



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 166

(2001, chapter 33)

An Act to amend the Youth Protection Act

Introduced 1 December 2000

Passage in principle 30 May 2001

Passage 21 June 2001

Assented to 21 June 2001

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EXPLANATORY NOTES

This bill amends the Youth Protection Act to introduce new provisions enabling the Government to enter into an agreement with a first nation, a Native community, a group of Native communities or any other Native group for the establishment of a special youth protection program.

The bill also determines the framework within which such an agreement may be entered into.

Bill 166

AN ACT TO AMEND THE YOUTH PROTECTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Youth Protection Act (R.S.Q., chapter P-34.1) is amended by inserting the following after section 37.4 :

“DIVISION III

“NATIVE COMMUNITIES

“37.5. In order to better adapt the application of this Act to the realities of Native life, the Government is authorized, subject to the applicable legislative provisions, to enter into an agreement with a first nation represented by all the band councils of the communities making up that nation, with a Native community represented by its band council or by the council of a northern village, with a group of communities so represented or, in the absence of such councils, with any other Native group, for the establishment of a special youth protection program applicable to any child whose security or development is or may be considered to be in danger within the meaning of this Act.

The program established by such an agreement must be compatible with the general principles stated in this Act and with children’s rights thereunder, and is subject to the provisions of Division I of Chapter III thereof. In particular, the powers provided for in section 26 may be exercised with respect to the record relating to the case of a child to whom such an agreement applies.

The agreement shall specify the persons to whom it applies and define the territory in which the services are to be organized and provided. It shall identify the persons or authorities that will be entrusted with exercising, with full authority and independence, all or part of the responsibilities assigned to the director, and may provide, as regards the exercise of the entrusted responsibilities, procedures different from those provided for in this Act. The agreement shall contain provisions determining the manner in which a situation is to be taken in charge by the youth protection system provided for in this Act.

The agreement shall also provide measures to evaluate its implementation, and specify the cases, conditions and circumstances in which the provisions of the agreement cease to have effect.

To the extent that they are in conformity with the provisions of this section, the provisions of an agreement shall have precedence over any inconsistent provision of this Act and, as regards the organization and provision of services, of the Act respecting health services and social services or of the Act respecting health services and social services for Cree Native persons.

Any agreement entered into under this section shall be tabled in the National Assembly within 15 days of being signed, or, if the Assembly is not in session, within 15 days of resumption. It shall also be published in the *Gazette officielle du Québec*.”

2. Section 134 of the said Act is amended

(a) by inserting “, any person or authority to whom or to which responsibilities assigned to the director are entrusted under section 37.5,” after “33” in the second line of subparagraph *b* of the first paragraph ;

(b) by replacing “or the latter person” in the last line of subparagraph *b* of the first paragraph by “, that authority or that person” and by inserting “or its” after “his” in that line ;

(c) by inserting “or of any person or authority to whom or to which responsibilities assigned to the director are entrusted under section 37.5” after “director” in the second line of subparagraph *d* of the first paragraph ;

(d) by inserting “or of such a person or authority” after “director” at the end of subparagraph *d* of the first paragraph.

3. This Act comes into force on 21 June 2001.