

DIVISION VIII PAYMENT OF FAMILY BENEFITS

15. Where the first day of the month falls on a Saturday or a non-working day, family benefits shall be paid the first working day that precedes the first day.

16. Where a person receives a family allowance equal to or less than the minimum allowance provided for in the third paragraph of section 9, the family allowance is paid quarterly by cheque in February, May, August and November.

However, payment of any allowance amount of less than \$1 is carried forward to the following payment until the cumulative amount reaches \$1.

DIVISION IX DEDUCTION

17. The Régie may deduct any recoverable family benefit from any family benefit that it pays up to a maximum of 20 % of such payable benefit.

Notwithstanding the foregoing, a deduction by the Régie may reach the full amount of the payable benefit in the following cases:

- (1) benefits to come are not sufficient to repay the recoverable sum;
- (2) the benefit to be paid is retroactive;
- (3) the benefit to be recovered was obtained through bad faith;
- (4) the debtor consents in writing to the deduction.

DIVISION X CHANGES OF SITUATION

18. The communication of information to the Régie by the Canada Minister of National Revenue with respect to a person who receives a child tax credit paid under the Income Tax Act constitutes a case where the Régie may consider that a change of situation has been communicated to it.

DIVISION XI TRANSITIONAL AND FINAL PROVISIONS

19. From 1 September 1997 to 30 June 1998, the period of 12 months provided for in the first paragraph of section 8 shall be reduced to 10 months.

20. The family benefits due and payable on 1 September 1997 shall be paid on 29 August 1997.

21. This Regulation comes into force on 1 September 1997 and takes effect from 1 August 1997.

1658

Gouvernement du Québec

O.C. 1051-97, 13 August 1997

An Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5)

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services

WHEREAS under sections 159, 160 and 161.1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), the Government shall determine, by regulation, the contribution that may be required for the beneficiaries who are sheltered in an institution or taken in charge by a foster family, prescribe the terms and conditions and the circumstances under which a person may be exempt from paying that contribution and may, in such regulation, prescribe the automatic indexing of all or part of the amounts fixed in the regulation, in accordance with the Pension Index established in conformity with section 117 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

WHEREAS under sections 512, 514 and 515 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Government shall determine, by regulation, the contribution that may be required of users lodged in a facility maintained by a public or private institution under agreement, including any intermediate resource of a public institution, or taken in charge by a family-type resource, prescribe the terms and conditions and the circumstances under which a person may be exempt from paying that contribution and may, in such regulation, prescribe the automatic indexing of all or part of the amounts fixed in the regulation, according to the index provided therein;

WHEREAS the first paragraph of section 619.41 of the Act respecting health services and social services (R.S.Q., c. S-4.2) stipulates that, subject to any special provisions enacted by that Act, all orders in council, orders or regulations made or decisions rendered by the Government, the Minister, or by another competent authority, pursuant to any provision of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), which are applicable to persons and bodies subject to the Act respecting health services and social services (R.S.Q., c. S-4.2), shall remain applicable to those persons and bodies to the extent that they are compatible with that Act, until new orders in council, orders or regulations are made or new decisions are rendered pursuant to the corresponding provisions of that Act;

WHEREAS the Government made certain regulatory provisions concerning the contribution of beneficiaries in the Regulation respecting the application of the Act respecting health services and social services (R.R.Q., 1981, c. S-5, r. 1);

WHEREAS it is expedient to fix the amounts in force before 1 September 1997 as the minimum contribution for the placement of children required from fathers and mothers who are exempt from paying the contribution;

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 prescribed by section 8 of the Act, where 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 on the date of its publication in the *Gazette officielle du Québec* or after a period shorter than the one applicable under section 17 of the 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 absence of prior publication and such coming into force are justified by the urgency due to the following circumstances:

— the Act respecting family benefits (1997, c. 57), assented to on 19 June 1997, will come into force on 1 September 1997; it provides for the granting of a family allowance that will vary according to the income and

composition of each family and replaces the current program of family assistance allowances;

— the creation of the new family benefits scheme substantially increases the minimum contribution required for the placement of children from fathers and mothers who are exempt from paying the contribution due to their low family income; it also entails, as of that date, adjusting the method of calculation of the contribution;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services

An Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5, ss. 159, 160 and 161.1)

An Act respecting health services and social services (R.S.Q., c. S-4.2, ss. 512, 514, 515 and 619.41)

1. The Regulation respecting the application of the Act respecting health services and social services (R.R.Q., 1981, c. S-5, r. 1), amended by the Regulations made by Orders in Council 3411-81 dated 9 December 1981 (Suppl., p. 1183), 456-82 dated 3 March 1982 (Suppl., p. 1184), 613-82 dated 17 March 1982 (Suppl., p. 1188), 614-82 dated 17 March 1982 (Suppl., p. 1189), 685-82 dated 24 March 1982 (Suppl., p. 1191), 2076-82 dated 15 September 1982, 128-83 dated 26 January 1983, 476-83 dated 17 March 1983, 883-83 and 884-83 dated 4 May 1983, 1315-83 dated 22 June 1983, 1879-83 dated 21 September 1983, 2593-83 dated 14 December 1983, 642-84 dated 21 March 1984, 1127-84 dated 16 May 1984, 1320-84 dated 6 June 1984, 1373-84 dated 13 June 1984, 1426-84 dated 20 June 1984, 1632-84 dated 11 July 1984, 2050-84 dated 19 September 1984, 2809-84 dated 19 December 1984, 1039-89 dated

28 June 1989, 967-90 dated 4 July 1990, 1800-90 dated 19 December 1990, 1728-91 dated 11 December 1991, 288-92 dated 26 February 1992, 1757-92 dated 2 December 1992, 21-93 and 22-93 dated 13 January 1993 and 847-96 dated 3 July 1996, is further amended in section 357

(1) by substituting the following for the definition of letter *A* of the formula:

“*A* = the total family assistance allowances, except for allowances for newborn children and allowances for handicapped children that have not been placed, the amounts of which were in force on the first day of August 1997;”;

(2) by substituting, in the definition of letter *B* of the formula, “1997” for the words “preceding the day on which the contribution is paid”.

2. This Regulation comes into force on 1 September 1997.

1651

Gouvernement du Québec

O.C. 1069-97, 20 August 1997

An Act respecting childcare centres and childcare services
(R.S.Q., c. S-4.1)

Childcare centres

Regulation respecting childcare centres

WHEREAS under paragraphs 1 to 6, 10, 13, 16.1, 17 to 21 and 24 of section 73 of the Act respecting childcare centres and childcare services (R.S.Q., c. S-4.1), as amended by section 898 of Chapter 2 of the Statutes of 1996, by paragraphs 1, 3, 9, 10, 11, 12 and 13 of section 52 of Chapter 16 of the Statutes of 1996 and by paragraphs 1, 2, 3, 4, 5, 9, 12, 13, 14 and 16 of section 122 of Chapter 58 of the Statutes of 1997, the Government may make regulations, for the whole or part of the Québec territory,

— determining the form and tenor of an application for the issue or renewal of a permit, the qualifications of a person soliciting a permit or its renewal, the requirements he must fulfil, the information and documents he must furnish and the duties he must pay;

— establishing standards for the arrangement, equipment, furnishing, maintenance, heating and lighting of

the premises where childcare is provided and prescribing an outdoor play area and standards for the arrangement, equipment and maintenance of that area;

— determining the conditions that a permit holder who ceases his activities must fulfil;

— establishing classes according to the age of the children received and the services to be provided in a childcare centre;

— determining the maximum number of children who may be received in premises of a childcare centre or in the premises used for home childcare or in the prescribed outdoor play area, according to the dimensions and arrangement of the premises or area, the age class of the children and the services to be provided, where applicable;

— establishing standards of hygiene, salubrity and safety that must be observed in childcare centres or home where childcare is provided;

— establishing rules for the election of the directors of the cooperative or legal person referred to in the first paragraph of section 7, and for the operation of its board of directors;

— determining the form and tenor of the registration and attendance card that must be kept for each child by the holder of a childcare centre or a home childcare provider and prescribing standards for the preservation, consultation and reproduction of such cards;

— determining the conditions that a natural person soliciting recognition as a home childcare provider must fulfil;

— determining the monitoring and supervision measures applicable in respect of home childcare providers;

— establishing the terms and conditions of recognition of a natural person as home childcare provider;

— requiring that a permit holder have in his employ a person responsible for the management of the childcare centre and prescribing the standards of qualification;

— establishing standards of qualification for persons working in a childcare centre or providing home childcare and prescribing the requirements they must satisfy;

— determining the ratio between the number of staff members and the number of children who are received in a childcare centre or to whom childcare is being provided;