

“28. Where insurable earnings from employment and insurable earnings from a business or as a family-type resource or intermediate resource are considered, the average of the insurable earnings is equal to 1/52 of the total of the insurable earnings from employment and the insurable earnings from a business or as a family-type resource or intermediate resource for the year preceding the beginning of the person’s benefit period.”.

4. Section 29 is amended

(1) by inserting “or as a family-type resource or intermediate resource” after “from a business” in the first paragraph;

(2) by replacing the second paragraph by the following:

“Where insurable earnings from employment and insurable earnings from a business or as a family-type resource or intermediate resource are considered, the average of the insurable earnings is equal to 1/52 of the total of the insurable earnings from employment and the insurable earnings from a business or as a family-type resource or intermediate resource established for the qualifying year.”.

5. Section 31 is amended

(1) by inserting “or are obtained as a family-type resource or intermediate resource” after “from a business”;

(2) by adding the following at the end:

“For a family-type resource or intermediate resource, the first calendar year of operation is that during which it is subject, for the first time, to an agreement signed under the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (R.S.Q., c. R-24.0.2) or to a decision of the Minister of Health and Social Services made with the authorization of the Conseil du trésor pursuant to the Act respecting health services and social services (R.S.Q., c. S-4.2).

Despite the foregoing, if the insurable earnings obtained as a family-type resource or intermediate resource are received in the year following its obligation to one of the abovementioned texts, the first calendar year of operation is the year during which the insurable earnings are received.”.

6. Section 31.2 is amended by inserting “or as a family-type resource or intermediate resource” after “from a business” in the fifth paragraph.

7. Section 31.3 is amended

(1) by inserting “or as a family-type resource or intermediate resource” after “from a business” in the part that precedes subparagraph 1 of the first paragraph;

(2) by inserting “or as a family-type resource or intermediate resource” after “from a business” in subparagraph 3 of the first paragraph.

8. This Regulation comes into force on 1 January 2012.

1782

Gouvernement du Québec

O.C. 1212-2011, 30 November 2011

Public Curator Act
(R.S.Q., c. C-81)

**Regulation
— Amendment**

Regulation to amend the Regulation respecting the application of the Public Curator Act

WHEREAS the Regulation respecting the application of the Public Curator Act was made by Order in Council 361-90 dated 21 March 1990 and amended by Orders in Council 602-92 dated 15 April 1992, 594-99 dated 26 May 1999, 203-2000 dated 1 March 2000, 488-2002 dated 24 April 2002 and 787-2004 dated 10 August 2004;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the application of the Public Curator Act was published in Part 2 of the *Gazette officielle du Québec* of 7 September 2011 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Family:

THAT the Regulation to amend the Regulation respecting the application of the Public Curator Act, attached to this Order in Council, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Public Curator Act

Public Curator Act
(R.S.Q., c. C-81, s. 68, pars. 6 and 7)

1. The Regulation respecting the application of the Public Curator Act (c. C-81, r. 1) is amended in the second paragraph of section 9 by replacing “2%” by “1.5%”.

2. Section 14 is amended by striking out “Bureau 500.”.

3. Chapter I of Schedule II is replaced by the following:

“CHAPTER I PERSONS REPRESENTED

(1) The fees that the Public Curator may, as applicant, charge for activities relating to the institution of protective supervision are established as follows and payable at the latest at the end of the supervision if public protective supervision is instituted, or on the rendering of the judgment if private protective supervision is instituted:

— on 1 November 2011: \$1,400;

— on 1 April 2012: \$1,700;

— on 1 April 2013: \$2,000.

(2) The fees that the Public Curator may charge for activities relating to the protection of a person are established as follows:

— on 1 November 2011: \$900 per year;

— on 1 April 2012: \$950 per year;

— on 1 April 2013: \$1,000 per year.

That sum is payable only after the death of the person represented if the death occurs while the person is under public protective supervision.

(3) The fees that the Public Curator may charge in relation to the administration of property entrusted to the Public Curator are as follows:

(1) for the collection of information for the purposes of an inventory of the property of the person represented

(a) within the scope of an internal investigation: \$1,050;

(b) within the scope of an external investigation requiring travel: \$1,050, to which a fee of \$85 per hour is added after the first 12 hours;

(c) for any other mandate carried out by an investigator: \$85 per hour;

(2) for the planning of the initial administration of the patrimony:

(a) by a technician: \$500 per file;

(b) by a professional: \$1,000 per file;

(3) for the planning and administration of the annual budget and the administration of movables:

— on 1 November 2011: \$375 per year;

— on 1 April 2012: \$400 per year;

— on 1 April 2013: \$425 per year;

(4) for the recovery of a hypothecary loan or other receivable:

— on 1 November 2011: \$400 per year;

— on 1 April 2012: \$450 per year;

— on 1 April 2013: \$485 per year;

(5) for the payment of a hypothecary loan or other debt: \$90 per year;

(6) for the alienation of a movable other than a security, for the purchase or sale of a motor vehicle: 25% of the transaction value, up to a maximum amount of \$1,000 per transaction;

(7) for the establishment of the Public Curator’s authority on every immovable entrusted to the administration of the Public Curator: \$525;

(8) for the administration of

(a) land: \$75 per year;

(b) residential immovables: \$630 per year;

(c) rental residential immovables having less than 4 dwellings: \$2,222 per year;

(d) rental residential immovables having 4 dwellings or more or any other immovable and management of a commercial enterprise or other: \$3,072 per year;

(9) for the preparation and supervision of the sale of immovables: 25% of the transaction value, up to a maximum amount of \$2,500 per transaction;

(10) for the administration of insurance: \$60 per policy, per year;

(11) for the filing of a fiscal return: \$30 per return;

(12) for the administration of investments other than those referred to in section 9 of the Regulation

(a) for cash on hand with brokers and any deposit certificate: 0.25% per year;

(b) for shares and mutual funds: 1% per year;

(c) for bonds, RRSPs and other related tax schemes: 0.50% per year;

each percentage being calculated monthly based on the average assets;

(13) for the rendering of an account and transfer during the lifetime of the person represented:

— on 1 November 2011: \$400;

— on 1 April 2012: \$500;

— on 1 April 2013: \$550;

(14) for the rendering of an account and transfer after the death of the person represented:

— on 1 November 2011: \$2,000;

— on 1 April 2012: \$2,100;

— on 1 April 2013: \$2,200;

(15) for an intervention of a legal nature:

(a) examine and comment a legal document or any new judicial proceedings: \$250;

(b) initiate and follow judicial proceedings by a trustee: \$120 per hour;

(c) appoint independent jurists: \$350;

(d) negotiate an agreement, intervene or act before any administrative or judicial proceeding: \$150 per hour;

(e) prepare and write a formal notice: \$200;

(16) (a) for the settlement of a succession in favour of the person represented: \$1,200 per file;

(b) for the settlement of a succession involving a commercial enterprise, immovable property, financial abuse or partition of the family patrimony or matrimonial regime: \$1,700 per file;

(17) for the liquidation of a succession: \$120 per hour.”.

4. The first paragraph of section 6 of Schedule II is replaced by the following:

“(6) The hourly rate or lump-sum fees are indexed on 1 April of each year according to the rate corresponding to the annual change in the overall average Québec consumer price index without alcoholic beverages and tobacco products for the 12-month period ending on 31 December of the preceding year.”.

5. This Regulation comes into force on 1 January 2012.

1783

Gouvernement du Québec

Regulation respecting the advisory panel of the Institut national d'excellence en santé et en services sociaux

An Act respecting the Institut national d'excellence en santé et en services sociaux
(R.S.Q., c. I-13.03)

Institut national d'excellence en santé et en services sociaux
— **Advisory panel**

DIVISION I

TERM OF OFFICE AND ROLE

1. The Institut national d'excellence en santé et en services sociaux (hereinafter “institute”) must establish, by by-law, an advisory panel for the health and social services sectors and determine the profile of the persons who may sit on the panel. The composition of the panel must be representative of the providers and groups for whom the recommendations and practice guides drawn up under paragraph 2 of section 5 of the Act respecting the Institut national d'excellence en santé et en services sociaux are intended.