

Gouvernement du Québec

**O.C. 649-98, 13 May 1998**

An Act respecting the civil aspects of international and interprovincial child abduction in the Republic of South Africa and the Republic of Georgia (R.S.Q., c. A-23.01)

Application of the Act respecting the civil aspects of international and interprovincial child abduction in the Republic of South Africa and the Republic of Georgia

WHEREAS section 41 of the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01) provides that the Government, upon the recommendation of the Minister of Justice and, as the case may be, of the Minister responsible for Canadian Intergovernmental Affairs or the Minister of International Affairs, shall designate by order published in the *Gazette officielle du Québec* any State, province or territory in which he considers that Québec residents may benefit from measures similar to those set out in this Act;

WHEREAS that section also provides that the order shall indicate the date of the taking of effect of the Act for each State, province or territory designated in it;

WHEREAS the Republic of South Africa and the Republic of Georgia acceded to the Convention respecting the civil aspects of international child abduction on 1 October 1997;

WHEREAS under article 38 of that Convention, the accession of a State has effect only as regards the relations between the acceding State and such Contracting States as have declared their acceptance of the accession;

WHEREAS the Government considers that the Republic of South Africa and the Republic of Georgia are States in which Québec residents may benefit from measures similar to those set out in the Act respecting the civil aspects of international and interprovincial child abduction from the date of coming into force of the Convention between those States and Québec;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice and the Minister of International Relations:

THAT the Gouvernement du Québec accept the accession of the Republic of South Africa and the Republic of Georgia to the Convention respecting the civil aspects of international and interprovincial child abduction;

THAT the Republic of South Africa and the Republic of Georgia be designated as States in which the Act respecting the civil aspects of international and interprovincial child abduction applies;

THAT the Act take effect, with regard to those States, on a later date to be fixed by the Government.

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

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Gouvernement du Québec

**O.C. 662-98, 13 May 1998**

Automobile Insurance Act  
(R.S.Q., c. A-25)

**Société de l'assurance automobile du Québec**  
— **Processing of a claim for compensation or application for review**  
— **Recovery of sums owed**

Regulation respecting the processing of a claim for compensation or application for review and recovery of sums owed to the Société de l'assurance automobile du Québec

WHEREAS under paragraphs 20, 24 and 25 of section 195 of the Automobile Insurance Act (R.S.Q., c. A-25), the Société de l'assurance automobile du Québec may make regulations on matters referred to therein;

WHEREAS the Société made the Regulation respecting the processing of a claim for compensation or application for review and recovery of sums owed to the Société de l'assurance automobile du Québec;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 28 January 1998, with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with an amendment with respect to its date of coming into force;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport;

THAT the Regulation respecting the processing of a claim for compensation or application for review and

recovery of sums owed to the Société de l'assurance automobile du Québec, attached to this Order in Council, be approved.

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

## **Regulation respecting the processing of a claim for compensation or application for review and recovery of sums owed to the Société de l'assurance automobile du Québec**

Automobile Insurance Act  
(R.S.Q., c. A-25, s. 195, pars. 20°, 24°, 25°)

### **DIVISION I GENERAL RULES**

**1.** A Claim for Compensation or an Application for Review is made on a form supplied by the Société for that purpose, and signed by the claimant. An Application for Review must indicate the main reasons for challenging a decision.

**2.** A claim or an application is deemed to be filed with the Société on the date it is received at a Société office.

**3.** When a claim or an application is filed after the time period allowed under the Automobile Insurance Act (R.S.Q., c. A-25), the claimant must include a signed, written statement setting forth the reasons preventing him from acting before the time limit.

**4.** If a time limit occurs on a day on which the offices of the Société are closed, the time limit is extended to the following working day.

**5.** No document submitted shall be rejected because of faulty drafting or a procedural irregularity.

**6.** Before making a decision, the Société shall ensure that the claimant has had an opportunity to make known his observations and complete his case.

**7.** A claim or application may be withdrawn or modified at any time by means of an express notice to that effect. When this notice is given verbally, the Société shall take note and provide written confirmation of this to the claimant.

**8.** The Société shall send a decision in writing and the reasons for it to the claimant by mail, in care of his last address on record at the Société. A review decision shall be sent by certified or registered mail or priority post.

**9.** In the event of an interruption in postal service, the Société may use another method of conveyancing.

**10.** At the Société's request, a person acting as the agent of a claimant must produce a written statement, authorizing him to act as representative.

**11.** As soon as the Société is advised of the name of a representative, it shall provide the agent with a copy of all written communications it sent to the person represented.

**12.** The Société's officer responsible for rendering a decision on a claim for compensation or application for review, as the case may be, must withdraw where there is reasonable fear of bias, due to, in particular:

(1) a conflict of pecuniary interest;

(2) the existence of a personal, family, social, professional or business relationship with the claimant or an interested party;

(3) the officer's being or having been an interested party in an application for review or claim for compensation involving a matter like the one in question;

(4) the officer's public statements or prior positions in direct connection with a case;

(5) manifestations of hostility or interest in favouring a claimant or interested party.

### **DIVISION II RULES CONCERNING THE REVIEW OF A DECISION**

**13.** Upon receipt of an application for review, the Société shall communicate with the claimant:

(1) to provide necessary information on the Automobile Insurance Act as well as the review process and its role;

(2) to provide assistance in completing the review file;

(3) to clarify, where necessary, the decision challenged, reasons for the challenge and the end sought.

**14.** The review officer shall reexamine the relevant aspects of a case and the grounds for an initial decision, taking into consideration the observations of the claimant and any interested party along with additional documentation they submit to complete a case.

The review officer shall communicate with the claimant or any other person likely to shed light on a case.

**15.** Where the Société deems it necessary to ensure that a claimant has had the opportunity to present observations, it may decide to hold a hearing, in which event the claimant shall be notified in advance of the time and place of the hearing.

**16.** If the persons notified of a hearing are not present, the Société may proceed with a review of the decision on the basis of information already on file.

**17.** At any time before rendering its decision, the review officer may, on his own initiative, order an assessment by a health care professional.

The Société must forward a copy of the assessment report to the persons concerned, and allow them to present their observations concerning the report.

### DIVISION III RECOVERY OF SUMS OWED TO THE SOCIÉTÉ

**18.** Where a person has received compensation to which he or she is not entitled, the Société may, without prejudice to any legal recourse, deduct the amount of the debt from any amount due to that person, in the following manner:

(1) if the amount due is an indemnity payable every fourteen days, the Société may:

(a) reduce the amount of compensation by a percentage of 50 % until the sum owed is repaid in full;

(b) reduce the amount of compensation by a percentage than that indicated in subparagraph *a* where the consents to this or where it appears impossible to the entire sum owed because of the amount and foreseeable length of compensation payments;

(2) where the amount due is not compensation payable every days, the Société may subtract the sum owed from that amount pay any difference.

### DIVISION IV COMING INTO FORCE

**19.** This regulation replaces the Regulation respecting the rules of evidence and procedure before the Société de l'assurance automobile du Québec and recovery of sums owed to the Société, approved by Order in Council 1924-89 dated 13 December 1989.

**20.** Claims and applications already submitted to the Société when this regulation comes into force shall be processed under its provisions.

**21.** This regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

### O.C. 663-98, 13 May 1998

Highway Safety Code  
(R.S.Q., c. C-24.2)

#### Demerit points — Amendments

Regulation to amend the Regulation respecting demerit points

WHEREAS under paragraph 9 of section 619 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may by regulation establish a system of demerit points on the basis of which the Société de l'assurance automobile du Québec cancels a licence or suspends the right to obtain a licence; the system shall include a list of offences and the corresponding number of demerit points for each offence and determine the total number of demerit points entered in a person's file that entails the sending of a notice, the cancellation of a licence or the suspension of the right to obtain a licence;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting demerit points was published in Part 2 of the *Gazette officielle du Québec* of 12 November 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient that the Regulation be made by the Government without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the Regulation to amend the Regulation respecting demerit points, attached to this Order in Council, be made.

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