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## Draft Regulations

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### Draft Regulation

Individual and Family Assistance Act  
(R.S.Q., c. A-13.1.1)

#### Individual and family assistance — Amendments

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 to amend the Individual and Family Assistance Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes various amendments regarding last resort financial assistance. It provides that the benefit granted to a tutor appointed by the court under section 70.1 of the Youth Protection Act (R.S.Q., c. P-34.1), enacted by section 36 of chapter 34 of the Statutes of 2006, to take charge of a child be established according to the same rules as those applicable to a foster family, in particular the rules to determine eligibility for the temporarily limited capacity allowance and to exclude the financial assistance granted in consideration of tutorship.

The draft Regulation contains various provisions intended to exclude all money accumulated in a registered disability savings plan and the life payments from such a plan made for the benefit of a dependent child, excluding payments made for the benefit of an adult, up to \$300 per month for an independent adult or a family composed of only one adult and up to \$340 per month for a family composed of two adults.

The draft Regulation also excludes the sums paid under the Indian Residential Schools Settlement Agreement, the Pre-1986/Post-1990 Hepatitis C Settlement Agreement and the agreement concluded between the Commission des droits de la personne et des droits de la jeunesse and the Douglas Mental Health University Institute in respect of the former residents of Pavillon des Pins. Also, a recipient who receives amounts referred to in sections 135 and 136 of the Individual and Family Assistance Regulation, including those paid under those agreements, will not be required to repay benefits granted for the period during which the recipient waited for the right to be realized and intended to compensate, in whole or in part, for loss of income or loss of support.

Finally, in respect of compassionate care benefits granted under the Employment Insurance Act (S.C., 1996, c. 23), the draft Regulation provides for an exclusion of \$100 per month under the Social Solidarity Program and, under the Social Assistance Program, an exclusion of \$200 per month for an independent adult or a family composed of only one adult and \$300 per month for a family composed of two adults. Receiving compassionate care benefits will not cancel entitlement to the dentistry and pharmaceutical services referred to in sections 70 and 71.1 of the Health Insurance Act (R.S.Q., c. A-29) granted to an independent adult or a family that becomes ineligible for last resort financial assistance benefits by reason of work income.

The draft Regulation will have a positive impact on recipients of last resort financial assistance. It will have no financial impact on enterprises.

Further information on the draft Regulation may be obtained by contacting Christine Brockman, Direction des politiques de sécurité du revenu, Ministère de l'Emploi et de la Solidarité sociale, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1 (telephone: 418 646-7221; fax: 418 644-1299).

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Employment and Social Solidarity, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1.

SAM HAMAD,  
*Minister of Employment  
and Social Solidarity*

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## Regulation to amend the Individual and Family Assistance Regulation\*

Individual and Family Assistance Act  
(R.S.Q., c. A-13.1.1, s. 131, pars. 8 and 9, s. 132,  
pars. 1, 3, 4, 6, 7 and 10, 134, par. 1, and s. 136)

**1.** The Individual and Family Assistance Regulation is amended in section 12 by adding “or a tutor appointed by the court under section 70.1 of the Youth Protection Act (R.S.Q., c. P-34.1), enacted by section 36 of chapter 34 of the Statutes of 2006” after “foster family”.

**2.** Section 19 is amended by replacing “or a foster family” in subparagraph 2 of the second paragraph by “, a foster family or a tutor appointed by the court under section 70.1 of the Youth Protection Act, enacted by section 36 of chapter 34 of the Statutes of 2006, unless the child was a dependant of the tutor in the month preceding the month of the tutor’s appointment,”.

**3.** Section 42 is amended by adding the following at the end of the first paragraph: “The foregoing also applies to a tutor appointed by the court under section 70.1 of the Youth Protection Act, enacted by section 36 of chapter 34 of the Statutes of 2006, in respect of the child under tutorship.”.

**4.** Section 50 is amended by replacing “or parental” in the first paragraph by “, parental or compassionate care”.

**5.** The following is added after section 63:

“**63.1.** A temporarily limited capacity allowance is added to the basic benefit if an independent adult or an adult member of a family has charge of a child for whom he or she was appointed tutor by the court under section 70.1 of the Youth Protection Act, enacted by section 36 of chapter 34 of the Statutes of 2006.”.

**6.** Section 72 is amended by replacing what follows “foster family” in the second paragraph by “, sheltered by an institution operating a rehabilitation centre or taken in charge by a tutor appointed by the court under section 70.1 of the Youth Protection Act, enacted by section 36 of chapter 34 of the Statutes of 2006.”.

**7.** Section 73 is amended by replacing what follows “foster family” in the second paragraph by “, sheltered by an institution operating a rehabilitation centre or taken in charge by a tutor appointed by the court under section 70.1 of the Youth Protection Act, enacted by section 36 of chapter 34 of the Statutes of 2006.”.

**8.** Section 111 is amended

(1) by inserting the following after paragraph 3:

“(3.1) sums received by a tutor appointed by the court under section 70.1 of the Youth Protection Act, enacted by section 36 of chapter 34 of the Statutes of 2006, to take in charge a child;”;

(2) by striking out all that follows “tax credits” in paragraph 12;

(3) by adding the following paragraphs at the end:

“(29) lifetime payments made for the benefit of an adult from a registered disability savings plan, up to a maximum of \$300 per month for an independent adult or a family composed of only one adult and \$340 per month for a family composed of two adults; and

(30) lifetime payments made for the benefit of a dependent child from a registered disability savings plan.”.

**9.** Section 114 is amended by replacing “or parental” in the second paragraph by “, parental or compassionate care”.

**10.** The following paragraphs are added at the end of section 135:

“(12) the Indian Residential Schools Settlement Agreement concluded between the Attorney General of Canada and the other parties concerned, effective as of 19 September 2007; or

(13) the Pre-1986/Post-1990 Hepatitis C Settlement Agreement concluded between the Attorney General of Canada and the other parties concerned.”.

**11.** The following paragraph is added at the end of section 136:

“(8) the agreement concluded between the Commission des droits de la personne et des droits de la jeunesse and the Douglas Mental Health University Institute, on 21 June 2007, in respect of the former residents of Pavillon des Pins.”.

\* The Individual and Family Assistance Regulation, made by Order in Council 1073-2006 dated 22 November 2006 (2006, G.O. 2, 3877), was last amended by the regulations made by Orders in Council 1064-2007 dated 28 November 2007 (2007, G.O. 2, 3688), 456-2008 dated 7 May 2008 (2008, G.O. 2, 1333) and 573-2008 dated 3 June 2008 (2008, G.O. 2, 2123). For previous amendments, refer to the *Tableau des modifications et Index Sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

**12.** The following paragraph is added at the end of section 138:

“(13) sums accumulated in a registered disability savings plan, including sums paid into the plan in the form of Canada Disability Savings Bonds and Canada Disability Savings Grants, for the benefit of an independent adult or a family member who may dispose of them in the short term, according to the terms and conditions applicable to that plan.”.

**13.** The following paragraph is added at the end of section 146:

“(9) sums accumulated in a registered disability savings plan, including sums paid into the plan in the form of Canada Disability Savings Bonds and Canada Disability Savings Grants, for the benefit of an independent adult or a family member who may not dispose of them in the short term, according to the terms and conditions applicable to that plan.”.

**14.** Section 162 is amended by replacing “or parental” by “, parental or compassionate care”.

**15.** Section 181 is amended by adding the following paragraph:

“A person is not required to repay an amount granted under a last resort financial assistance program if the value of the right realized is composed of amounts referred to in sections 135 and 136 and intended to compensate, in whole or in part, for loss of income or loss of support.”.

**16.** This Regulation comes into force on 1 October 2008, except paragraph 3 of section 8 and sections 12 and 13, which come into force on 1 December 2008.

8817

## Notice

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001)

### Applicable percentages for the purposes of levying the assessment on employers personally liable for the payment of benefits for 2009

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that upon the expiry of 45 days following this publication the “Regulation respecting the applicable percentages for the purposes of levying the assessment on employers

personally liable for the payment of benefits for 2009”, the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail.

This draft regulation seeks to determine the percentages that the Commission must use in order to levy on employers personally liable for the payment of benefits the expenses that it incurs for the application of Chapter X of the Act respecting industrial accidents and occupational diseases.

The examination of this file reveals no significant impact on the enterprises directly concerned by this regulation given that the Commission de la santé et de la sécurité du travail already adopted such percentages on an annual basis.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of this period, to Mr. André Beauchemin, Vice-Chairman, Finance, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2.

LUC MEUNIER,  
*Chairman of the Board and  
Chief Executive Officer of  
the Commission de la santé  
et de la sécurité du travail*

## Regulation respecting the applicable percentages for the purposes of levying the assessment on employers personally liable for the payment of benefits for 2009

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001, s. 454, par. 1, subpar. 16)

**1.** The purpose of this regulation is to determine the applicable percentages for the purposes of levying the assessment on employers personally liable for the payment of benefits to defray the costs for the administration of Chapter X of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) under Section 343 of said act.

**2.** The applicable percentages for employers under federal jurisdiction are:

- (1) 28.0% when the benefits are paid by the Commission;
- (2) 25.7% when the benefits are paid by the employer.