter 1 of the statutes of 1995 and by section 295 of chapter 63 of the statutes of 1995, is again amended by adding, at the end, the following paragraph:

“For the purposes of the computation of the total income of the family under the third paragraph, the amount of last resort assistance benefits is, for the purposes of the second paragraph of section 52, the amount fixed by regulation.”

14. Section 50 of the said Act is amended by replacing the words “the adult shall, for the purpose of computing his benefits for the year, reduce the following amounts in respect of his spouse for such part as can reasonably be attributed to the period of the year during which he no longer had a spouse” in the second, third, fourth and fifth lines by the words “only that part of the following amounts, in respect of his spouse, that can reasonably be attributed to the period of the year during which the adult had a spouse shall be taken into account in the computation of the benefits of the adult for the year”.

15. The said Act is amended by inserting, after section 65, the following section:

“65.1 Subject to the second paragraph, the Minister may enter into an agreement with a department or body of the Government of Québec or of another government, a person or an enterprise whose name appears in the list drawn up by the Government and published in the *Gazette officielle du Québec*, in order to collect or communicate such nominative information as is considered necessary for the application of this Act or the regulations, in particular in order to

(1) verify the eligibility of a person or a person's family for a program or measure and establish the amount of benefits or advance payments;

(2) identify a situation not declared by a beneficiary in accordance with paragraph 1 of section 65, including by means of cross-matching;

(3) verify the solvency of a person who is required to reimburse an amount to the Minister pursuant to Division V of Chapter II or identify the person's place of residence;

(4) verify the occurrence of an event or the existence of a right referred to in section 35, as well as the date and particulars of the realization of the right.

The Minister may also enter into such an agreement with the Department of Human Resources Development of Canada as well as with the following departments and bodies of the Government of Québec: the Ministère de l'Éducation, the Ministère de la Justice, the Ministère des Affaires internationales, the Ministère du Revenu, the Ministère de la Sécurité publique, the Commission de la santé et de la sécurité du travail, the Régie de l'assurance-maladie du Québec, the Régie des rentes du Québec and the Société de l'assurance automobile du Québec.

The Minister may, in order to identify a person for the purposes of an agreement made under this section, communicate that person's name, date of birth, sex, address, health insurance number, social insurance number and file number. Any department, body, person or enterprise that receives such information must, unless legally entitled thereto, destroy it once the purpose for which it was communicated has been fulfilled."

16. The said Act is amended by inserting, after section 65.1, the following section:

“65.2 Any nominative information, within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information, obtained pursuant to this Act is confidential. All functionaries of the Ministère de la Sécurité du revenu and all members of the personnel of Ville de Montréal assigned to administer this Act are prohibited from using any such information for purposes other than those provided for under this Act.

The persons referred to in the first paragraph are prohibited also from communicating or allowing to be communicated information obtained pursuant to this Act to any person not legally entitled thereto under the Act respecting Access to documents held by public bodies and the Protection of personal information or from allowing such a person to examine a document containing such information or to have access thereto.”

17. Section 77 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“**77.** The application shall be heard by a person designated by the Minister or, in the case of an assessment of a person’s limitations in his capacity for employment, by a committee consisting of one physician and at least two other professionals designated by the Minister.

In the case of an assessment of a person’s inability to avail himself of a measure on any of the grounds set out in paragraph 1 of section 16, the application shall be heard by a physician designated by the Minister.”

18. The said Act is amended by inserting, after section 81, the following section:

“**81.1** If a reviewed decision or a decision by the Commission des affaires sociales recognizes that an adult or a family is entitled to benefits initially refused, or increases the benefits initially granted, the Minister is required to pay interest in the cases and on the terms and conditions determined by regulation, at the rate fixed therein.”

19. The said Act is amended by inserting, after section 85, the following section:

“**85.1** Any person who contravenes section 65.2 is guilty of an offence and is liable to a fine not exceeding \$5 000.”

20. Section 91 of the said Act, amended by section 245 of chapter 1 of the statutes of 1995, is again amended

(1) by replacing the words “institution of” in the second line of subparagraph 6 of the first paragraph by the words “institution providing vocational instruction at the secondary level or instruction at the”;

(2) by inserting, after subparagraph 6 of the first paragraph, the following subparagraph:

“(6.1) determine, for the purposes of paragraph 6 of section 7, the scale of needs required for the determination of the applicable amount, and determine liquid assets and increases of certain of such assets that are excluded therefrom;”;

(3) by inserting, after subparagraph 19 of the first paragraph, the following subparagraph:

“(19.1) determine the cases in which and the extent to which the provisions of the Acts referred to in the second paragraph of section 24 do not apply;”;

(4) by inserting, after subparagraph 24 of the first paragraph, the following subparagraphs:

“(24.1) prescribe, for the purposes of the third paragraph of section 42, the cases in which a debtor is required to pay a recovery charge, and fix the amount thereof;

“(24.2) determine the cases in which, and the terms and conditions on which, the Minister is required to pay interest, and fix the rate thereof;”;

(5) by inserting, after subparagraph 31.1 of the first paragraph, the following subparagraph:

“(31.1.1) fix the amount of last resort assistance benefits for the purposes of the third paragraph of section 48.2 and the fourth paragraph of section 49;”;

(6) by inserting the figure “6.1,” after the figure “5,” in the first line of the second paragraph;

(7) by inserting the figures “23, 24, 24.1,” after the figure “21,” in the first line of the second paragraph;

(8) by inserting the figure “31.1.1,” after the figure “30,” in the first line of the second paragraph;

(9) by replacing the word and figure “and 38” in the second line of the second paragraph by the word and figures “, 38 and 39”.

21. Section 137 of the said Act is amended by inserting the figure “36,” after the word “sections” in the third line of the first paragraph.

OTHER AMENDING PROVISIONS

22. Section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 13 of chapter 46 of the statutes of 1994, section 213 of chapter 1 of the statutes of 1995, section 14 of chapter 36 of the statutes of 1995, section 50 of chapter 43 of the statutes of 1995 and by section 277 of chapter 63 of the statutes of 1995, is again amended by adding, after subparagraph *i* of the second paragraph, the following subparagraph:

“(j) the Minister of Income Security, solely to the extent that the information is necessary to verify the eligibility of a person or a person’s family for a program provided for in the Act respecting income security (chapter S-3.1.1), to determine the amount of benefits or advance payments, to identify a situation not declared by a beneficiary in accordance with paragraph 1 of section 65 of the said Act or to verify the place of residence and solvency of a person required to reimburse an amount under Division V of Chapter II of the said Act.”

23. Section 2.1 of the Act respecting the Régie de l’assurance-maladie du Québec (R.S.Q., chapter R-5) is amended by striking out the second paragraph.

FINAL PROVISIONS

24. The Government may, not later than on the date occurring three months after the date of coming into force of paragraph 2 of section 1 of this Act, make a regulation under subparagraph 6.1 of the first paragraph of section 91 of the Act respecting income security, enacted by paragraph 2 of section 20 of this Act, and under subparagraph 13 of the first paragraph and the second paragraph of section 91 of the said Act, as amended by paragraph 6 of section 20 of this Act, even if the regulation has not been published in accordance with section 8 of the Regulations Act (R.S.Q., chapter R-18.1). Such a regulation comes into force, notwithstanding section 17 of the Regulations Act, on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

25. Section 35.1 of the Act respecting income security, enacted by section 9 of this Act, applies to an amount recoverable before the date of coming into force of section 9 of this Act in accordance with

an undertaking to help a foreign national and the dependants accompanying him, if any, to settle in Québec that was subscribed under the Act respecting immigration to Québec (R.S.Q., chapter I-0.2), except if the amount is the subject of a claim in respect of which judicial proceedings have been instituted.

26. The new prescription period introduced in section 36 of the Act respecting income security by section 10 of this Act applies to existing situations and account is taken of time already elapsed.

27. This Act comes into force on the date or dates to be fixed by the Government, except sections 15, 16, 19 and 22 which come into force on 1 January 1996.