



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 43

**An Act to amend the Nurses Act and
other provisions in order to facilitate
access to health services**

Introduction

**Introduced by
Madam Danielle McCann
Minister of Health and Social Services**

**Québec Official Publisher
2019**

EXPLANATORY NOTES

This bill amends the Nurses Act to add to the activities that may be engaged in by specialized nurse practitioners, by allowing them to, among other things, diagnose common illnesses, determine medical treatments and monitor certain pregnancies. It also empowers the Ordre des infirmières et des infirmiers du Québec (the Order) to establish, by regulation, the terms and conditions applicable to the activities engaged in by such nurses. Before making such a regulation, the Order must consult the Office des professions du Québec and the interested professional orders, in particular the Collège des médecins du Québec.

In addition, the bill amends certain Acts governing the field of health, in particular to adjust the functions of nursing care directors of health and social services institutions.

The bill also amends several Acts and regulations to, among other things, extend to specialized nurse practitioners the possibility of performing certain examinations or other procedures formerly reserved for physicians, including with respect to occupational health and safety, assistance to individuals and families, automobile insurance, health and social services and educational childcare services.

Lastly, the bill includes various consequential provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Highway Safety Code (chapter C-24.2);
- Nurses Act (chapter I-8);
- Act respecting the protection of persons whose mental state presents a danger to themselves or to others (chapter P-38.001);
- Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);

- Act respecting occupational health and safety (chapter S-2.1);
- Public Health Act (chapter S-2.2);
- Act respecting health services and social services (chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (chapter S-5).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting medical aid (chapter A-3.001, r. 1);
- Regulation respecting travel and living expenses (chapter A-3.001, r. 8);
- Regulation respecting the standards and tables of personal home assistance (chapter A-3.001, r. 9);
- Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1);
- Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1);
- Regulation respecting the application of the Hospital Insurance Act (chapter A-28, r. 1);
- Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5);
- Regulation respecting the terms and conditions for the issuance of health insurance cards and the transmittal of statements of fees and claims (chapter A-29, r. 7.2);
- Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4);
- Regulation respecting licences (chapter C-24.2, r. 34);
- Regulation respecting the health of drivers (chapter C-24.2, r. 40.1);
- Regulation respecting the application of the Act respecting medical laboratories and organ and tissue conservation (chapter L-0.2, r. 1);

- Ministerial Order concerning the determining of ambulance service zones and the maximum number of ambulances per area and per zone, the standards for ambulance service subsidies, the standards of transport by ambulance between institutions and rates of transport by ambulance (chapter L-0.2, r. 2);
- Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1);
- By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4);
- Regulation respecting the certificate issued for the preventive withdrawal and re-assignment of a pregnant or breast-feeding worker (chapter S-2.1, r. 3);
- By-law to establish the Training Plan Regulation of the École nationale des pompiers du Québec (chapter S-3.4, r. 3);
- Educational Childcare Regulation (chapter S-4.1.1, r. 2);
- Regulation respecting the certification of community or private resources offering addiction lodging (chapter S-4.2, r. 0.1);
- Regulation respecting the contribution by users of health and social services institutions (chapter S-4.2, r. 6);
- Regulation respecting the contribution of users taken in charge by intermediate resources (chapter S-4.2, r. 7);
- Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5, r. 1);
- Regulation under the Act respecting the Québec correctional system (chapter S-40.1, r. 1);
- Regulation respecting the preventive withdrawal of certain home childcare providers (Order in Council 865-2019 (2019, G.O. 2, 2280)).

REGULATION REPEALED BY THIS BILL:

- Regulation respecting specialized nurse practitioners (chapter M-9, r. 23.1).

Bill 43

AN ACT TO AMEND THE NURSES ACT AND OTHER PROVISIONS IN ORDER TO FACILITATE ACCESS TO HEALTH SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

NURSES ACT

1. Section 1 of the Nurses Act (chapter I-8) is amended by inserting the following paragraph after paragraph *c*:

“(c.1) “specialized nurse practitioner”: a nurse who holds a specialist’s certificate in any of the classes of specialization governed by a regulation enacted under subparagraph *f* of the first paragraph of section 14;”.

2. Section 14 of the Act is amended

(1) by replacing paragraph *f* by the following paragraph:

“(f) regulate the classes of specialization to which specialized nurse practitioners must belong to engage in the activities referred to in section 36.1, and determine the terms and conditions for engaging in those activities; for that purpose, the board of directors may, in the regulation, establish an advisory committee;”;

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

“The board of directors shall, before adopting a regulation under subparagraph *f* of the first paragraph, consult the Office des professions du Québec and the interested professional orders, in particular the Collège des médecins du Québec.”

3. Section 36.1 of the Act is replaced by the following section:

“36.1. Specialized nurse practitioners may, if so authorized by a regulation made under subparagraph *f* of the first paragraph of section 14, engage in the following activities on the terms and conditions prescribed in that regulation:

(1) diagnosing common illnesses;

(2) prescribing diagnostic examinations;

- (3) using diagnostic techniques that are invasive or entail risks of injury;
- (4) determining medical treatments;
- (5) prescribing medications and other substances;
- (6) prescribing medical treatments;
- (7) using techniques or applying medical treatments that are invasive or entail risks of injury; and
- (8) providing pregnancy care for normal and low-risk pregnancies.

For the purposes of subparagraph 1 of the first paragraph, “common illness” means an illness presenting the following characteristics:

- (1) high incidence within the nurse’s class of specialization and, if applicable, area of care;
- (2) usual symptoms and signs;
- (3) no significant deterioration in the person’s general state;
- (4) defined, specific and recognized diagnostic criteria;
- (5) low potential for rapid deterioration; and
- (6) no potential for serious and irremediable injury.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

4. Section 2 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended by inserting “and any other professional within the meaning of the Professional Code (chapter C-26) and determined by regulation of the Commission” at the end of the definition of “**health professional**”.

5. Section 454 of the Act is amended

- (1) by adding the following subparagraph at the end of the first paragraph:

“(17) determining any professional within the meaning of the Professional Code (chapter C-26) who may act as a health professional for the purposes of this Act.”;

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

“Where the Commission determines a professional under subparagraph 17 of the first paragraph, it may adapt the rules and standards set out in this Act concerning the roles and responsibilities of that professional, or exclude some of those rules and standards.”

6. Section 455 of the Act is amended by replacing “and 14” in the first paragraph by “, 14 and 17”.

7. In any other provision of the Act, except section 207, “physician” is replaced by “health professional”.

HIGHWAY SAFETY CODE

8. Section 73 of the Highway Safety Code (chapter C-24.2) is amended by striking out “medical specialist or other” in the first paragraph.

9. Section 398 of the Code is amended

(1) by inserting “or specialized nurse practitioner” after “physician” in the second paragraph;

(2) by inserting “, specialized nurse practitioner” after “physician” in the third paragraph;

(3) by inserting “, specialized nurse practitioner” after “physician” in the fourth paragraph.

ACT RESPECTING THE PROTECTION OF PERSONS WHOSE MENTAL STATE PRESENTS A DANGER TO THEMSELVES OR TO OTHERS

10. Section 7 of the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (chapter P-38.001) is amended

(1) by adding the following sentence at the end of the first paragraph: “A nurse practitioner specializing in mental health who practises for such an institution may also, if of that opinion, take such action.”;

(2) by inserting “or the nurse practitioner specializing in mental health” after “physician” in the second paragraph.

11. Section 8 of the Act is amended by replacing “, who may” in the second paragraph by “or a nurse practitioner specializing in mental health. The physician or nurse may then”.

12. Section 12 of the Act is amended by inserting “or the nurse practitioner specializing in mental health who placed the person under confinement” at the end of paragraph 1.

13. Section 17 of the Act is amended by inserting “or the nurse practitioner specializing in mental health who placed the person under confinement” after “physician” in the first paragraph.

ACT RESPECTING THE RÉGIE DE L’ASSURANCE MALADIE DU QUÉBEC

14. Section 2 of the Act respecting the Régie de l’assurance maladie du Québec (chapter R-5) is amended, in the sixth paragraph,

(1) by inserting “in collaboration, if applicable, with other health and social services professionals” after “to the person”;

(2) by replacing “health care or social services professional who practises within a family medicine group and belongs to a class of professionals identified by the Minister” by “health and social services professional who belongs to a class of professionals, and practises in premises belonging to a class, identified by the Minister”.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

15. Section 33 of the Act respecting occupational health and safety (chapter S-2.1) is amended

(1) by replacing “or another physician” in the first paragraph by “by another physician or by a specialized nurse practitioner”;

(2) by inserting “or specialized nurse practitioner” after “notify the physician” in the second paragraph;

(3) in the third paragraph,

(a) by replacing “, he” by “or by a specialized nurse practitioner, that professional”;

(b) by inserting “or specialized nurse practitioner” after “or the physician”.

16. Section 42.1 of the Act is amended by inserting “or specialized nurse practitioner” after “attending physician” in the second paragraph.

PUBLIC HEALTH ACT

17. Section 69 of the Public Health Act (chapter S-2.2) is amended by replacing “health condition” in the first paragraph by “state of health”.

18. Section 82 of the Act is amended by replacing “physician” in paragraph 1 by “health professional with the authority to make a medical diagnosis or to assess a person’s state of health”.

19. Section 84 of the Act is amended by replacing “physician” by “health professional with the authority to make a medical diagnosis or to assess a person’s state of health”.

20. Section 86 of the Act is amended

(1) by replacing “physician” in the first paragraph by “health professional with the authority to make a medical diagnosis or to assess a person’s state of health”;

(2) by replacing “physician” in the second paragraph by “such professional”.

21. Section 93 of the Act is amended by replacing “physician” in the first paragraph by “health professional with the authority to make a medical diagnosis or to assess a person’s state of health”.

22. Section 95 of the Act is amended by replacing “physician” in the second paragraph by “health professional with the authority to make a medical diagnosis or to assess a person’s state of health”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

23. Section 190 of the Act respecting health services and social services (chapter S-4.2) is amended

(1) by replacing subparagraph 1.1 of the first paragraph by the following subparagraphs:

“(1.1) where applicable, supervising the activities referred to in the second paragraph of section 31 of the Medical Act (chapter M-9) that are engaged in by other professionals of the department who are authorized to engage in those activities by a regulation of the board of directors of the Collège des médecins du Québec;

“(1.2) where applicable, cooperating with the director of nursing care in supervising and monitoring the quality of nursing acts engaged in under section 36.1 of the Nurses Act (chapter I-8);”;

(2) by replacing “and 1.1” in the second paragraph by “to 1.2”.

24. Section 207 of the Act is amended by striking out subparagraph 1.1 of the first paragraph.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

25. Section 4 of the Act respecting health services and social services for Cree Native persons (chapter S-5) is amended by striking out “by a physician or dentist” in the second paragraph.

INDIVIDUAL AND FAMILY ASSISTANCE REGULATION

26. Sections 86 and 88 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) are amended by inserting “, a specialized nurse practitioner” after “dentist” in the first paragraph.

27. Section 90 of the Regulation is amended by inserting “, specialized nurse practitioner” after “dentist” in the first paragraph.

28. Section 91 of the Regulation is amended by replacing “a midwife, or by” in the first paragraph by “by a midwife, a specialized nurse practitioner or”.

29. Section 103 of the Regulation is amended by inserting “or a specialized nurse practitioner” at the end.

REGULATION RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

30. Section 42 of the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1) is amended by inserting “or a specialized nurse practitioner” after “physician” in the first paragraph.

REGULATION RESPECTING THE APPLICATION OF THE HOSPITAL INSURANCE ACT

31. Section 3 of the Regulation respecting the application of the Hospital Insurance Act (chapter A-28, r. 1) is amended by inserting “or specialized nurse practitioner’s” after “physician’s” in subparagraph iv of subparagraph *a* of the first paragraph.

32. Section 13 of the Regulation is amended by inserting “or a specialized nurse practitioner” after “attending physician” in the second paragraph.

REGULATION RESPECTING THE APPLICATION OF THE HEALTH INSURANCE ACT

33. Section 22 of the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5) is amended by inserting “, specialized nurse practitioner” after “physician” in subparagraph ii of paragraph *r*.

34. Section 32 of the Regulation is amended by striking out “by a physician or dentist” in subparagraph *a* of the first paragraph.

35. Section 33 of the Regulation is amended by replacing “physician or dentist who wrote the prescription” by “prescriber” in subparagraph *a* of the first paragraph.

REGULATION RESPECTING THE TERMS AND CONDITIONS FOR THE ISSUANCE OF HEALTH INSURANCE CARDS AND THE TRANSMITTAL OF STATEMENTS OF FEES AND CLAIMS

36. Section 8.0.4 of the Regulation respecting the terms and conditions for the issuance of health insurance cards and the transmittal of statements of fees and claims (chapter A-29, r. 7.2) is amended by replacing “the physician must indicate on the certificate” by “it must indicate”.

REGULATION RESPECTING THE BASIC PRESCRIPTION DRUG INSURANCE PLAN

37. Section 6 of the Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4) is amended by inserting “or a specialized nurse practitioner” at the end of the first paragraph.

38. Section 11.2 of the Regulation is amended by inserting “or a specialized nurse practitioner” at the end of the first and second paragraphs.

REGULATION RESPECTING LICENCES

39. Section 7.9 of the Regulation respecting licences (chapter C-24.2, r. 34) is amended by inserting “or the specialized nurse practitioner” after “physician” in the second paragraph.

REGULATION RESPECTING THE HEALTH OF DRIVERS

40. Section 2 of the Regulation respecting the health of drivers (chapter C-24.2, r. 40.1) is amended by inserting “or specialized nurse practitioner’s” after “physician’s”.

41. Sections 32 and 33 of the Regulation are amended by inserting “or a specialized nurse practitioner” after “physician” in paragraph 2.

42. Section 51 of the Regulation is amended by replacing paragraph 4 by the following paragraph:

“(4) the manifestations related to the sleep disorder do not, in the opinion of a physician or of a nurse practitioner specializing in mental health, allow the driving of a road vehicle of those classes.”

43. Section 52 of the Regulation is amended by replacing paragraph 2 by the following paragraph:

“(2) the manifestations related to the sleep disorder do not, in the opinion of a physician or of a nurse practitioner specializing in mental health, allow the driving of a road vehicle of those classes.”

REGULATION RESPECTING THE APPLICATION OF THE ACT RESPECTING MEDICAL LABORATORIES AND ORGAN AND TISSUE CONSERVATION

44. Section 2 of the Regulation respecting the application of the Act respecting medical laboratories and organ and tissue conservation (chapter L-0.2, r. 1) is amended by inserting “or a specialized nurse practitioner” after “physician” in paragraph c.

MINISTERIAL ORDER CONCERNING THE DETERMINING OF AMBULANCE SERVICE ZONES AND THE MAXIMUM NUMBER OF AMBULANCES PER AREA AND PER ZONE, THE STANDARDS FOR AMBULANCE SERVICE SUBSIDIES, THE STANDARDS OF TRANSPORT BY AMBULANCE BETWEEN INSTITUTIONS AND RATES OF TRANSPORT BY AMBULANCE

45. Section 4 of the Ministerial Order concerning the determining of ambulance service zones and the maximum number of ambulances per area and per zone, the standards for ambulance service subsidies, the standards of transport by ambulance between institutions and rates of transport by ambulance (chapter L-0.2, r. 2) is amended by inserting “or a specialized nurse practitioner” after “the attending physician” in the text following the second dash.

REGULATION RESPECTING SPECIALIZED NURSE PRACTITIONERS

46. The Regulation respecting specialized nurse practitioners (chapter M-9, r. 23.1) is repealed.

REGULATION RESPECTING THE APPLICATION OF THE ACT RESPECTING THE SHARING OF CERTAIN HEALTH INFORMATION

47. Section 5 of the Regulation respecting the application of the Act respecting the sharing of certain health information (chapter P-9.0001, r. 0.1) is amended, in paragraph 4,

- (1) by inserting “or a specialized nurse practitioner” after “a physician”;
- (2) by replacing “of those physicians” by “of them”.

BY-LAW TO ESTABLISH THE TRAINING PLAN REGULATION OF THE ÉCOLE NATIONALE DE POLICE DU QUÉBEC

48. Section 4 of the By-law to establish the Training Plan Regulation of the École nationale de police du Québec (chapter P-13.1, r. 4) is amended

- (1) by inserting “or specialized nurse practitioner” after “physician” in the third paragraph;

(2) by inserting “or specialized nurse practitioner” after “physician” in the fourth paragraph;

(3) by inserting “or specialized nurse practitioner” after “physician” in the fifth paragraph.

49. Schedule A to the By-law is amended by replacing “Signature of assessing physician” in the last line of the medical examination report by “Signature of assessing physician or specialized nurse practitioner”.

REGULATION RESPECTING THE CERTIFICATE ISSUED FOR THE PREVENTIVE WITHDRAWAL AND RE-ASSIGNMENT OF A PREGNANT OR BREAST-FEEDING WORKER

50. Schedule I to the Regulation respecting the certificate issued for the preventive withdrawal and re-assignment of a pregnant or breast-feeding worker (chapter S-2.1, r. 3) is amended

(1) in section C,

(a) by replacing “Name of physician consultant” by “Name of physician or specialized nurse practitioner consulted”;

(b) by replacing “Designated physician” by “Designated physician or specialized nurse practitioner”;

(2) in section E,

(a) by inserting “or specialized nurse practitioner” after “Attending physician”;

(b) by replacing “Name of physician” by “Name of physician or specialized nurse practitioner”.

BY-LAW TO ESTABLISH THE TRAINING PLAN REGULATION OF THE ÉCOLE NATIONALE DES POMPIERS DU QUÉBEC

51. Section 3 of the By-law to establish the Training Plan Regulation of the École nationale des pompiers du Québec (chapter S-3.4, r. 3) is amended by replacing “doctor’s” in subparagraph 3 of the first paragraph by “physician’s or specialized nurse practitioner’s”.

EDUCATIONAL CHILDCARE REGULATION

52. Section 54.1 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended by inserting “or specialized nurse practitioner’s” after “physician’s” in subparagraph 3 of the first paragraph.

53. Section 60 of the Regulation is amended by inserting “or specialized nurse practitioner’s” after “physician’s” in paragraph 4.

54. Section 64.1 of the Regulation is amended by replacing “physician’s” by “medical”.

55. Section 79 of the Regulation is amended by replacing “by a physician’s” in the third paragraph by “in the medical”.

56. Section 82.2 of the Regulation is amended by inserting “or specialized nurse practitioner’s” after “physician’s” in subparagraph 3 of the first paragraph.

57. Section 111 of the Regulation is amended by inserting “or by a specialized nurse practitioner” after “member of the Collège des médecins du Québec”.

58. Section 122 of the Regulation is amended by inserting “or specialized nurse practitioner” at the end of subparagraph 5 of the first paragraph.

59. Schedule II to the Regulation is amended

(1) by inserting “or specialized nurse practitioner” after all occurrences of “physician”;

(2) by inserting “or a specialized nurse practitioner” after all occurrences of “member of the Collège des médecins du Québec”;

(3) by inserting “ou une infirmière praticienne spécialisée” after “un médecin” in the French text;

(4) by replacing “a child under 3 months of age who has a fever should be taken to see a physician”, “a child who is in pain should be taken to see a physician” and “authorizations from a physician and the parent” by “the presence of fever at that age requires a medical consultation”, “the presence of pain requires a medical consultation” and “medical and parental authorizations”, respectively.

REGULATION RESPECTING THE CERTIFICATION OF COMMUNITY OR PRIVATE RESOURCES OFFERING ADDICTION LODGING

60. Section 29 of the Regulation respecting the certification of community or private resources offering addiction lodging (chapter S-4.2, r. 0.1) is amended by replacing “prescribing physician” in the second paragraph by “prescriber”.

REGULATION RESPECTING THE CONTRIBUTION BY USERS OF HEALTH AND SOCIAL SERVICES INSTITUTIONS

61. Section 1 of the Regulation respecting the contribution by users of health and social services institutions (chapter S-4.2, r. 6) is amended by inserting “or a specialized nurse practitioner” after “attending physician” in paragraph 2.

REGULATION RESPECTING THE CONTRIBUTION OF USERS TAKEN IN CHARGE BY INTERMEDIATE RESOURCES

62. Section 7 of the Regulation respecting the contribution of users taken in charge by intermediate resources (chapter S-4.2, r. 7) is amended by inserting “or a specialized nurse practitioner” after “attending physician” in the second paragraph.

REGULATION RESPECTING THE APPLICATION OF THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

63. Section 358.2 of the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5, r. 1) is amended by inserting “or a specialized nurse practitioner” after “attending physician” in paragraph *b*.

REGULATION UNDER THE ACT RESPECTING THE QUÉBEC CORRECTIONAL SYSTEM

64. Section 22 of the Regulation under the Act respecting the Québec correctional system (chapter S-40.1, r. 1) is amended by inserting “or a specialized nurse practitioner” after “physician”.

65. Section 29 of the Regulation is amended by inserting “or a specialized nurse practitioner” after both occurrences of “physician” in the third paragraph.

REGULATION RESPECTING THE PREVENTIVE WITHDRAWAL OF CERTAIN HOME CHILDCARE PROVIDERS

66. Section 2 of the Regulation respecting the preventive withdrawal of certain home childcare providers, enacted by Order in Council 865-2019 (2019, G.O. 2, 2280) is amended by inserting “or specialized nurse practitioner” after “physician” in paragraph 3.

67. Section 3 of the Regulation is amended by inserting “or specialized nurse practitioner” after “physician” in the introductory clause of the first paragraph.

68. Section 5 of the Regulation is amended by replacing “physician, who” by “physician or the specialized nurse practitioner, who”.

69. Section 6 of the Regulation is amended by inserting “or specialized nurse practitioner” after all occurrences of “physician”.

70. Section 25 of the Regulation is amended by inserting “or specialized nurse practitioner” after “physician” in the first paragraph.

OTHER AMENDING PROVISIONS

71. The following regulations are amended

(1) by replacing all occurrences of “physician” and “physician’s” in the Regulation respecting medical aid (chapter A-3.001, r. 1) by “health professional” and “health professional’s”, respectively;

(2) by replacing all occurrences of “attending physician” and “The physician” in the Regulation respecting travel and living expenses (chapter A-3.001, r. 8) by “health professional in charge of the worker” and “The health professional”, respectively;

(3) by replacing “attending physician” in the Regulation respecting the standards and tables of personal home assistance (chapter A-3.001, r. 9) by “health professional in charge of the worker”.

FINAL PROVISION

72. The provisions of this Act come into force on the date or dates to be set by the Government.