



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 57
(2005, chapter 15)

Individual and Family Assistance Act

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Passage 15 June 2005
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EXPLANATORY NOTES

The purpose of this bill is to implement measures, programs and services designed to foster the economic and social self-sufficiency of persons and families, within the framework of the principles and policy directions set out in the Act to combat poverty and social exclusion. A further purpose of this bill is to encourage persons to engage in activities that promote their social integration, their entry on the labour market and their active participation in society.

To those ends, the bill provides that the Minister of Employment and Social Solidarity may establish employment-assistance and social assistance and support measures, programs and services. The bill authorizes the Minister to establish a Social Assistance and Support Program for recipients of last resort financial assistance who require special help and support in view of their socio-professional profile. The bill also allows the Minister to grant a person an employment-assistance allowance or a support allowance, to foster that person's active participation in society or entry on the labour market.

The bill also establishes various financial assistance programs to which certain common provisions pertaining in particular to eligibility and to mutual rights and obligations apply.

The bill first establishes the Social Assistance Program, the purpose of which is to grant last resort financial assistance to persons whose capacity for employment is not severely limited and to encourage such persons to engage in activities promoting their entry on the labour market and their social and community participation. The program established by the bill contains the principle of a minimum benefit. In other words, a benefit granted within the framework of this program may not be reduced for failure to take steps with a view to entering the labour market, in particular for refusing to take a job or leaving or losing a job. Furthermore, the program contains a provision allowing a person or a family to own certain property or liquid assets in order to facilitate actions enabling them to regain economic self-sufficiency.

The bill also establishes the Social Solidarity Program, the purpose of which is to grant last resort financial assistance to persons whose capacity for employment is severely limited and to foster the inclusion and social participation of such persons and their active contribution to society. In addition, the bill establishes

the Youth Alternative Program, the purpose of which is to support young adults who require financial assistance to meet their basic needs, in order to encourage them to engage in activities enabling them to acquire or regain personal, social and vocational self-sufficiency. The bill gives the Minister the power to create specific programs in order to give financial assistance to persons and families with particular difficulties.

The bill also contains provisions regarding the exchange of information required for its administration and establishes the cases and conditions for recovering amounts paid without entitlement within the framework of the measures and programs provided for. The bill sets out the remedies a person may exercise against certain decisions rendered by the Minister and contains provisions concerning inspection and investigation, as well as penal provisions. Lastly, the bill contains amending, transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Legal Aid Act (R.S.Q., chapter A-14);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting prescription drug insurance (R.S.Q., chapter A-29.01);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Pay Equity Act (R.S.Q., chapter E-12.001);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère de l’Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting labour standards (R.S.Q., chapter N-1.1);

- Act to facilitate the payment of support (R.S.Q., chapter P-2.2);
- Act respecting the Régie de l'assurance maladie du Québec (R.S.Q., chapter R-5);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.2);
- Act respecting assistance and compensation for victims of crime (1993, chapter 54).

LEGISLATION REPLACED BY THIS BILL:

- Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001).

Bill 57

INDIVIDUAL AND FAMILY ASSISTANCE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

PURPOSE, MEASURES, PROGRAMS AND SERVICES

CHAPTER I

GENERAL PRINCIPLES AND POWERS

1. Within the framework of the principles and policy directions set out in the Act to combat poverty and social exclusion (R.S.Q., chapter L-7), the purpose of this Act is to implement measures, programs and services designed to foster the economic and social self-sufficiency of persons and families.

A further purpose of this Act is to encourage persons to engage in activities that promote their social integration, their entry on the labour market and their active participation in society.

2. The measures, programs and services implemented under this Act are established to support persons in their efforts to achieve and maintain economic and social self-sufficiency, as they are the first to act to improve their situation and that of their families.

3. To those ends, the Minister of Employment and Social Solidarity offers reception, assessment and referral services. The Minister may also offer employment-assistance and social assistance and support measures, programs and services, and administer the financial assistance programs established under Title II.

4. These employment-assistance measures, programs and services focus on the components of an active labour market policy, that is, job preparation, integration and retention as well as job stabilization and job creation.

5. Within the scope of the employment-assistance measures, programs and services, the Minister may, among other things,

- (1) collect and disseminate labour market information;
- (2) offer placement services;

- (3) provide funding for courses, training programs or professional services;
- (4) support bodies that provide employment-assistance services;
- (5) offer means to facilitate the participation of handicapped persons in employment-assistance measures, programs and services, in order to foster their entry on the labour market and their job retention, whether in a regular work environment or in an adapted enterprise;
- (6) assist employers, employee or employer associations, community bodies and regional or local communities in developing and implementing strategies for dealing with changes in the labour force and meeting manpower requirements;
- (7) help improve labour market efficiency and minimize the impact of labour market restructuring;
- (8) promote the development of labour market policy instruments and management tools; and
- (9) support research and innovation in order to identify better ways of helping persons obtain or keep employment.

6. The Minister may also assist persons in their efforts to enter, re-enter or remain on the labour market, in particular by helping them obtain skills for employment, ranging from basic to specific skills, by encouraging them to accept employment and by providing them with employment opportunities.

7. Within the scope of the social assistance and support measures, programs and services, the Minister may, in particular,

- (1) offer personalized support to help persons in their efforts to achieve social and professional integration and self-sufficiency;
- (2) refer persons to specialized external resources for interventions adapted to their needs; and
- (3) favour local and regional initiatives designed for groups of persons facing common or special difficulties.

8. The Minister may enter into agreements, in particular within the scope of pilot projects, with any person, association, partnership or body to promote specific projects fostering the social and community integration of persons and families.

After analysis, the Minister determines the standards applicable to the pilot projects. The Minister may at any time modify a pilot project or terminate it after advising the person, association, partnership or body concerned.

9. The Minister may assess a person’s circumstances and offer measures, programs and services appropriate to the person’s needs.

The Minister may also propose that a person engage in certain activities, in particular as part of an “Individualized Integration, Training and Employment Plan”.

10. As regards certain employment activities a person engages in within the framework of a measure or a program, the Minister may sign a written agreement with the person and, where applicable, with the person for whom the work is performed. The Minister may include conditions of employment in the agreement. The agreement may also, for the purposes determined by the Minister, require the person for whom the work is performed to consult, before the work begins, the association of employees legally recognized to represent the members of the bargaining unit concerned.

In this agreement, the Minister may also provide for the payment of financial assistance to the employer, in the form of wage subsidies, for instance.

11. Except in the cases and to the extent determined by regulation, the provisions of Chapter III of the Public Administration Act (R.S.Q., chapter A-6.01), the Labour Code (R.S.Q., chapter C-27), the Act respecting collective agreement decrees (R.S.Q., chapter D-2), the Public Service Act (R.S.Q., chapter F-3.1.1) and the Act respecting labour standards (R.S.Q., chapter N-1.1) apply to an employment activity engaged in within the framework of a measure or a program established by the Minister.

12. Within the framework of employment-assistance and social assistance and support measures, programs and services, the Minister may grant financial assistance, subject to the conditions set out in this Act or, if there are no such conditions, subject to those determined by the Minister.

13. Within the framework of employment-assistance measures, programs and services, the Minister may offer a person financial assistance, in particular to

- (1) allow the person to complete training or acquire vocational qualifications;
- (2) allow the person to acquire work skills and experience, thereby improving the person’s employment prospects; and
- (3) assist the person in efforts to enter, re-enter or remain on the labour market.

14. Financial assistance granted to a person participating in an employment-assistance measure or program may be paid, for instance, in the form of an employment-assistance allowance or the reimbursement of additional expenses.

If the person is a recipient under a financial assistance program provided for in Title II, the amount granted as an employment-assistance allowance may not be less than the amount prescribed by regulation.

15. In the cases and under the conditions determined by the Minister, the Minister may establish a Social Assistance and Support Program for recipients under the Social Assistance Program or the Social Solidarity Program who require special help and support in view of their socio-professional profile.

To that end, the Minister may enter into an agreement with a body under which the body offers that help and support in order to assist those persons in taking steps toward an active participation in society and to provide them with adequate preparation to participate in an employment-assistance measure or program and improve their prospects of entering the labour market.

That assistance may in particular contribute to

- (1) reinforcing their interest in moving forward;
- (2) identifying their needs;
- (3) developing or maintaining certain skills, attitudes or behaviours; and
- (4) finding ways to remove the obstacles to their socio-professional development.

16. In the cases and under the conditions determined by the Minister, the Minister may grant financial assistance, in particular in the form of a support allowance, to a person participating in a Social Assistance and Support Program or measure.

If the person is a recipient under the Social Assistance Program or the Social Solidarity Program, the support allowance is determined by regulation and added to the basic benefit amount applicable to the person. As part of an agreement entered into with a body to implement the program, the Minister may also provide for the payment of financial assistance to that body.

17. Subject to the conditions the Minister determines, the Minister may recognize as an employment-assistance allowance or a support allowance financial assistance paid to a recipient under the Social Assistance Program or the Social Solidarity Program by a person, an association, a partnership or a body with which that recipient engages in activities of the same nature as those for which such allowances are granted.

For the purposes of this Act, financial assistance granted as an employment-assistance allowance to a Native person under a manpower and employment agreement entered into with the Government of Canada and determined by regulation is financial assistance recognized by the Minister as an employment-assistance allowance.

18. In the cases and under the conditions prescribed by regulation, financial assistance granted by the Minister as an employment-assistance allowance, or financial assistance recognized as an employment-assistance allowance or a support allowance, is excluded from the calculation of the benefit granted under the Social Assistance Program or the Social Solidarity Program, up to the amount prescribed by regulation for each allowance.

19. Except in the cases and under the conditions prescribed by regulation, a person may not concurrently receive

(1) an employment-assistance allowance and a support allowance, whether granted by the Minister or paid by a third person and recognized by the Minister;

(2) an employment-assistance allowance granted by the Minister and financial assistance the Minister recognizes as an employment-assistance allowance; or

(3) a support allowance granted by the Minister and financial assistance the Minister recognizes as a support allowance.

20. Financial assistance granted under this Act to a natural person who is not an employer is unassignable and unseizable, with the exception of the part of an employment-assistance allowance exceeding an amount determined by regulation, up to 50% of which may be seized for non-payment of support.

21. The powers of the Minister in matters of manpower and employment under this Title are exercised in agreement with the provisions of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001), particularly as concerns the functions and powers of the Commission des partenaires du marché du travail and of the regional councils of labour market partners.

As provided in that Act, the provincial, regional and local implementation and management of the manpower and employment measures and programs under the responsibility of the Minister and the provision of public employment services are entrusted to Emploi-Québec.

CHAPTER II

COMMON PROVISIONS

DIVISION I

DEFINITIONS

22. The word “spouses” means

(1) persons who are married or in a civil union with each other and who cohabit;

(2) persons of opposite sex or the same sex who cohabit and who are the parents of a child, unless they establish that their cohabitation is temporary and results from exceptional circumstances related to a serious health problem of one of them or of one of their children;

(3) persons of full age of the opposite or the same sex who live together in a de facto union and who, at any one time, cohabited for a period of not less than one year.

Such persons remain spouses or, for the purposes of subparagraph 3 of the first paragraph, are presumed to have continued to cohabit despite the temporary absence of one of them.

23. Subject to the cases and conditions determined by regulation, the following persons are considered to be dependants of their father or their mother or of another adult designated by regulation if they are dependent on one of those persons for their basic needs:

(1) minor children who are neither fully emancipated nor the father or mother of a child who is their dependant; and

(2) children of full age who attend an educational institution and who are neither the spouse of another person nor married nor in a civil union nor the father or mother of a child who is their dependant.

24. An adult is a person other than a dependent child.

25. A family is composed of

(1) an adult and the adult's dependent children;

(2) spouses and their dependent children or the dependent children of either spouse; or

(3) spouses who have no dependent children.

Despite the first paragraph, a person remains, ceases to be or becomes a member of a family in the circumstances determined by regulation, and an adult who does not meet the eligibility requirements set out in section 26 or to whom paragraph 2 of section 27 applies is not considered a member of a family.

DIVISION II

GENERAL ELIGIBILITY REQUIREMENTS

26. To be eligible for financial assistance, an adult must reside in Québec within the meaning of the regulation and in the cases and under the conditions determined by that regulation, and be

(1) a Canadian citizen within the meaning of the Citizenship Act (Revised Statutes of Canada, 1985, chapter C-29);

(2) an Indian registered as an Indian under the Indian Act (Revised Statutes of Canada, 1985, chapter I-5);

(3) a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27); or

(4) a person to whom asylum has been granted in Canada by the competent Canadian authorities in accordance with the Immigration and Refugee Protection Act.

However, an adult in any class of persons other than those referred to in subparagraphs 1 to 4 of the first paragraph may be eligible in the cases and under the conditions determined by regulation. Eligibility may be limited by regulation, however, to certain programs, benefits or allowances.

27. The following are not eligible for financial assistance, except in the cases and under the conditions determined by this Act or by regulation:

(1) adults attending, within the meaning of the regulation, a secondary-level educational institution in a vocational program or a postsecondary educational institution, and families that include such an adult;

(2) adults who are members of a religious community that has the means to provide for its members;

(3) independent adults who are minors who are not fully emancipated;

(4) adults incarcerated in a penitentiary or detained in a house of detention or any other prison, or required to reside in a half-way house.

28. Subject to the conditions the Minister determines, the Minister may, however, offer an employment-assistance or social assistance and support measure, program or service to a person who does not meet the eligibility requirements set out in sections 26 and 27.

DIVISION III

RECIPROCAL RIGHTS AND OBLIGATIONS

29. The Minister must assist any person who requests it to facilitate the person's understanding of and access to a measure, a program or a service. Among other things, the Minister must assist the person in making an application for financial assistance.

30. A person wishing to obtain financial assistance must apply to the Minister according to the procedure the Minister prescribes and provide the Minister with any document or information necessary to ascertain the person's eligibility or the eligibility of the person's family, and to determine the amount of the assistance to be granted.

An application for last resort financial assistance, however, must be submitted according to the procedure prescribed by regulation.

The Minister must record in the person's file any application the person makes within the framework of a program or measure.

31. A person required to produce a medical report must produce it according to the procedure prescribed by the Minister.

Moreover, when the Minister considers it appropriate, the person must undergo another medical examination, carried out by the physician designated by the Minister, to verify whether the person's capacity for employment is severely limited or whether the person is unable, owing to the person's physical or mental condition, to engage in a job preparation, integration or retention activity. An unfavourable decision of the Minister must be accompanied by the report of the physician so designated by the Minister.

32. The Minister must examine applications for financial assistance made in accordance with section 30 and make a decision promptly. An unfavourable decision must be made in writing.

33. The Minister must provide a person to whom financial assistance is granted with information that is as comprehensive as possible and that takes into consideration the circumstances declared by the person, on

(1) rights and obligations under this Act; and

(2) the measures, programs and services available under this Act as well as the credit for child assistance and the credit granting a work premium under the Taxation Act (R.S.Q., chapter I-3), the national child benefit supplement granted by the Government of Canada, the Housing Allowance Program administered by the Société d'habitation du Québec and the special health insurance services offered by the Régie de l'assurance maladie du Québec to persons eligible under a last resort financial assistance program, and the manner of gaining access to them.

34. When, due to particular circumstances or in view of their past conduct in the administration of property, an independent adult or the adult members of a family are unable to administer the financial assistance granted to them, the Minister may, subject to the conditions determined by regulation, pay the financial assistance to a person or body designated by the Minister.

The person or body must administer the financial assistance according to the standards prescribed by regulation and report to the Minister on the requisite form.

35. In particular within the framework of pilot projects, the Minister may enter into an agreement with a body under which the body offers information, conciliation and support services to persons who are eligible under a financial assistance program provided for in Title II and whose housing situation is precarious or who have difficulty paying their rent.

Such an agreement may not, however, provide for a benefit to be administered by the body or by a third person.

36. Except in the cases prescribed by regulation, persons receiving financial assistance must give prompt notice to the Minister of any change in their circumstances or the circumstances of their family that may affect their eligibility or continued eligibility for the measure, program or service, or the financial assistance granted.

Such persons must also file a short form statement in the cases prescribed by regulation, and a complete statement whenever the Minister considers it necessary, but not more often than once per 12-month period, to ascertain the persons' eligibility or the eligibility of their family under a financial assistance program provided for in Title II or to determine the amount of the assistance to be granted. The statements must be filed in the manner determined by the Minister.

The Minister may cease to pay financial assistance if a statement is not filed within the prescribed time limit, unless the recipient proves that timely filing was impossible.

37. At least 10 days before reducing or ceasing to pay an amount granted under this Act on the ground that a person did not declare his or her real circumstances, the Minister must give the person a written notice, with reasons.

The person may submit observations before the effective date of the Minister's decision and, if need be, produce documents to complete the file.

38. The Minister must take the necessary measures to ensure the quality of the services offered and establish a complaint processing procedure for matters governed by this Act.

A person may apply to the Minister for information on any matter within the scope of this Act, or for assistance in safeguarding that person's rights.

39. The Minister must also

(1) monitor the level of satisfaction of persons and families having taken advantage of the measures, programs or services offered;

(2) take the appropriate measures to remedy or prevent the re-occurrence of prejudicial situations and prevent the occurrence of similar situations; and

(3) give due consideration to the opinions and observations expressed by persons and families having taken advantage of measures, programs or services.

40. An administrative unit separate from the units responsible for providing the services or implementing the measures or programs provided for in this Act must be designated by the Minister to provide information on any matter governed by this Act and to process complaints.

41. Requests received by the administrative unit must be processed promptly and complaints must be examined and analyzed, unless they are clearly unfounded, for instance, if they do not pertain to one of the matters governed by this Act.

42. The complainant must be informed of the results of the examination of the complaint, as well as of any applicable remedy procedures.

Confidential information may not be disclosed under the first paragraph.

43. The administrative unit designated by the Minister under section 40 must prepare an annual activity report.

The report must contain the information required by the Minister and indicate the number of complaints received, the follow-up given to the complaints, and the level of satisfaction of persons having applied to the unit as well as any recommendation concerning the services it provides.

The report is submitted to the Minister. It is included in the annual management report of the Ministère de l'Emploi et de la Solidarité sociale.

TITLE II

FINANCIAL ASSISTANCE PROGRAMS

CHAPTER I

SOCIAL ASSISTANCE PROGRAM

DIVISION I

PURPOSE AND ELIGIBILITY

44. The purpose of the Social Assistance Program is to grant last resort financial assistance to persons whose capacity for employment is not severely limited. A further purpose is to encourage such persons to engage in activities promoting their entry on the labour market or their social and community participation.

45. To foster the objectives of the Social Assistance Program, the Minister may, in accordance with Title I, offer employment-assistance and social assistance and support measures, programs and services to persons eligible under the program and, where applicable, adapt those measures, programs and services to meet the needs of persons with particular difficulties.

46. The Minister implements mechanisms facilitating coordinated action with the other departments and bodies concerned, in order to offer continuous, integrated services to persons and families eligible under the program.

47. An independent adult or a family may not receive a benefit under the Social Assistance Program if the adult or an adult member of the family is eligible under the Social Solidarity Program.

48. To receive a benefit under the program, independent adults or families must establish that, according to the rules set out in Division II of this chapter, their resources fall short of the amount that is necessary to provide for their needs, given the basic benefit amount applicable to them combined with the amount of any applicable allowances or adjustments for adults, any support allowance granted by the Minister under Chapter I of Title I, any adjustments for dependent children and any applicable special benefits.

However, adults or families who, at the time of the application, own liquid assets in excess of the amount determined by regulation are not eligible under the program. Such adults or families are ineligible from the date of application to the last day of the month.

49. The Minister may grant a benefit to an independent adult or a family that is not eligible under the program for a reason other than the reason set out in paragraph 1 of section 27, or not entitled to a benefit although eligible under the program, if, in the Minister's opinion, the adult or the members of the family would, without that benefit, be in circumstances that could endanger their health or safety or lead to complete destitution.

50. In the cases and under the conditions determined by regulation, the Minister may grant a benefit to an independent adult or a family that is no longer eligible under the program.

51. The Minister includes a statement of the benefits granted under section 49 and the reasons for which they were granted in the annual report required under section 15 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001).

Despite subparagraph 4 of the first paragraph of section 57 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), the names and addresses of recipients of such a benefit are not public information.

DIVISION II

ESTABLISHMENT AND PAYMENT OF BENEFIT

52. The benefit granted to an independent adult or a family under the Social Assistance Program takes the form of a social assistance benefit.

It is established using the basic benefit applicable to that adult or family and taking into consideration the amount, the cases and the conditions provided for by regulation.

53. A temporarily limited capacity allowance is added to the basic benefit when an independent adult or an adult member of a family

(1) produces a medical report establishing that, due to the adult's physical or mental condition, the adult will be unable, for a period of at least one month, to engage in a job preparation, integration or retention activity;

(2) is at least 20 weeks pregnant or gave birth less than five weeks previously, and applies for the allowance; the application must be filed together with a medical certificate that may be replaced by a written report attesting the pregnancy, signed by a midwife and indicating the adult's name and date of birth, the number of weeks of pregnancy, if applicable, and the expected or actual date of delivery;

(3) provides childcare to a dependent child of the adult in the cases and under the conditions determined by regulation or to such a child who is handicapped within the meaning of subparagraph *b* of the second paragraph of section 1029.8.61.18 of the Taxation Act (R.S.Q., chapter I-3);

(4) reaches the age determined by regulation and applies for the allowance;

(5) provides constant care to an adult whose autonomy is significantly reduced because of a physical or mental condition;

(6) is responsible for a family-type resource recognized under the Act respecting health services and social services (R.S.Q., chapter S-4.2);

(7) is placed in a foster home within the meaning of the Act respecting health services and social services, or is taken in charge by an intermediate resource within the meaning of that Act;

(8) is responsible for a foster home under a service contract with the Minister of Public Security and must act in consequence with respect to a person required to live there; or

(9) is a victim of violence who takes refuge in a shelter or other similar place for a maximum of three consecutive months from the date of admission.

A temporarily limited capacity allowance is added to the basic benefit in the other cases and under the other conditions provided for by regulation.

54. An adult may not receive a temporarily limited capacity allowance concurrently with an employment-assistance allowance or a support allowance, even if they are granted or recognized as an employment-assistance allowance or a support allowance by the Minister.

55. The benefit granted an independent adult or a family is established, for each month, on the basis of the circumstances of the adult or family on the last day of the preceding month. The benefit is equal to the deficit in resources to meet needs, calculated by

(1) determining the amount of the applicable basic benefit and, in keeping with the regulation, adding to it any temporarily limited capacity allowance, any adjustments for adults, any support allowance granted under Chapter I of Title I, any adjustments for dependent children and any special benefits; and

(2) subtracting the following amounts, except insofar as they are excluded by regulation, from the amount obtained under paragraph 1:

(a) the income from employment and from property earned, in the preceding month, by the independent adult or by members of the family, and any earnings or other benefits received by them;

(b) the benefits not yet received for the period prescribed by regulation, to which the independent adult or adult members of the family are entitled under the Employment Insurance Act (Statutes of Canada, 1996, chapter 23) because of an interruption of work, or that they have chosen to receive under the Act respecting parental insurance (2001, chapter 9);

(c) if the independent adult or adult members of the family lost an employment because of a work stoppage attributable to a labour dispute and, for that reason, could not or did not qualify for unemployment benefits, any

work income that could otherwise have been earned by them in the preceding month, until such time as they could qualify for benefits under the Employment Insurance Act;

(d) the liquid assets, within the meaning of the regulation, that the independent adult or members of the family owned on the last day of the preceding month;

(e) the amount obtained by applying the percentage prescribed by regulation to the value, determined according to the method prescribed by regulation, of the property owned by the independent adult or the members of the family on the last day of the preceding month, excluding any property that cannot be alienated due to a legal impediment beyond their control;

(f) the parental contribution determined according to the method prescribed by regulation, for the three years following the first of the following dates:

i. the date on which the adult who is deemed to receive a parental contribution received a first benefit under a last resort financial assistance program or the Youth Alternative Program; and

ii. the date on which the adult would have been declared eligible but for the net incomes of the adult's father and mother taken into account in determining the contribution.

56. For the purposes of subparagraph *a* of paragraph 2 of section 55, an independent adult or an adult member of the family is deemed to earn the income from employment that would have been received had the adult not taken advantage of the work time reduction measures or leave without pay available under the conditions of employment applicable to the adult.

The first paragraph does not apply if the decision to reduce work time or take leave without pay was made for a serious reason, in particular because of the state of health of that adult or a member of the family, or if the adult is receiving benefits granted under the Act respecting parental insurance (2001, chapter 9) or of section 22 or 23 of the Employment Insurance Act (Statutes of Canada, 1996, chapter 23).

57. An adult is deemed to receive a parental contribution unless

(1) the adult has provided for his or her own needs and resided elsewhere than at the place of residence of his or her father or mother for at least two years, excluding any period during which the adult attended an educational institution on a full-time basis;

(2) the adult has, for at least two years, held remunerated full-time employment, received benefits under the Employment Insurance Act (Statutes of Canada, 1996, chapter 23) for such employment, or received benefits under the Act respecting parental insurance (2001, chapter 9);

(3) the adult is or was married or in a civil union;

(4) the adult has been living with another person of the opposite or the same sex in a de facto union and has, at one time, cohabited with that person for a period of not less than one year;

(5) the adult has or has had a dependent child;

(6) the adult holds a bachelor's degree;

(7) the adult is at least 20 weeks' pregnant, and her condition has been attested by a medical report; the medical report may be replaced by a written report attesting the pregnancy, signed by a midwife and indicating the name and date of birth of the adult, the number of weeks of pregnancy and the expected date of delivery; or

(8) the adult has not been a full-time student for at least seven years since ceasing to be subject to compulsory school attendance.

However, an adult who establishes that his or her father and mother are untraceable, that they have refused to help provide for his or her needs or that they have committed acts of violence against him or her is not deemed to be receiving a parental contribution.

58. For certain special benefits, the Minister may set particular eligibility requirements other than those provided for in the regulation.

If the Minister has entered into an agreement with a person, an association, a partnership or a body to have the need for which a special benefit is required filled in another manner, the Minister may decide not to pay the amount of that benefit.

The conditions for applying this section may vary according to the person's situation and the availability in the person's locality or region of the goods or services required.

59. The benefit granted an independent adult or a family may not be reduced for failure to take steps with a view to entering the labour market, in particular for refusing to take a job or leaving or losing a job.

60. In the cases and under the conditions determined by regulation, an independent adult or a family may own certain property or liquid assets in order to facilitate actions enabling them to regain economic self-sufficiency.

61. A benefit is granted from the month following the month of the application. However, a benefit may be granted for the month in which the application is made. In that case, it is established according to the method prescribed by regulation, which may take into account such factors as the liquid assets the adult or family owns on the date of the application.

62. A benefit is paid on a monthly basis subject to the conditions determined by regulation. The benefit is paid to the spouses jointly or, at their request, to one of them.

63. An independent adult or the members of a family must exercise their rights or take advantage of other statutory benefits when the exercise of such rights or the receipt of such benefits would affect the adult's or the family's eligibility for a financial assistance program, or reduce the amount of assistance.

In the case of an adult who is not deemed to receive a parental contribution under the second paragraph of section 57, the Minister is subrogated by operation of law in the rights of the adult to have support payments fixed or varied, unless the adult has elected to exercise his or her remedy for support. The Minister may also exercise the rights of any other creditor of support to have support payments fixed or varied if the Minister is of the opinion that the creditor's circumstances place the exercise of such rights in jeopardy.

The fact that an adult or a member of the adult's family engages in activities as a volunteer with a non-profit organization does not constitute failure to fulfil the obligations imposed by the first paragraph.

64. When an adult, or a member of the adult's family, is a creditor of support, the adult must inform the Minister, in the manner prescribed by regulation, of any judicial proceeding concerning the obligation of support at least five days before the date the application is presented to the court. The adult must also inform the Minister of the submission or receipt of an application regarding support under the Act respecting the reciprocal issue and enforcement of support orders (2005, chapter 12), at least five days before the submission or not later than five days after the receipt of such an application, as the case may be.

The adult must, however, inform the Minister of the content of an agreement concerning the obligation of support at least 10 days before it is presented to the court, or, in the case of a joint procedure for the dissolution of a civil union, at least 10 days before the date on which the agreement is to be executed before a notary.

An agreement between the parties concerning the fixing or variation of support payments has no effect against the Minister.

In any proceeding for the fixation or variation of support payments, the court may, of its own motion, implead the Minister, or the Minister may, *ex officio* and without notice, intervene at any time and take part in the proof and hearing.

65. In the two years preceding an application for or the payment of financial assistance, an independent adult or the members of a family must not have waived their rights, disposed of property or liquid assets without adequate

consideration or squandered them in order to become eligible or render their family eligible under the program or to be granted a greater amount than would otherwise have been the case.

66. When there is failure to fulfil any of the obligations imposed by sections 30, 31, 36, 63 and 64, the Minister may refuse or cease to pay financial assistance or reduce it.

The Minister may also refuse or cease to pay financial assistance or reduce it when there is failure to fulfil the obligation under section 65, in the cases and under the conditions prescribed by regulation.

Decisions made by the Minister under this section must include reasons and be communicated in writing to the person concerned.

CHAPTER II

SOCIAL SOLIDARITY PROGRAM

67. The purpose of the Social Solidarity Program is to grant last resort financial assistance to persons whose capacity for employment is severely limited.

A further purpose of the program is to foster the inclusion and social participation of such persons and their active contribution to society, by providing all the help and support they require.

68. In order to foster the achievement of the objectives of the Social Solidarity Program, the Minister may, in accordance with Title I, offer employment-assistance and social assistance and support measures, programs and services to persons eligible under the program and, where applicable, adapt them to meet the particular needs of the persons concerned. The Minister may, in particular, contribute to the adaptation of jobs or foster social and community participation activities developed within the framework of local social integration strategies.

69. The Minister implements mechanisms facilitating coordinated action with the other departments and bodies concerned, in order to offer continuous, integrated services to persons requiring psychosocial support services.

70. An independent adult or a family is eligible under the program if the adult or an adult member of the family produces a medical report establishing that the adult's physical or mental condition is significantly and in all likelihood permanently or indefinitely deficient or impaired and that, for that reason and in view of the adult's socio-professional profile, the adult's capacity for employment is severely limited.

In exceptional circumstances, however, the Minister may exempt a person from the obligation to produce a medical report.

71. The amount of the basic benefit granted under the program is determined by regulation. It takes the form of a social solidarity allowance.

72. The Government may make regulations prescribing more flexible rules applicable to recipients under the program as regards

(1) ownership of property, amounts paid into a pension plan or assets received by succession;

(2) the eligibility requirements for certain special benefits.

73. The provisions of this Act and of the regulations regarding the Social Assistance Program apply to this program, with the necessary modifications, except the provisions relating to the parental contribution and the temporarily limited capacity allowance.

CHAPTER III

YOUTH ALTERNATIVE PROGRAM

74. The purpose of the Youth Alternative Program is to provide young adults who require financial assistance to meet their basic needs with support, on a voluntary basis, in order to encourage them to engage in activities enabling them to acquire or regain personal, social and vocational self-sufficiency.

The Minister determines the standards for implementing this program, if they are not otherwise provided for in this Act.

75. In order to foster the achievement of the objectives of the Youth Alternative Program, the Minister may, in accordance with Title I, offer employment-assistance and social assistance and support measures, programs and services to persons eligible under the program and, where applicable, adapt them to their needs.

Such measures, programs and services may, for instance,

(1) allow young people to complete their studies or go back to school;

(2) foster the job integration and retention of young people; and

(3) encourage their social and community participation.

76. The Minister implements mechanisms for coordinated action with the other departments and bodies concerned, to foster the continuity and integration of youth services.

Such action must be undertaken, in particular, to facilitate the transition from one program, measure or governmental service to another, improve their complementarity and make them more accessible.

77. The Minister may propose the Youth Alternative Program to an adult under 25 years of age who is eligible for the Social Assistance Program or the Social Solidarity Program.

The Minister may, however, owing to exceptional circumstances, offer the Youth Alternative Program to a person under 25 years of age who does not meet the other requirements.

78. Financial assistance within the framework of the program is determined by the Minister in the cases and under the conditions determined by the Minister. It takes the form, in particular, of a youth allowance.

The financial assistance may vary according to the circumstances of the adult or the adult's family and according to the nature and duration of the activity engaged in. However, the adult and, if applicable, the members of the adult's family may take advantage of the Social Assistance Program or the Social Solidarity Program if that financial assistance is less than the assistance that would be granted under either of those programs, to the extent that they are also eligible under those programs.

CHAPTER IV

SPECIFIC PROGRAMS

79. The Minister may establish specific financial assistance programs to help persons and families with particular difficulties, and determine the standards for implementing them.

In exceptional circumstances, the Minister may set eligibility requirements for a specific program that are different from those set out in sections 26 and 27.

80. The purpose of specific programs may be, for instance, to foster the development of potential, to improve a person's economic and social situation, to preserve self-sufficiency and to take account of temporary economic difficulties.

81. Within the framework of specific programs and in the cases and under the conditions the Minister determines, the Minister may grant financial assistance to a person who decides, on a voluntary basis, to take advantage of one of those programs. However, persons eligible under those programs may take advantage of the Social Assistance Program or the Social Solidarity Program if the financial assistance granted under a specific program is less than the assistance they would be granted under either of those last resort financial assistance programs, to the extent that they are also eligible under those last resort programs.

82. The Minister provides information on the existence of the specific programs and, on their coming into force, makes available the standards for implementing those programs and the manner of gaining access to them.

83. The Minister must prepare an annual report on the implementation of specific programs. The report is included in the annual management report of the Ministère de l'Emploi et de la Solidarité sociale.

In the month of April each year, the Minister must also publish in the *Gazette officielle du Québec* a list of the specific programs established during the preceding fiscal year.

TITLE III

ADMINISTRATIVE PROVISIONS

CHAPTER I

AGREEMENTS

84. Subject to the second paragraph, the Minister may enter into an agreement with a department or body of the Government of Québec or of another government, a person or an enterprise whose name appears on the list drawn up by the Government and published in the *Gazette officielle du Québec*, in order to collect or communicate nominative information that is necessary for the application of this Act and the regulations, in particular in order to

(1) verify the eligibility of a person or a person's family for an amount granted under this Act and establish that amount;

(2) identify, by cross-matching or other means, circumstances not declared by a person that may affect the amount that is or was granted to the person under this Act;

(3) verify the solvency of a person who is required to repay an amount under Chapter II of this Title or identify the person's place of residence; and

(4) verify the occurrence of an event or the existence of a right referred to in section 90, as well as the date and particulars of the realization of the right.

The Minister may also enter into such an agreement with the Department of Human Resources and Skills Development of Canada as well as with the following departments and bodies of the Government of Québec: the Ministère de l'Éducation, du Loisir et du Sport, the Ministère de la Justice, the Ministère de l'Immigration et des Communautés culturelles, the Ministère du Revenu, the Ministère de la Sécurité publique, the Commission de la santé et de la sécurité du travail, the Régie de l'assurance maladie du Québec, the Régie des rentes du Québec and the Société de l'assurance automobile du Québec.

To identify a person for the purposes of an agreement made under this section, the Minister may communicate the person's name, date of birth, sex, address, health insurance number, social insurance number and file number. A department, body, person or enterprise that receives such information must, unless legally entitled to the information, destroy it once the purpose for which it was communicated has been fulfilled.

Such information must be exchanged in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

85. Any nominative information, within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), obtained in the administration of this Act is confidential. Public servants of the Ministère de l'Emploi et de la Solidarité sociale are prohibited from using any such information for purposes other than the administration of this Act.

Public servants of the department are also prohibited from communicating or allowing the communication of information obtained in the administration of this Act to a person not legally entitled to it under the Act respecting Access to documents held by public bodies and the Protection of personal information or from allowing such a person to examine a document containing such information or to have access to it.

CHAPTER II

RECOVERY

86. A person must repay to the Minister any amount granted under this Act that should not have been granted to the person or the person's family, except an amount prescribed by regulation or an amount granted following an administrative error that the person could not reasonably have noticed.

A person, association, partnership or body must also repay any amount granted under an agreement entered into with the Minister under this Act, in the cases and under the conditions determined in the agreement.

A person to whom section 57 applies is not required to repay an amount granted following an erroneous declaration by the person's mother or father. The amount is recoverable by the Minister from the parent who made the declaration, in accordance with the provisions of this chapter.

87. A person must also repay to the Minister the amounts granted under a last resort financial assistance program, except those prescribed by regulation upon the cessation of a legal impediment to the alienation of a property and up to the amount of the net profit from the proceeds of the disposition or, in the other cases and according to the conditions determined by regulation, the amount that would not have been granted to the person or the person's family

if the property had been considered in calculating the benefit, up to the amount of the value of the property.

88. Except in the cases determined by regulation and as soon as the reduction ceases, a person must also repay to the Minister, up to the amount of the reduction, the amounts received under a last resort financial assistance program while the allowances or benefits granted to that person or to that person's family under another Act in force in Québec or elsewhere were reduced to compensate an overpayment.

89. Spouses are solidarily liable for the repayment of an amount granted under a last resort financial assistance program and recoverable under section 86, 87 or 88, whether the amount was granted to an independent adult or to a family that included one or two adults.

However, the spouse of a person to whom a benefit was granted is not liable for the repayment if the spouse proves that the notice provided for in section 97 was not received or that the claim is based on an act or omission by the person that the spouse could not reasonably have been aware of.

A spouse is not liable for the repayment if the spouse proves that the spouse's real circumstances could not be declared because of the violent behaviour of the other spouse toward the spouse or the spouse's dependent child.

In the cases described in the second and third paragraphs, the other spouse is solely liable for the entire debt.

90. A person must repay to the Minister an amount granted under a last resort financial assistance program following an event giving rise to the exercise of a right by the person or the person's dependent child by judicial proceedings or any other means, whether or not the right is a personal right, and whether or not the amount had been granted to the person or the person's family at the time of the event.

The amount of the repayment is due from the realization and up to the value of the right; the amount is established by applying the rules for the calculation of resources set out in sections 55 and 61.

If a person did not declare the prospective realization of a right to the Minister and the amount the right represents should, according to the law, have been paid to the Minister, the amount can be seized by the Minister despite any provision of law to the contrary. The same applies to property acquired with the amount derived from the realization of the right.

91. A person having subscribed an undertaking under the Act respecting immigration to Québec (R.S.Q., chapter I-0.2) promising to help a foreign national, and any dependants who accompany the foreign national, to settle in Québec must repay the amount granted under a last resort financial assistance

program to the foreign national and those dependants during the period covered by the undertaking, when the undertaking so provides. The amount is determined under the conditions and calculation rules determined by regulation and is recoverable by the Minister in accordance with the provisions of this chapter.

92. When the debt owed to a person is for non-payment of support determined by judgment or by a transaction and a joint declaration of dissolution of a civil union executed before a notary, the Minister is subrogated by operation of law in the rights of the creditor for all support payments that are due at the time the person or the person's family becomes eligible for a benefit under a last resort financial assistance program and for all payments that become due during the period for which the benefit is granted.

The Minister must send a notice to the Minister of Revenue, together with the information required for the purposes of the Act to facilitate the payment of support (R.S.Q., chapter P-2.2).

The Minister remits to the creditor the amount by which the sums collected exceed the amount recoverable under section 90.

93. When a court decision retroactively varies a support payment received by the creditor of support for a period in which the creditor received a benefit under a last resort financial assistance program, the Minister may, on an application by that creditor of support or on a request by the Minister of Revenue under the Act to facilitate the payment of support (R.S.Q., chapter P-2.2), recalculate the benefit granted for the months covered by such a variance.

If, as a result, a benefit is owed to the creditor of support and the amount exceeds the amount owed to the Minister under section 92, the Minister remits the excess amount to the creditor of support or the Minister of Revenue, as the case may be.

For the purposes of this section, the application or request must be submitted to the Minister within a reasonable time after the judgment is rendered. The Minister may require new statements for the months covered by such a variance, which must be filed within the next 30 days.

94. In the case of a debt to which section 90 applies, except non-payment of support determined by judgment or by a transaction and a joint declaration of dissolution of a civil union executed before a notary, the debtor of a person who or whose family has received or is receiving an amount under a last resort financial assistance program, and any person who is to become the debtor of such a person must, upon a written notice of the Minister, remit to the Minister the amount owed, up to the amount recoverable.

The remittance of the amount to the Minister is deemed to be a payment validly made to the creditor; if the debtor fails to so remit the amount, the debtor is bound to pay an equivalent amount to the Minister.

The amount is recoverable by the Minister in accordance with the provisions of this chapter.

95. A person is not required to repay an amount equivalent to the income tax the person must pay on the amount derived from the realization of a right referred to in section 90. Once the income tax to be paid has been determined, the Minister may, at the person's request, reduce the amount payable by an amount equivalent to that income tax or, if the amount payable has already been repaid to the Minister, return the excess repayment.

This section applies when the tax payable on the amount received by the person operates to reduce the amount below the amount repayable to the Minister.

96. An amount granted is not repayable to the Minister under section 90 if the realized right

(1) arises from a succession;

(2) is compensation under section 73 of the Automobile Insurance Act (R.S.Q., chapter A-25);

(3) is compensation under section 83 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001); or

(4) is compensation for non-pecuniary damage received following physical or mental impairment, other than compensation under the Acts referred to in paragraphs 2 and 3.

97. The Minister sends a formal notice to the debtor of an amount recoverable under this Act, indicating the amount of the debt, the reasons for which the debt is due and the debtor's right to apply for a review. The notice must also contain information on the recovery procedure, in particular on the issue and effects of the certificate.

A formal notice under this section interrupts prescription.

98. The debtor must repay any amount owed according to the conditions determined by regulation, unless otherwise agreed between the debtor and the Minister.

However, an amount owed under section 90 must be repaid in full to the Minister upon the realization of the right. The amount is exigible only from the creditor of the realized right or from the adult of whom the child who is the creditor of the realized right is a dependant.

The debtor of an amount owed is required to pay interest in the cases and under the conditions determined and at the rate prescribed by regulation.

99. The debtor is required to pay a recovery charge in the cases and under the conditions determined and in the amount prescribed by regulation.

100. At the expiry of the time for applying for a review of the decision requiring payment or for contesting the review decision before the Administrative Tribunal of Québec and, where applicable, at the expiry of 30 days after a decision of that Tribunal confirming all or part of the Minister's decision or on the date of the formal notice, if a debt is not paid and if, in the Minister's opinion, the debtor is attempting to elude payment, the Minister may issue a certificate setting out the debtor's name and address and the amount of the debt.

101. After issuing the certificate, the Minister may withhold part of any amount granted under this Act to the debtor and, where applicable, to the debtor's family, up to the amount prescribed by regulation, and apply the amount withheld to the repayment of the debt. A refund owed to the debtor by the Minister of Revenue under section 31 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) may also be withheld, for the same purpose, after the issue of the certificate.

A withholding under the first paragraph interrupts prescription.

102. An amount granted to the debtor or the debtor's family under a financial assistance program provided for in Title II may not be reduced below an amount established according to the calculation rules prescribed by regulation when the Minister withholds an amount under section 101.

103. Upon the filing of the certificate at the office of the competent court, together with a copy of the final decision establishing the debt, the decision becomes executory as if it were a final judgment of that court, not subject to appeal, and has all the effects of such a judgment.

104. In exceptional circumstances, subject to the conditions determined by the Minister, the Minister may suspend in whole or in part the recovery of an amount owed or grant a full or partial discharge to a debtor, even after the filing of the certificate.

105. The recovery of an amount owed under this Act is prescribed five years after the date it becomes due. If there has been misrepresentation, recovery is prescribed five years after the date on which the Minister became aware of the fact that the amount was due, but not more than 15 years after the date it became due.

106. There is misrepresentation if an amount is granted to a person following failure to file a statement or return, following the filing of a statement or return containing false information, or following the transmission of a document in which information is omitted or false information is given with a view to

rendering the person or the person's family eligible for financial assistance or to receiving or having the person's family receive a greater amount than would otherwise have been the case.

CHAPTER III

REMEDIES

107. A person to whom a decision of the Minister under this Act applies may apply in writing for a review of the decision within 90 days of the date on which the person was advised of the decision.

However, decisions under Title I, except a decision under Chapter II in relation to a last resort financial assistance program, are not subject to review. Nor are decisions under section 49, 58 or 104 subject to review.

The second paragraph does not limit the right to apply for a review of a decision pertaining to a refusal to grant a special benefit or a decision pertaining to a claim for an amount granted under this Act in accordance with Chapter II of Title III.

108. A decision under Chapter III or Chapter IV of Title II is not subject to review, but the person to whom such a decision applies may apply in writing, within 30 days, for a reconsideration of the decision by a competent authority. The decision rendered following reconsideration is final and may not be appealed.

109. Decisions are reviewed by a person designated by the Minister for the term specified in the instrument of designation. The reviewers form part of the same administrative unit within the Ministère de l'Emploi et de la Solidarité sociale.

110. Decisions concerning an application for a temporarily limited capacity allowance for the reason set out in subparagraph 1 of the first paragraph of section 53 must be reviewed by a physician.

Decisions concerning an application under the Social Solidarity Program must be reviewed by two members, one of whom must be a physician and the other a professional working in the social sector.

111. The Minister must assist any person who requests help in making an application for the review of a decision.

112. An application for review may not be refused on the ground that it was received after the deadline if the applicant establishes that it was impossible to act sooner.

If the application is refused on that ground, the decision may be contested before the Administrative Tribunal of Québec within 15 days after the date on

which the applicant is advised of the decision. If the Tribunal quashes the decision, the file is returned to the person or persons who made the decision.

113. A person who applies for the review of a decision must be given the opportunity to submit observations and, if need be, to produce documents to complete the file.

114. An application for review does not suspend execution of the decision.

However, a benefit, other than a special benefit, granted under a last resort financial assistance program that is reduced by more than half by a decision subject to review is reinstated until the date of the review decision if the decision is not made within 10 working days of

(1) the day the person is ready to submit observations in support of the application or, if need be, to produce documents to complete the file, when the person has asked for time to do so; or

(2) in other cases, the day of receipt of the application for review or the day the decision takes effect, whichever is later.

115. An application for review must be processed promptly and the review decision must be made within 30 days of receipt of the application or, in a case described in the second paragraph of section 112, within 30 days of the decision of the Administrative Tribunal of Québec returning the file for review. If a person has asked for time to submit observations or to produce documents, the review decision must be made within 30 days of the submission of observations or the production of the documents.

116. After the expiry of the 30-day period, interest on an amount owed by a debtor that is the subject of a review ceases to accrue until the date of the review decision.

117. The review decision must be in writing and drafted in clear and concise terms, contain reasons and be notified to the applicant. It must state that the decision may be contested before the Administrative Tribunal of Québec.

118. A person who feels wronged by a review decision may contest it before the Administrative Tribunal of Québec within 60 days of notification of the decision.

119. If a review decision or a decision of the Administrative Tribunal of Québec recognizes that an adult or a family is entitled to an amount initially refused, or increases the amount initially granted, the Minister is required to pay interest in the cases and according to the conditions and at the rate determined by regulation.

CHAPTER IV

INSPECTION AND INVESTIGATION

120. A person specially or generally authorized by the Minister to act as an inspector may, for the purposes of this Act, require, examine and make a copy of any information or document. Moreover, the inspector may require information or documents by fax or by electronic means when a person may be so contacted.

121. No proceedings may be brought against an inspector for acts performed in good faith in the exercise of the functions of office.

122. The Minister or a person designated as an investigator by the Minister may investigate any matter under the Minister's authority with respect to the administration of this Act.

123. For the purposes of an investigation, the Minister and an investigator have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

The investigator may send a subpoena by fax or by electronic means when the person to whom it is addressed may be so contacted.

124. On request, an inspector or an investigator produces proof of identity and a certificate of authorization signed by the Minister.

125. No person may hinder an inspector in the exercise of the functions of office, mislead or attempt to mislead an inspector by misrepresentation or deceptive statements, refuse to produce documents required by the inspector or omit or refuse, without good cause, to answer any question that may lawfully be asked.

CHAPTER V

PENAL PROVISIONS

126. A person is guilty of an offence and liable to a fine of not less than \$250 and not more than \$1,500 who knowingly makes an incomplete statement or a statement containing false or misleading information, transmits an incomplete document or a document containing false or misleading information or fails to make a statement in order to

(1) become eligible or render the person's family eligible under a program or maintain such eligibility;

(2) receive, or have the person's family receive, a benefit that can no longer be granted or that is greater than the benefit that may be granted;

- (3) receive another amount under this Act; or
- (4) have a person receive an amount under this Act.

127. A person who contravenes section 85 is guilty of an offence and liable to a fine of not more than \$5,000.

128. A person who contravenes a provision of section 125 is guilty of an offence and liable to a fine of not less than \$250 and not more than \$1,000.

129. A person who assists a person in committing an offence under this Act or, by encouragement, advice or consent, or by an authorization or order, induces a person to commit an offence under this Act is guilty of an offence.

A person found guilty under this section is liable to the same fine as that prescribed for the offence whose commission the person assisted in or induced.

130. Penal proceedings for an offence under section 126 are prescribed one year after the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be brought if more than five years have elapsed since the commission of the offence.

TITLE IV

REGULATIONS

131. For the purposes of Title I, the Government may make regulations

(1) determining, for the purposes of section 11, the cases in which and the extent to which the legislative provisions referred to in that section do not apply to an employment activity engaged within the framework of a measure or a program established by the Minister;

(2) prescribing, for the purposes of section 14, the minimum amount that may be paid as an employment-assistance allowance;

(3) determining, for the purposes of the second paragraph of section 16, the support allowance to be added to the basic benefit;

(4) determining, from among the manpower and employment agreements entered into with the Government of Canada, those referred to in section 17;

(5) setting, for the purposes of section 18, the amount of the employment-assistance allowance granted by the Minister or the financial assistance recognized as an employment-assistance allowance or a support allowance that is excluded from the calculation of the last resort financial assistance benefit, and determining the cases in which and the conditions under which that amount is excluded;

(6) determining, for the purposes of section 19, the cases in which and the conditions under which a person may receive an employment-assistance allowance concurrently with a support allowance, where both are granted or recognized by the Minister;

(7) prescribing, for the purposes of section 20, the amount that may not be seized for non-payment of support;

(8) determining the cases in which and the conditions under which a child is not a person's dependant or is a dependant of another adult than the child's father or mother and designating that adult;

(9) determining the circumstances in which a person remains, ceases to be or becomes a member of a family;

(10) determining the cases in which and the conditions under which an adult resides in Québec;

(11) determining, for the purposes of the second paragraph of section 26, the cases in which and the conditions under which other classes of persons may be eligible for financial assistance and determining, where necessary, the applications for programs, benefits or allowances that are to be granted;

(12) determining, for the purposes of section 27, the cases in which and the conditions under which an adult referred to in that section is eligible for financial assistance, and defining what constitutes attending a secondary-level educational institution in a vocational program or a postsecondary educational institution;

(13) prescribing, for the purposes of the second paragraph of section 30, the procedure for applying for financial assistance;

(14) determining, for the purposes of section 34, the conditions under which financial assistance is to be paid to another person or to a body and, in that case, prescribing standards to be complied with;

(15) determining, for the purposes of the first paragraph of section 36, the cases in which a person is not required to notify the Minister of a change in the circumstances of that person or that person's family;

(16) determining, for the purposes of the second paragraph of section 36, the cases in which a short form statement must be filed with the Minister; and

(17) prescribing administrative standards.

132. For the purposes of the Social Assistance Program, the Government may make regulations

(1) determining basic benefit amounts and the cases in which and the conditions under which those amounts are to be granted;

(2) determining the maximum amount of liquid assets referred to in the second paragraph of section 48;

(3) determining the cases in which and the conditions under which an independent adult or a family that is no longer eligible may continue to receive benefits;

(4) determining the cases in which and the conditions under which providing childcare to a dependent child renders an independent adult or an adult member of a family eligible for a temporarily limited capacity allowance;

(5) setting the age as of which a temporarily limited capacity allowance may be granted;

(6) determining the other cases in which and the conditions under which temporarily limited capacity allowances may be added to basic benefits;

(7) determining the amount of the temporarily limited capacity allowance and the adjustments for adults and for dependent children, and determining the cases in which and the conditions under which those amounts are to be granted;

(8) prescribing special benefit amounts to provide for certain particular needs, and determining the cases in which and the conditions under which they are to be granted;

(9) determining what constitutes liquid assets and property;

(10) excluding, for the purpose of calculating a benefit, any or all of the income, earnings, benefits, liquid assets and property of a person eligible under the program;

(11) prescribing a method for calculating income, earnings, the value of benefits, liquid assets and the value of property, determining the cases in which those amounts may be averaged and the time from which they are deemed received, and prescribing standards for the allocation of arrears in support payments;

(12) determining the period for which employment-insurance or parental insurance benefits yet to be received are to be considered for the purpose of calculating a benefit;

(13) prescribing standards applicable to the income, earnings, benefits, liquid assets and property of a self-employed worker and the cases in which and the conditions under which the standards are to be applied;

(14) prescribing a method for determining the value of property, and determining the percentage applicable to that value;

(15) prescribing a method for calculating the parental contribution, and specifying the net incomes of an adult's father and mother required to be considered for that purpose;

(16) determining, for the purposes of section 60, the cases in which and the conditions under which an adult may own liquid assets and property;

(17) prescribing a method for calculating a benefit for the month of application, and determining the maximum amount of liquid assets at the time of the application;

(18) determining the conditions of payment of benefits;

(19) prescribing, for the purposes of section 64, the manner of informing the Minister; and

(20) determining, for the purposes of the second paragraph of section 66, the cases in which and the conditions under which the measures provided for in that paragraph are to be applied.

133. For the purposes of the Social Solidarity Program, the Government may make regulations

(1) prescribing social solidarity allowance amounts; and

(2) prescribing, for the purposes of section 72, more flexible rules concerning liquid assets, property and eligibility for certain special benefits.

134. For the purposes of Chapter II of Title III, the Government may make regulations

(1) determining that all or part of a recoverable amount need not be repaid by the debtor;

(2) determining, for the purposes of section 87, the other cases in which and the conditions under which an amount granted is recoverable;

(3) determining, for the purposes of section 88, the cases in which the amounts are not repayable;

(4) determining the conditions under which an amount under section 91 is recoverable and the rules of calculation;

(5) prescribing the conditions of repayment of an amount owed to the Minister;

(6) determining the cases in which and the conditions under which the debtor is required to pay interest, and prescribing the rate of interest;

(7) determining the cases in which and the conditions under which the debtor is required to pay a recovery charge, and prescribing the amount of the charge;

(8) prescribing the maximum amount the Minister may withhold for application to the repayment of a debt, and determining the cases in which and the conditions under which the withholding is to be suspended; and

(9) setting, for the purposes of section 102, the calculation rules for establishing the amount below which an amount granted may not be reduced when an amount is withheld.

135. For the purposes of section 119, the Government may make regulations determining the cases in which and the conditions under which the Minister is required to pay interest and prescribing the interest rate.

136. Regulations under sections 131 to 135 may vary according to the nature of the program, according to whether they apply to an independent adult or a family, according to the composition of the family, according to the circumstances of an independent adult or a member of a family, including, in the case of a child, the child's age, rank in the family, occupation, whether the child is handicapped within the meaning of subparagraph *b* of the second paragraph of section 1029.8.61.18 of the Taxation Act (R.S.Q., chapter I-3), the child's place of residence and the custody arrangements for the child, according to whether an independent adult or a member of a family is living or incarcerated in an institution or is residing in a subsidized dwelling, according to whether a debt is due following a false declaration by the debtor and according to whether the provisions apply to an independent adult who would be a member of a family if the adult's spouse or their dependent children had not ceased to be members of the family in keeping with a regulation under paragraph 9 of section 131.

TITLE V

AMENDING PROVISIONS

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

137. Section 11 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing "as part of an Individualized Integration, Training and Employment Plan under section 5 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)" in paragraph 4 by "as part of a measure or program established under Title I of the Individual and Family Assistance Act (2005, chapter 15) or as part of the Youth Alternative Program or a specific program established under Chapter III or Chapter IV of Title II of that Act".

138. Section 144 of the Act is amended by replacing “the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in the second paragraph by “the amount repayable under section 81 of the Individual and Family Assistance Act (2005, chapter 15)”.

LEGAL AID ACT

139. Section 4.1 of the Legal Aid Act (R.S.Q., chapter A-14) is amended by replacing “provided for by the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in the second paragraph by “provided for by the Individual and Family Assistance Act (2005, chapter 15)”.

140. Section 62 of the Act is amended by replacing “provided for by the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in the second paragraph by “provided for by the Individual and Family Assistance Act (2005, chapter 15)”.

AUTOMOBILE INSURANCE ACT

141. Section 83.28 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing “the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” at the end of the third paragraph by “the amount repayable under section 90 of the Individual and Family Assistance Act (2005, chapter 15)”.

142. Section 83.62 of the Act is amended by replacing “Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” at the end of paragraph 4 by “Individual and Family Assistance Act (2005, chapter 15)”.

HEALTH INSURANCE ACT

143. Section 67 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing “provided for in the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in the fourth paragraph by “provided for in the Individual and Family Assistance Act (2005, chapter 15)”.

144. Section 70 of the Act is amended by replacing “provided for in the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” by “provided for in the Individual and Family Assistance Act (2005, chapter 15)”.

145. Section 71 of the Act is amended by replacing “provided for in the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in paragraph *b* by “provided for in the Individual and Family Assistance Act (2005, chapter 15)”.

146. Section 71.1 of the Act is amended by replacing “provided for in the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” by “provided for in the Individual and Family Assistance Act (2005, chapter 15)”.

147. Section 71.2 of the Act is amended by replacing “Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” at the end by “Individual and Family Assistance Act (2005, chapter 15)”.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

148. Section 15 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01) is amended by replacing “provided for in the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in paragraph 2 by “provided for in the Individual and Family Assistance Act (2005, chapter 15)”.

149. Section 17 of the Act is amended by replacing “provided for in the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in the definition of “person suffering from a functional impairment” by “provided for in the Individual and Family Assistance Act (2005, chapter 15)”.

150. Section 29 of the Act is amended

(1) by replacing “within the meaning of section 25 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in subparagraph 1 of the second paragraph by “within the meaning of section 70 of the Individual and Family Assistance Act (2005, chapter 15)”;

(2) by replacing “within the meaning of section 25 of the Act respecting income support, employment assistance and social solidarity” at the end of subparagraph 2 of the second paragraph by “within the meaning of section 70 of the Individual and Family Assistance Act”.

ACT RESPECTING THE BARREAU DU QUÉBEC

151. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by replacing “Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in subparagraph 5 of paragraph *a* of subsection 2 by “Individual and Family Assistance Act (2005, chapter 15)”.

CODE OF CIVIL PROCEDURE

152. Article 996 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the third sentence of the first paragraph by the following sentence: “However, a person who provides proof of being a recipient under a

last resort financial assistance program established under the Individual and Family Assistance Act (2005, chapter 15) is exempted from the payment of such fees.”

ACT RESPECTING COLLECTIVE AGREEMENT DECREES

153. Section 46 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) is amended by replacing “the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in the second paragraph by “the amount repayable under section 90 of the Individual and Family Assistance Act (2005, chapter 15)”.

PAY EQUITY ACT

154. Section 8 of the Pay Equity Act (R.S.Q., chapter E-12.001), amended by section 64 of chapter 31 of the statutes of 2004, is again amended by replacing “referred to in section 5 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in paragraph 5 by “within the framework of an employment-assistance measure or program established under Title I of the Individual and Family Assistance Act (2005, chapter 15)”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

155. Section 21 of the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 305 of chapter 1 of the statutes of 2005, is again amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) under section 118 of the Individual and Family Assistance Act (2005, chapter 15), to contest a decision concerning the assessment of a temporarily limited capacity for the reason set out in subparagraph 1 of the first paragraph of section 53 of that Act or the assessment of a severely limited capacity for employment referred to in section 70 of that Act;”.

156. Section 97 of the Act is amended by replacing “Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in subparagraph 2 of the second paragraph by “Individual and Family Assistance Act (2005, chapter 15)”.

157. Section 102 of the Act is amended

(1) by replacing “Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in the second paragraph by “Individual and Family Assistance Act (2005, chapter 15)”;

(2) by adding “or this Act in a matter of income security or support or social aid and allowances” at the end of the second paragraph.

158. Section 1 of Schedule I to the Act is amended by replacing “132 or 139 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in paragraph 3 by “112 or 118 of the Individual and Family Assistance Act (2005, chapter 15)”.

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA
SOLIDARITÉ SOCIALE AND ESTABLISHING THE COMMISSION
DES PARTENAIRES DU MARCHÉ DU TRAVAIL

159. Section 5.1 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001) is amended by replacing “Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” by “Individual and Family Assistance Act (2005, chapter 15)”.

160. Section 14.1 of the Act is repealed.

161. Section 53.1 of the Act is replaced by the following section:

“53.1. The Minister may delegate to a member of the personnel of the department or to an office holder, specially or generally, in writing, the power to designate a reviewer under section 109 of the Individual and Family Assistance Act (2005, chapter 15), the power to authorize a person to act as an inspector under section 120 of that Act or section 88.1 of the Act respecting parental insurance (2001, chapter 9), and the power to designate an investigator under section 122 of the Individual and Family Assistance Act, section 88.3 of the Act respecting parental insurance or section 14 of this Act.”

ACT RESPECTING THE MINISTÈRE DU REVENU

162. Section 69.0.0.7 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by striking out subparagraph ii of subparagraph *b* of the first paragraph.

163. Section 69.1 of the Act, amended by section 1 of chapter 10 of the statutes of 2004 and section 6 of chapter 2 of the statutes of 2005, is again amended

(1) by replacing “Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in subparagraph *j* of the second paragraph by “Individual and Family Assistance Act (2005, chapter 15)”;

(2) by replacing “of benefits or advance payments” in subparagraph *j* of the second paragraph by “that may be granted to that person or that person’s family under that Act”;

(3) by replacing “a recipient under a program established under that Act” in subparagraph *j* of the second paragraph by “that person or a member of that person’s family”.

164. Section 94.0.1 of the Act is repealed.

ACT RESPECTING LABOUR STANDARDS

165. Section 121 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by replacing “under section 102 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in the second paragraph by “under section 90 of the Individual and Family Assistance Act (2005, chapter 15)”.

ACT TO FACILITATE THE PAYMENT OF SUPPORT

166. Section 76 of the Act to facilitate the payment of support (R.S.Q., chapter P-2.2) is amended by replacing “Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in the first paragraph by “Individual and Family Assistance Act (2005, chapter 15)”.

ACT RESPECTING THE RÉGIE DE L’ASSURANCE MALADIE DU QUÉBEC

167. Section 37.7 of the Act respecting the Régie de l’assurance maladie du Québec (R.S.Q., chapter R-5) is amended by replacing “provided for by the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in paragraph *e* by “provided for by the Individual and Family Assistance Act (2005, chapter 15)”.

ACT RESPECTING THE QUÉBEC PENSION PLAN

168. Section 145 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing “amount payable under section 102 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in the second paragraph by “amount payable under section 90 of the Individual and Family Assistance Act (2005, chapter 15)”.

169. Section 229 of the Act is amended by replacing “provided for in the Act respecting income support, employment assistance and social solidarity” in the third and fourth lines of the first paragraph by “provided for in the Individual and Family Assistance Act (2005, chapter 15)”.

170. Section 231 of the Act is amended by replacing “provided for in the Act respecting income support, employment assistance and social solidarity” in the third and fourth lines by “provided for in the Individual and Family Assistance Act (2005, chapter 15)”.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

171. Section 122 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by replacing “amount payable under section 102 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in the second paragraph of subsection 8 by “amount payable under section 90 of the Individual and Family Assistance Act (2005, chapter 15)”.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

172. Section 174 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by replacing “Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” at the end of the second paragraph by “Individual and Family Assistance Act (2005, chapter 15)”.

ACT RESPECTING PRE-HOSPITAL EMERGENCY SERVICES

173. Section 118 of the Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.2) is amended by replacing “provided for in the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” at the end of the first paragraph by “provided for in the Individual and Family Assistance Act (2005, chapter 15)”.

ACT RESPECTING ASSISTANCE AND COMPENSATION FOR VICTIMS OF CRIME

174. Section 146 of the Act respecting assistance and compensation for victims of crime (1993, chapter 54), amended by section 195 of chapter 36 of the statutes of 1998, is again amended by replacing “amount payable under section 102 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36)” at the end of the first paragraph by “amount payable under section 90 of the Individual and Family Assistance Act (2005, chapter 15)”.

TITLE VI

TRANSITIONAL AND FINAL PROVISIONS

175. This Act replaces the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001).

176. Until section 175 comes into force, the following provisions of the Act respecting income support, employment assistance and social solidarity are amended as follows:

(1) section 3 of the Act is amended by adding the following paragraph at the end:

“(6) offer means to facilitate the participation of handicapped persons in employment-assistance measures, programs and services, in order to foster their entry on the labour market and their job retention, whether in a regular work environment or in an adapted enterprise.”;

(2) the Act is amended by inserting the following section after section 6:

“6.1. Subject to the conditions the Minister determines, the Minister may recognize as an employment-assistance allowance financial assistance paid to a recipient under the Employment-Assistance Program by a person, an association, a partnership or a body with which that recipient engages in activities of the same nature as those for which such an allowance is granted.

For the purposes of this Act, financial assistance granted as an employment-assistance allowance to a Native person under a manpower and employment agreement entered into with the Government of Canada and determined by regulation is financial assistance recognized by the Minister as an employment-assistance allowance.”;

(3) section 7 of the Act is replaced by the following section:

“7. Financial assistance granted under this Act to a natural person who is not an employer is unassignable and unseizable, with the exception of the part of an employment-assistance allowance exceeding an amount determined by regulation, up to 50% of which may be seized for non-payment of support.”;

(4) section 14 of the Act is amended by replacing “or dependent children allowances or adjustments and of” in the fourth and fifth lines of the first paragraph by “allowances or adjustments, any support allowances granted under section 25.1, any dependent children adjustments, and”;

(5) the Act is amended by inserting the following section after section 18:

“18.1. In the cases and subject to the conditions determined by the Minister, the Minister may establish a Social Assistance and Support Program for recipients under the program who require special help and support in view of their socio-professional profile.

To that end, the Minister may enter into an agreement with a body under which the body offers that help and support in order to assist those persons in taking steps toward an active participation in society and to provide them with adequate preparation to participate in an employment-assistance measure or program and improve their prospects of entering the labour market.

That assistance may in particular contribute to

- (1) reinforcing their interest in moving forward;
 - (2) identifying their needs;
 - (3) developing or maintaining certain skills, attitudes or behaviours; and
 - (4) finding ways to remove the obstacles to their socio-professional development.”;
- (6) section 24 of the Act is amended

(a) by replacing “with a medical report; the medical report may be replaced” in the third line of subparagraph 2 of the first paragraph by “with a medical certificate that may be replaced”;

(b) by replacing “who does not attend school by reason of a physical or mental handicap” in the second and third lines of subparagraph 3 of the first paragraph by “who is handicapped within the meaning of subparagraph *b* of the second paragraph of section 1029.8.61.18 of the Taxation Act (chapter I-3)”;

(7) section 25 of the Act is amended by adding the following paragraph at the end:

“In exceptional circumstances, however, the Minister may exempt a person from the obligation to produce a medical report.”;

(8) the Act is amended by inserting the following sections after section 25:

“25.1. In the cases and subject to the conditions determined by the Minister, the Minister may grant financial assistance, in particular in the form of a support allowance, to a recipient participating in the Social Assistance and Support Program provided for in section 18.1. That support allowance, in the amount prescribed by regulation, is added to the basic benefit applicable to the recipient in accordance with section 27. As part of an agreement entered into with a body to implement the program, the Minister may also provide for the payment of financial assistance to that body.

“25.2. Subject to the conditions the Minister determines, the Minister may recognize as a support allowance financial assistance paid to a recipient under the Employment-Assistance Program by a person, an association, a partnership or a body with which that recipient engages in activities of the same nature as those provided for in section 18.1.

“25.3. In the cases and subject to the conditions prescribed by regulation, financial assistance granted by the Minister as an employment-assistance allowance, or financial assistance recognized as an employment-assistance

allowance or a support allowance, is excluded from the calculation of the benefit granted under the Employment-Assistance Program, up to the amount prescribed by regulation for each allowance.

“25.4. Except in the cases and subject to the conditions prescribed by regulation, a person may not concurrently receive

(1) an employment-assistance allowance and a support allowance, whether they are granted by the Minister or paid by a third person and recognized by the Minister;

(2) an employment-assistance allowance granted by the Minister and financial assistance the Minister recognizes as an employment-assistance allowance; or

(3) a support allowance granted by the Minister and financial assistance the Minister recognizes as a support allowance.”;

(9) section 26 of the Act is amended by replacing “with financial assistance granted under Title I in the form of an employment-assistance allowance or granted in such form to a Native person under a manpower and employment agreement entered into with the Government of Canada and determined by regulation” in the first paragraph by “with an employment-assistance allowance or a support allowance, even if they are granted or recognized by the Minister”;

(10) section 27 of the Act is amended

(a) by replacing “or dependent children allowances or adjustments and of” in the second and third lines of subparagraph 1 of the first paragraph by “allowances or adjustments, any applicable support allowance granted under section 25.1, any applicable dependent children adjustments and”;

(b) by striking out subparagraph 2 of the first paragraph;

(c) by replacing “subparagraphs 1 and 2” in subparagraph 3 of the first paragraph by “subparagraph 1”;

(11) the Act is amended by inserting the following sections after section 27:

“27.1. For the purposes of subparagraph *b* of subparagraph 3 of the first paragraph of section 27, an independent adult or an adult member of the family is deemed to earn the income from employment that would have been received had the adult not taken advantage of the work time reduction measures or leave without pay available under the conditions of employment applicable to the adult.

The first paragraph does not apply if the decision to reduce work time or take leave without pay was made for a serious reason, in particular because of the state of health of that adult or a member of the family or if the adult is

receiving benefits granted under the Act respecting parental insurance (2001, chapter 9) or under section 22 or 23 of the Employment Insurance Act (Statutes of Canada, 1996, chapter 23).

“27.2. For certain special benefits, the Minister may set particular eligibility requirements other than those provided for in the regulation.

If the Minister has entered into an agreement with a person, an association, a partnership or a body to have the need for which a special benefit is required filled in another manner, the Minister may decide not to pay the amount of that benefit.

The conditions for applying this section may vary according to the person’s situation and the availability in the person’s locality or region of the goods or services required.

“27.3. The benefit granted an independent adult or a family may not be reduced for failure to take steps with a view to entering the labour market, in particular for refusing to take a job or leaving or losing a job.”;

(12) section 35 of the Act is amended by replacing “on the form supplied” in the second line of the first paragraph by “according to the procedure prescribed”;

(13) section 38 of the Act is amended by replacing “the family allowances granted by the Régie des rentes du Québec” in the second line of paragraph 2 by “the credit for child assistance and the credit granting a work premium under the Taxation Act (chapter I-3)”;

(14) section 39 of the Act is replaced by the following section:

“39. Except in the cases prescribed by regulation, persons receiving financial assistance must give prompt notice to the Minister of any change in their circumstances or the circumstances of their family that may affect the benefit granted.

Such persons must also file a short form statement in the cases prescribed by regulation, and a complete statement whenever the Minister considers it necessary, but not more often than once per 12-month period, to ascertain the persons’ eligibility for a benefit or the eligibility of their family, or to determine the amount of the assistance to be granted. The statements must be filed in the manner determined by the Minister.

The Minister may cease to pay financial assistance if a statement is not filed within the prescribed time limit, unless the recipient proves that timely filing was impossible.”;

(15) sections 45 to 53 of the Act are repealed;

(16) section 54 of the Act is amended by replacing “43, 44 and 53” in the second line by “43 and 44”;

(17) sections 55 to 57 of the Act are repealed;

(18) section 58 of the Act is amended by striking out “, 55 or 57” in the first line;

(19) Chapter III of Title II of the Act, comprising sections 67 to 97, is repealed;

(20) section 101 of the Act is amended

(a) by replacing “those” in the second line by “in the cases”;

(b) by adding “, up to the amount of the value of the property” at the end of paragraph 1;

(c) by striking out paragraph 2;

(d) by striking out “or as a penalty” in the third line of paragraph 3;

(21) section 105 of the Act is amended by replacing the first paragraph by the following paragraph:

“**105.** A person is not required to repay an amount equivalent to the income tax the person must pay on the amount derived from the realization of a right referred to in section 102. Once the income tax to be paid has been determined, the Minister may, at the person’s request, reduce the amount payable by an amount equivalent to that income tax or, if the amount payable has already been repaid to the Minister, return the excess repayment.”;

(22) the Act is amended by inserting the following section after section 111:

“**111.1.** When a court decision retroactively varies a support payment received by the creditor of support for a period in which the creditor received a benefit under a last resort financial assistance program, the Minister may, on an application by that creditor of support or on a request by the Minister of Revenue under the Act to facilitate the payment of support (chapter P-2.2), recalculate the benefit granted for the months covered by such a variance.

If, as a result, a benefit is owed to the creditor of support and the amount exceeds the amount owed to the Minister under section 83, the Minister remits the excess amount to the creditor of support or the Minister of Revenue, as the case may be.

For the purposes of this section, the application or request must be submitted to the Minister within a reasonable time after the judgment is rendered. The Minister may require new statements for the months covered by such a variance, which must be filed within the next 30 days.”;

(23) the Act is amended by inserting the following section after section 117:

“117.1. An amount granted to the debtor or the debtor’s family under a last resort financial assistance program may not be reduced below an amount established according to the calculation rules prescribed by regulation when the Minister withholds an amount under section 117.”;

(24) section 128 of the Act is amended by replacing the second paragraph by the following paragraphs:

“However, decisions under Title I or section 16, 25.1, 27.2 or 115 are not subject to review.

The second paragraph does not limit the right to apply for a review of a decision pertaining to a refusal to grant a special benefit or a decision pertaining to a claim for an amount granted under this Act in accordance with Chapter II of Title III.”;

(25) section 141 of the Act is repealed;

(26) section 154 of the Act is amended by inserting the following paragraphs after paragraph 1:

“(1.1) determining, from among the manpower and employment agreements entered into with the Government of Canada, those referred to in the second paragraph of section 6.1;

“(1.2) prescribing, for the purposes of section 7, the amount that may not be seized for non-payment of support;”;

(27) section 156 of the Act is amended

(a) by replacing paragraph 11.1 by the following paragraphs:

“(11.1) determining, for the purposes of section 25.1, the support allowance to be added to the basic benefit;

“(11.2) setting, for the purposes of section 25.3, the amount of the employment-assistance allowance granted by the Minister or the financial assistance recognized as an employment-assistance allowance or a support allowance that is excluded from the last resort financial assistance benefit, and determining the cases in which and the conditions subject to which that amount is excluded;

“(11.3) determining, for the purposes of section 25.4, the cases in which and the conditions subject to which a person may receive an employment-assistance allowance concurrently with a support allowance, where both are granted or recognized by the Minister;”;

(b) by inserting the following paragraphs after paragraph 25:

“(25.1) determining, for the purposes of the first paragraph of section 39, the cases in which a person is not required to notify the Minister of a change in the circumstances of that person or that person’s family;

“(25.2) determining, for the purposes of the second paragraph of section 39, the cases in which a short form statement must be filed with the Minister;”;

(c) by striking out paragraphs 27, 28, 30 and 31;

(28) section 158 of the Act is repealed;

(29) section 159 of the Act is amended

(a) by inserting the following paragraph after paragraph 1:

“(1.1) determining, for the purposes of section 101, the cases in which the amounts are not repayable;”;

(b) by adding the following paragraph at the end:

“(9) setting, for the purposes of section 117.1, the calculation rules for establishing the amount below which an amount granted may not be reduced when an amount is withheld.”

177. Despite sections 175 and 176 of this Act, the provisions of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) concerning the Parental Wage Assistance Program continue to have effect with respect to any application under that program and any benefit for a year prior to 2005.

In addition, when section 77 of the Act respecting income support, employment assistance and social solidarity applies to an amount established

(1) for a period subsequent to 31 December 2001 and prior to 1 January 2005, it must be read as follows:

“77. When an adult eligible under the program or the adult’s spouse is required to pay a contribution set under the Act respecting childcare centres and childcare services (chapter C-8.2) or the Education Act (chapter I-13.3), an amount determined according to the procedure provided for by regulation is also granted to that adult, in the cases and under the conditions determined by regulation. The amount thus obtained is deemed to be an increase in the annual benefit.”;

(2) for a period subsequent to 30 September 1999 and prior to 1 January 2002, it must be read as follows:

“77. When an adult eligible under the program or the adult’s spouse is required to pay a contribution set under the Act respecting childcare centres and childcare services (chapter C-8.2) or the Education Act (chapter I-13.3) to which section 74 does not apply, the amount of the benefit established under sections 73, 75 and 76 is increased according to the methods and conditions prescribed by regulation.”

Lastly, when the second paragraph of section 95 of the Act respecting income support, employment assistance and social solidarity applies with respect to a notice sent after 31 October 2004, “to the Minister of Revenue within 45 days after the date of” must be replaced by “without delay to the Minister of Revenue upon the”.

178. Section 48.5 of the Act respecting income security (R.S.Q., chapter S-3.1.1) is replaced by the following section for an amount established for a period subsequent to 30 August 1998 and prior to 1 October 1999:

“48.5. When an adult eligible under the program or the adult’s spouse is required to pay a contribution set under the Act respecting childcare centres and childcare services (chapter C-8.2) or the Education Act (chapter I-13.3) to which section 48.1 does not apply, the amount of the benefit established under the previous provisions is increased according to the methods and criteria determined by regulation.”

179. A regulation under the second paragraph of section 177 of this Act may have effect from 1 October 1999, and a regulation under section 178 of this Act may have effect from 1 September 1998.

A regulation referred to in the first paragraph is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1) or to the date of coming into force set out in section 17 of that Act.

180. Agreements entered into before (*insert the date on which section 175 of this Act comes into force*) under section 8 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) are deemed to be agreements entered into under section 10 of this Act.

181. An amount recoverable under the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) is recoverable, without further formality, under this Act.

182. An amount recoverable under the Act respecting income security (R.S.Q., chapter S-3.1.1) is recoverable, without further formality, under this Act.

183. An amount recoverable under the Social Aid Act (1969, chapter 63) is recoverable under this Act and sections 91, 94 and 97 to 104 apply to that end.

184. Despite section 175 of this Act, section 218 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) continues to have effect with respect to an amount recoverable under the Social Aid Act (1969, chapter 63).

185. The third paragraph of section 89 of this Act applies to claims arising from (*insert the date on which section 89 of this Act comes into force*), even if the benefit was granted before 1 October 1999.

186. Section 104 of this Act applies to an amount owed to the Minister, even if the claim was established before 1 October 1999.

187. Despite section 175 of this Act, section 221 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) continues to have effect with respect to a recovery effected under section 44 of the Act respecting income security (R.S.Q, chapter S-3.1.1) before 1 October 1999.

188. A person designated by the Minister to hear an application for review under section 129 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) is deemed to be a person designated under section 109 of this Act.

189. Despite sections 162 and 164 of this Act, subparagraph ii of subparagraph *b* of the first paragraph of section 69.0.0.7 and section 94.0.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) continue to have effect with regard to a year prior to the year 2005.

190. Before (*insert the date that is one year after the date on which this section comes into force*), the Government may make regulations containing transitional provisions or useful measures to allow the implementation of this Act.

A regulation under this section is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1). However, if the regulation so provides, it may apply from a date not prior to the coming into force of this section.

191. The first regulation required to implement the measures coming into force on 1 January 2005 or 1 October 2005 under section 200 is not subject to the publication requirement under section 8 of the Regulations Act (R.S.Q., chapter R-18.1) or to the date of coming into force set out in section 17 of that Act.

The regulation may have effect in whole or in part from 1 January 2005 if it so provides.

192. Persons referred to in the second paragraph of section 67 of the Social Aid Act (1969, chapter 63) continue to receive the allowances referred to in that paragraph.

193. The rules contained in this Act apply to any claim for an amount granted before 1 January 2003 under Title I, section 16 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) or section 25 of the Act respecting income security (R.S.Q., chapter S-3.1.1) if it is established on or after (*insert the date Chapter II of Title III of this Act comes into force*) for an amount granted to a person, association, partnership or body, or for an amount granted on condition of repayment.

194. The recovery rules provided for in the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) apply to the recovery of an amount granted under a measure or a program established by the Minister under the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001), if the claim for that amount is established on or after (*insert the date of coming into force of this section*).

195. The recovery rules provided for in this Act apply to the recovery of an amount granted under a measure or a program established by the Minister under the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001), if the claim for that amount is established on or after (*insert the date of coming into force of this section*).

196. The Social Assistance and Support Program established by the Minister under section 18.1 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) is deemed established under section 15 of this Act.

197. Before 31 March 2008, the Minister must report to the Government on the results obtained following the implementation of the Social Assistance and Support Program.

198. In any other Act except the Taxation Act (R.S.Q., chapter I-3), in any regulation, except a regulation made under the Taxation Act, and in any other document, unless the context indicates otherwise and with the necessary modifications,

(1) a reference to a provision of the Act respecting income support, employment assistance and social solidarity is a reference to the corresponding provision of this Act;

(2) the term “Act respecting income support, employment assistance and social solidarity” is replaced by the term “Individual and Family Assistance Act”; and

(3) the term “Employment-Assistance Program” is replaced by the term “Social Assistance Program” when it concerns persons whose capacity for employment is not severely limited, and by the term “Social Solidarity Program” when it concerns persons whose capacity for employment is severely limited.

199. The Minister of Employment and Social Solidarity is responsible for the administration of this Act.

200. The provisions of this Act come into force on the date or dates to be set by the Government, except:

(1) paragraph 2 of section 157, paragraph 1, subparagraph *a* of paragraph 6, paragraph 7, paragraph 11 insofar as it enacts section 27.2 of the Act respecting income support, employment assistance and social solidarity, paragraph 12, paragraph 14, subparagraphs *a* and *b* of paragraph 20, paragraphs 21 and 22, paragraph 24, subparagraph *b* of paragraph 27, and subparagraph *a* of paragraph 29 of section 176, which come into force on 1 July 2005;

(2) paragraph 11 insofar as it enacts sections 27.1 and 27.3 of the Act respecting income support, employment assistance and social solidarity, paragraphs 15 to 18, subparagraphs *c* and *d* of paragraph 20, paragraph 23, subparagraph *c* of paragraph 27, and subparagraph *b* of paragraph 29 of section 176, which come into force on 1 October 2005;

(3) paragraphs 2 to 5, subparagraph *b* of paragraph 6, paragraph 8, paragraph 9, subparagraph *a* of paragraph 10, paragraph 26, subparagraph *a* of paragraph 27 of section 176 and sections 194, 196 and 197, which come into force on 1 January 2006.

However, subparagraphs *b* and *c* of paragraph 10, and paragraphs 13, 19, 25 and 28 of section 176 and sections 177 to 179 come into force on 17 June 2005 and have effect from 1 January 2005.

