

Draft Regulation

An Act respecting the Québec correctional system (2002, c. 24; 2005, c. 44)

Programs of activities for offenders

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting programs of activities for offenders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to implement the Act respecting the Québec correctional system which is to come into force on 5 February 2007. It includes the modifications made necessary by the trust status of the Fonds central de soutien à la réinsertion sociale.

To date, the draft Regulation has no financial impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Louise Lepage, Service du conseil à l'organisation, services correctionnels, Ministère de la Sécurité publique, 2525, boulevard Laurier, 11^e étage, Québec (Québec) G1V 2L2; telephone: 418 644-7754; fax: 418 644-5645.

Interested persons having comments to make on the draft Regulation are asked to send them in writing before the expiry of the 45-day period to Jacques P. Dupuis, Minister of Public Security, 2525, boulevard Laurier, 5^e étage, Québec (Québec) G1V 2L2.

JACQUES P. DUPUIS,
Minister of Public Security

Regulation respecting programs of activities for offenders

An Act respecting the Québec correctional system (2002, c. 24, s. 193, 1st par., subpars. 15 to 26; 2005, c. 44, s. 34)

1. A reintegration support fund is to establish a program of activities based on

(1) the specific characteristics of the correctional facility in which the program is established;

(2) the services, personnel, premises and facilities the fund manages or is authorized to use by the Minister of Public Security or the person designated by the Minister, or that may be available to the fund in the community;

(3) the skills of the inmates covered by the program;

(4) the number of persons to whom the program applies, distinguishing between persons held in the facility awaiting trial and persons serving a sentence;

(5) the nature of the activities, the possibilities of social reintegration they offer, in particular in terms of their educational value, the rate of participation they may achieve and their compatibility with the security in the facility;

(6) the duration and frequency of the activities in relation to the average stay of the inmates and the facility's rules of internal management;

(7) the cost of developing and operating the program; and

(8) the capacity of the fund to finance the program.

2. To implement a program of activities in a facility, a fund must

(1) establish a program of activities and submit it for approval to the Minister before 1 November of each year; the program must contain information on its objectives, the number of persons covered and the nature, duration and frequency of the activities planned;

(2) establish the annual operating budget and send it to the Minister with the program of activities; the annual operating budget must include information on anticipated costs, profit per activity, capital projects and proposed borrowings, and be sent with the agreements and contracts entered into or proposed with third persons; and

(3) implement the program of activities on 1 January of each year.

3. In establishing a program of activities, a fund must give priority to inmates as much for activities involving the production of goods and services as for planning, supervision and management activities.

The use of non-inmates must be warranted on grounds of security, lack of resources preventing fulfillment of contractual commitments, or inmates not having the specific skills needed.

4. In addition to the sums referred to in the third paragraph of section 75 of the Act respecting the Québec correctional system (2002, c. 24), the fund administered by a fund may be made up of

(1) proceeds from the sale of property belonging to the fund;

(2) sums loaned or given by another fund or by the Fonds central de soutien à la réinsertion sociale; and

(3) grants made to the fund.

5. A fund may financially assist inmates who do not receive any outside financial assistance.

Financial assistance may be granted to support a search for employment in the community or to promote participation in a program of activities. It may also be granted to assist an indigent.

A request for assistance must be made by the facility director.

Financial assistance may be granted in the form of an interest-free loan or a gift.

6. A member of the board of directors of a fund specially authorized for the purpose or the Minister, or another person designated by the board or the Minister, must deposit as soon as possible the sums collected for the fund or, as the case may be, the central fund, in a bank or a registered institution within the meaning of paragraph *b* or *e* of section 1 of the Deposit Insurance Act (R.S.Q., c. A-26).

Every payment from a fund must be made by cheque signed by two persons designated by the board of directors, one of whom must be a member of the board. For the central fund, cheques must be signed by two persons designated by the Minister.

Every investment of the sums referred to in the first paragraph belonging to a fund, except deposits in a bank or an institution referred to in that paragraph and the purchase of Québec or Canada savings bonds, requires the authorization of the Minister.

7. A contract referred to in paragraph 1 of section 87 of the Act must include

- (1) the total or maximum amount;
- (2) the number of hours of work required;
- (3) its term and start and end dates;
- (4) the obligations of third persons as employers; and

(5) the information sent to the fund for each inmate on the amount of work performed or the number of hours worked, the remuneration paid and the deductions made.

8. Borrowing by a fund exceeding \$25,000 or raising the balance of borrowings to more than \$25,000 must be authorized by the Minister.

A fund must ascertain from the Minister or another fund, as the case may be, that it may not obtain a loan from the central fund or that other fund before borrowing from another lender.

9. The Minister or the person designated by the Minister may, under a program of activities, permit a fund to use the services, personnel, premises and facilities of the facility when they are required for the program, provided that the facility director consents to such use and the cost and duration of use are set out in the agreement for use.

10. The facility director may not authorize an inmate in a facility to engage in activities without having considered

(1) the opinion of a health professional or one of the facility's correctional counsellors, in the case of a person with physical or mental health problems or drug or alcohol abuse problems; or

(2) the opinion of one of the facility's correctional counsellors, in the case of a person who may be a danger to himself or herself, to others or to the physical environment, or who is the subject of special protection or disciplinary measures or of a suspension of temporary absence or conditional release.

11. Inmates performing remunerated work under a program of activities are remunerated on a piece, lump sum or hourly, daily or weekly basis according to the program of activities.

The method of remuneration for inmates working outside the facility is the method agreed upon with their employer.

The method of remuneration for self-employed inmates is the net income from the sale of goods and services they produce.

Non-inmates performing duties under a program of activities may not receive remuneration greater than the remuneration paid by the Government for equivalent employment in the public service.

The fund must take out liability insurance for the persons referred to in the fourth paragraph.

12. In the case of liquidation of a fund, one or three liquidators must be appointed by the board of directors which is deemed to continue to exist for the purpose of the liquidation.

The services of the liquidator or liquidators are free of charge unless their remuneration has been previously determined by the board of directors.

The property of the fund is distributed as follows:

(1) the debts of the fund and the liquidation costs are paid first;

(2) property from gifts or legacies is returned, where applicable, to the donor or testator or their legal representatives in accordance with the provisions of the act constituting the gift or legacy; and

(3) any remaining assets are then distributed to the central fund.

At the end of the liquidation, the liquidator or liquidators must file with the Minister a liquidation report, the financial statements of the fund and the activities report for the fiscal year ending on the date of closing of the facility.

13. The Minister may dispose of the property other than sums making up the assets devolved to the central fund during liquidation by giving or selling the property to the funds of other facilities depending on their respective financial situation and needs in relation to their program of activities.

The Minister may dispose of the property referred to in the first paragraph as the Minister sees fit if the property is of no use to other funds.

14. In addition to the sums referred to in section 104 of the Act, the Fonds central de soutien à la réinsertion sociale is made up of

(1) the sums transferred to the fund at the time of the liquidation of a fund;

(2) the proceeds from the sale of property acquired by the central fund or the property transferred to it at the time of the liquidation of a fund; and

(3) grants made to the central fund.

15. The percentage used to calculate the amount that a fund must deduct from the remuneration owed to an inmate under the program of activities of a fund, for the purposes of section 91 of the Act, is fixed at 10%.

The percentage is calculated on remuneration after the deductions referred to in section 91 of the Act have been made.

16. The allowance that the facility director must give to an inmate, according to the second paragraph of section 91 of the Act, is determined at 50% of the amount paid by the fund to the facility director.

With the allowance received, an inmate may purchase items from the canteen for personal use or materials necessary to produce goods and services under the program of activities, or pay the cost of participating in the program.

Any sum owed to a fund by an inmate on the date of his or her release must be repaid out of the inmate's allowances or, if that is not possible, from sums credited to the inmate's savings account held in trust by the director.

17. Each fund must pay annually to the central fund the assessment determined by the Minister, which may not be less than 5% or more than 25% of the net revenues of the fund established by subtracting the sums used for financing its program of activities from the sums used to make up the fund.

18. This Regulation replaces the Regulation respecting programs of activities for confined persons made by Order in Council 1471-88 dated 28 September 1988 and the Community Work Regulation made by Order in Council 148-86 dated 19 February 1986.

19. This Regulation comes into force on 5 February 2007.

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Draft Regulation

An Act respecting the Québec correctional system
(2002, c. 24)

Regulation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation under the Act respecting the Québec correctional system, appearing below, may be made by the Government on the expiry of 45 days following this publication.