



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 57

Individual and Family Assistance Act

Introduction

Introduced by
Mr. Claude Béchar
Minister of Employment, Social Solidarity and Family
Welfare

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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 of the action plan 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, Social Solidarity and Family Welfare may establish employment-assistance and social assistance and support measures, programs and services. The bill also allows the Minister to grant a person a participation premium, in the form of an employment-assistance allowance or a participation allowance, to foster various activities intended to promote the person's social integration 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 refusal to take or keep 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 to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- 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 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 family benefits (R.S.Q., chapter P-19.1);
- Act respecting the Régie de l'assurance maladie du Québec (R.S.Q., chapter R-5);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- 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 action plan to combat poverty and social exclusion adopted by the Government under 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, and require them to take the initiative in transforming their situation and that of their families.

3. To those ends, the Minister of Employment, Social Solidarity and Family Welfare 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) 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;
- (6) help improve labour market efficiency and minimize the impact of labour market restructuring;
- (7) promote the development of labour market policy instruments and management tools; and
- (8) 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 involvement of persons and families.

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 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. 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 the participation premium exceeding an amount determined by regulation, up to 50% of which may be seized for non-payment of support.

CHAPTER II

PARTICIPATION PREMIUM

14. The Minister may, in the cases and under the conditions determined by the Minister, grant a person a participation premium to foster various activities intended to promote the person’s social integration or entry on the labour market.

15. The participation premium may allow a person to engage in various activities within the framework of an employment-assistance measure or program; it may, in particular,

- (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.

The participation premium may also enable a person to take part in social and community activities.

16. A participation premium 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 the Social Assistance Program, the Social Solidarity Program or the Youth Alternative Program, the amount granted as an employment-assistance allowance may not be less than the amount prescribed by regulation.

17. The Minister may also pay a participation premium, in the form of a participation allowance, to an adult eligible under the Social Assistance Program or the Social Solidarity Program who is engaged in activities that foster that person's social and community involvement, in pilot projects, for instance.

The Minister may also recognize as a participation premium any financial assistance paid by a person, an association, a partnership or a body with whom or with which such activities are engaged in.

18. A person may not receive an employment-assistance allowance concurrently with a participation allowance or either of those allowances concurrently with financial assistance granted in the form of 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.

CHAPTER III

COMMON PROVISIONS

DIVISION I

DEFINITIONS

19. 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.

20. 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.

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

22. 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 conditions for eligibility set out in section 23 or to whom paragraph 2 of section 24 applies is not considered a member of a family.

DIVISION II

ELIGIBILITY

23. 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.

24. 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.

DIVISION III

RECIPROCAL RIGHTS AND OBLIGATIONS

25. 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.

26. A person wishing to obtain financial assistance must apply to the Minister according to the procedure prescribed by regulation 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.

27. A person required to produce a medical report must produce it on the form supplied 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 integration or retention activity. An unfavourable decision of the Minister must be accompanied by the report of the physician so designated by the Minister.

28. The Minister must examine applications for financial assistance made in accordance with section 26 and make a decision promptly. An unfavourable decision must be made in writing.

29. 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 family allowances granted by the Régie des rentes du Québec, 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.

30. 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.

31. Persons receiving financial assistance must

(1) 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;

(2) at intervals prescribed by regulation or at the Minister's request, file a statement with the Minister on the requisite form or in any other way prescribed by regulation.

The Government may make regulations providing for changes in circumstances for which no notice is required.

32. 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.

33. 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.

34. 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.

TITLE II

FINANCIAL ASSISTANCE PROGRAMS

CHAPTER I

SOCIAL ASSISTANCE PROGRAM

DIVISION I

PURPOSE AND ELIGIBILITY

35. 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.

36. 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.

37. 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.

38. An adult may not receive a benefit under the Social Assistance Program if the adult is eligible under the Social Solidarity Program or chooses to take advantage of the Alternative Youth Program. The same applies to a family that includes such an adult.

39. 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 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.

40. 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 24, 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.

41. 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.

42. The Minister includes a statement of the benefits granted under section 40 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

43. 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.

44. 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 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 report 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 does not attend school because of a physical or mental handicap;

(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.

45. An adult may not receive a temporarily limited capacity allowance concurrently with an employment-assistance allowance or with financial assistance granted in the form of 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.

46. 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 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;

(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 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.

47. 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 (R.S.Q., chapter A-29.011);

(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.

48. 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.

49. 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 refusal to take or keep a job.

50. 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.

51. 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 own on the date of the application.

52. 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.

53. If the recipient of a benefit is the lessee of a dwelling and is in default with respect to payment of the agreed rent, the Minister must, on receipt of an order of the Régie du logement and in accordance with the Act respecting the Régie du logement (R.S.Q., chapter R-8.1), pay part of the benefit directly to the lessor, under the conditions and according to the amount relating to lodging determined by regulation. This payment is deemed made to the recipient, except if it should not have been made to the lessor.

54. 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 47, 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.

55. 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, 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.

56. 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.

57. When there is failure to fulfil any of the obligations imposed by sections 26, 27, 31, 54 and 55, 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 56, 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

58. 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.

59. 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,

(1) offer jobs adapted for adults with functional limitations, in particular in adapted work centres or as part of a work integration contract; and

(2) foster participation in social and community activities developed within the framework of local social integration strategies.

60. 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.

61. An independent adult or a family is eligible for 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.

62. An adult may not take advantage of a benefit granted under the Social Solidarity Program if the adult chooses to take advantage of the Youth Alternative Program. The same applies for a family that includes such an adult.

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

64. 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.

65. 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

66. The purpose of the Youth Alternative Program 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 Minister determines the standards for implementing this program, if they are not otherwise provided for in this Act.

67. 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 young people to take part in social and community activities.

68. 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.

69. 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.

70. The family of an adult who chooses to take advantage of the Youth Alternative Program receives financial assistance granted within the framework of the program.

71. The benefit granted within the framework of the program is set by the Minister in the cases and under the conditions determined by the Minister. It takes the form of a youth allowance.

The amount of the allowance 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.

CHAPTER IV

SPECIFIC PROGRAMS

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

73. 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.

74. Within the framework of specific programs, the Minister may grant financial assistance, in the cases and under the conditions the Minister determines.

The Minister may also enter into agreements with persons, associations, partnerships or bodies in order to foster the implementation of these programs, and provide financial assistance to that end.

TITLE III

ADMINISTRATIVE PROVISIONS

CHAPTER I

AGREEMENTS

75. 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 81, 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, the Ministère de la Justice, the Ministère des Relations avec les citoyens et de l'Immigration, 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).

76. 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, de la Solidarité sociale et de la Famille 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

77. 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 47 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.

78. 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.

79. Despite any inconsistent provision of this Act, a person must also repay the Minister, in the cases and under the conditions determined by regulation, the amounts granted under a last resort financial assistance program:

(1) during the declared ineligibility of a person, or a member of the person's family, for allowances or benefits under another Act in force in Québec or elsewhere, up to the amounts that would have been payable under that other Act had the person or family member been eligible; and

(2) up to the amount of the reduction, upon the cessation of a reduction in the amount of allowances or benefits granted to the person or to the person's family under another Act in force in Québec or elsewhere to compensate an overpayment or as a penalty.

80. Spouses are solidarily liable for the repayment of an amount granted under a last resort financial assistance program and recoverable under section 77, 78 or 79, 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 87 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.

81. 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 46 and 51.

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.

82. 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.

83. 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 81.

84. In the case of a debt to which section 81 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.

85. A person is not required to repay the amount equivalent to the income tax the person must pay on the amount derived from the realization of a right referred to in section 81, if the amount of the tax is determined at the time of the realization of the right. Where applicable, the Minister returns any excess repayment to the person on presentation of proof of payment of the tax.

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.

86. An amount granted is not repayable to the Minister under section 81 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.

87. 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.

88. 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 81 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.

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

90. 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.

91. 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.

92. 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.

93. 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.

94. 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.

95. 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

96. 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, section 40, Chapter III and Chapter IV of Title II or section 93 are not subject to review.

97. 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, de la Solidarité sociale et de la Famille.

98. Decisions concerning an application for a temporarily limited capacity allowance for the reason set out in subparagraph 1 of the first paragraph of section 44 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.

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

100. 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.

101. 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.

102. 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.

103. 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 100, 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.

104. 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.

105. 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.

106. 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.

107. 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

108. 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.

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

110. 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.

111. 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.

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

113. 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

114. 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.

115. A person who contravenes section 76 is guilty of an offence and liable to a fine of not more than \$5,000.

116. A person who contravenes a provision of section 113 is guilty of an offence and liable to a fine of not less than \$250 and not more than \$1,000.

117. 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.

118. Penal proceedings for an offence under section 114 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

119. 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 13, the amount that may not be seized for non-payment of support;

(3) prescribing, for the purposes of section 16, the minimum amount that may be paid as an employment-assistance allowance;

(4) determining, for the purposes of section 18, the agreements under which the financial assistance granted cannot be combined with an employment-assistance allowance or a participation allowance;

(5) 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;

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

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

(8) determining, for the purposes of the second paragraph of section 23, 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;

(9) determining, for the purposes of section 24, 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;

(10) prescribing, for the purposes of section 26, the procedure for applying for financial assistance;

(11) determining, for the purposes of section 30, 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;

(12) prescribing, for the purposes of subparagraph 2 of the first paragraph of section 31, intervals for the filing of a statement or return or providing for other procedures for the filing of a statement or return;

(13) determining, for the purposes of the second paragraph of section 31, the changes in circumstances for which no statement need be filed; and

(14) prescribing administrative standards.

120. 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 39;

(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, for the purposes of section 45, the agreements under which the financial assistance granted cannot be combined with a temporarily limited capacity allowance;

(8) 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;

(9) 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;

(10) determining what constitutes liquid assets and property;

(11) 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;

(12) 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;

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

(14) 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;

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

(16) 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;

(17) determining, for the purposes of section 50, the cases in which and the conditions under which an adult may own liquid assets and property;

(18) 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;

(19) determining the conditions of payment of benefits;

(20) determining the conditions under which the Minister, upon an order of the Régie du logement, is to pay to the lessor of a recipient part of the benefit, and prescribing the amount relating to lodging;

(21) prescribing, for the purposes of section 55, the manner of informing the Minister; and

(22) determining, for the purposes of the second paragraph of section 57, the cases in which and the conditions under which the measures provided for in that paragraph are to be applied.

121. 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 64, more flexible rules concerning liquid assets, property and eligibility for certain special benefits.

122. 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 78, the other cases in which and the conditions under which an amount granted is recoverable;
- (3) determining, for the purposes of section 79, the cases in which and the conditions under which an amount granted is recoverable;
- (4) determining the conditions under which an amount under section 82 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; and
- (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.

123. For the purposes of section 107, 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.

124. Regulations under sections 119 to 123 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 has a handicap within the meaning of the Act respecting family benefits (R.S.Q., chapter P-19.1), 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 6 of section 119.

TITLE V

AMENDING PROVISIONS

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

125. 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 an employment-assistance measure or program established under Title I of the Individual and Family Assistance Act (*insert the year and chapter number of this Act*)”.

126. Section 144 of the said 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 (*insert the year and chapter number of this Act*)”.

LEGAL AID ACT

127. 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 (*insert the year and chapter number of this Act*)”.

128. Section 62 of the said 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 (*insert the year and chapter number of this Act*)”.

AUTOMOBILE INSURANCE ACT

129. 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 81 of the Individual and Family Assistance Act (*insert the year and chapter number of this Act*)”.

130. Section 83.62 of the said 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 (*insert the year and chapter number of this Act*)”.

HEALTH INSURANCE ACT

131. 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 (*insert the year and chapter number of this Act*)”.

132. Section 70 of the said 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 (*insert the year and chapter number of this Act*)”.

133. Section 71 of the said 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 (*insert the year and chapter number of this Act*)”.

134. Section 71.1 of the said 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 (*insert the year and chapter number of this Act*)”.

135. Section 71.2 of the said 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 (*insert the year and chapter number of this Act*)”.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

136. 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 (*insert the year and chapter number of this Act*)”.

137. Section 17 of the said 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 (*insert the year and chapter number of this Act*)”.

138. Section 29 of the said 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 61 of the Individual and Family Assistance Act (*insert the year and chapter number of this Act*)”;

(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 61 of the Individual and Family Assistance Act”.

ACT RESPECTING THE BARREAU DU QUÉBEC

139. 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 (*insert the year and chapter number of this Act*)”.

CODE OF CIVIL PROCEDURE

140. 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 (*insert the year and chapter number of this Act*) is exempted from the payment of such fees.”

ACT RESPECTING COLLECTIVE AGREEMENT DECREES

141. 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 81 of the Individual and Family Assistance Act (*insert the year and chapter number of this Act*)”.

PAY EQUITY ACT

142. Section 8 of the Pay Equity Act (R.S.Q., chapter E-12.001) is 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 (*insert the year and chapter number of this Act*)”.

ACT TO SECURE THE HANDICAPPED IN THE EXERCISE OF THEIR RIGHTS

143. Section 54 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended by replacing “within the meaning of section 22 of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001)” in the first paragraph by “within the meaning of section 22 of the Individual and Family Assistance Act (*insert the year and chapter number of this Act*)”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

144. Section 21 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) under section 106 of the Individual and Family Assistance Act (*insert the year and chapter number of this Act*), 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 44 of that Act or the assessment of a severely limited capacity for employment referred to in section 61 of that Act;”.

145. Section 97 of the said 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 (*insert the year and chapter number of this Act*)”.

146. Section 102 of the said 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 (*insert the year and chapter number of this Act*)”;

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

147. Section 1 of Schedule I to the said 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 “100 or 106 of the Individual and Family Assistance Act (*insert the year and chapter number of this Act*)”.

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

148. 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 (*insert the year and chapter number of this Act*)”.

149. Section 14.1 of the said Act is repealed.

150. Section 53.1 of the said 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 97 of the Individual and Family Assistance Act (*insert the year and chapter number of this Act*), the power to authorize a person to act as an inspector under section 108 of that Act and the power to designate an investigator under section 110 of that Act or under section 14 of this Act.”

ACT RESPECTING LABOUR STANDARDS

151. 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 81 of the Individual and Family Assistance Act (*insert the year and chapter number of this Act*)”.

ACT TO FACILITATE THE PAYMENT OF SUPPORT

152. 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 (*insert the year and chapter number of this Act*)”.

ACT RESPECTING FAMILY BENEFITS

153. Section 22 of the Act respecting family benefits (R.S.Q., chapter P-19.1) is amended by striking out the second paragraph.

ACT RESPECTING THE RÉGIE DE L’ASSURANCE MALADIE DU QUÉBEC

154. 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 (*insert the year and chapter number of this Act*)”.

ACT RESPECTING THE RÉGIE DU LOGEMENT

155. Sections 31.1 and 31.2 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) are replaced by the following sections:

“31.1. Where the board grants an application for the recovery of rent and the defaulting lessee receives a benefit under a last resort financial assistance program provided for in the Individual and Family Assistance Act (*insert the year and chapter number of this Act*), the board may order the Minister of Employment, Social Solidarity and Family Welfare to pay to the lessor concerned the part of the benefit relating to lodging, in the amount and subject to the conditions prescribed by regulation under that Act, for any rent falling due during the month for which such benefit is granted. The order is contingent on a renunciation by the lessor of the right to apply for the rescission of the lease for overdue rent.

The board shall fix the period during which the order is applicable, which shall not exceed two years. The order is executory for any period during which the lessee lives in a dwelling belonging to the lessor and so long as the lessor is entitled to collect the rent.

The board may also, where the lessee has been subject to such an order in the two years preceding the issue of the new order, provide that the new order is applicable, on the same conditions, to the lessor concerned and to any future lessor.

“31.2. For the purposes of section 31.1, the board may order the Minister of Employment, Social Solidarity and Family Welfare to inform the board of the fact that a lessee is a recipient under a last resort financial assistance program and of the amount of the benefit granted for the month during which the order is issued. The board must keep the information received from the Minister confidential until the hearing.”

156. Section 78 of the said Act, amended by section 188 of chapter 36 of the statutes of 1998, is again amended

(1) by replacing “that a writing signed by an authorized person at the Ministère de l’Emploi et de la Solidarité bears witness to the fact that a person is a recipient under a last resort financial assistance program and to the amount of the benefit granted and that the writing is accepted in lieu of the testimony of a representative of that department. Similarly, a commissioner may decide” in the first paragraph by “that a writing signed by an authorized person at the Ministère de l’Emploi, de la Solidarité sociale et de la Famille bears witness to the fact that a person is a recipient under a last resort financial assistance program and to the amount of the benefit granted and that the writing is accepted in lieu of the testimony of a representative of that department. Similarly, a commissioner may decide”;

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

“Nevertheless, a party may require the presence of the representative of the Ministère de l’Emploi, de la Solidarité sociale et de la Famille or the inspector at the hearing; however, if the board considers that the production of the writing or report would have sufficed, it may condemn that party to pay costs in the amount it fixes.”

ACT RESPECTING THE QUÉBEC PENSION PLAN

157. 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 81 of the Individual and Family Assistance Act (*insert the year and chapter number of this Act*)”.

158. Section 229 of the said 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 (*insert the year and chapter number of this Act*)”.

159. Section 231 of the said 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 (*insert the year and chapter number of this Act*)”.

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

160. 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 81 of the Individual and Family Assistance Act (*insert the year and chapter number of this Act*)”.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

161. 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 (*insert the year and chapter number of this Act*)”.

ACT RESPECTING PRE-HOSPITAL EMERGENCY SERVICES

162. 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 (*insert the year and chapter number of this Act*)”.

ACT RESPECTING ASSISTANCE AND COMPENSATION FOR VICTIMS OF CRIME

163. 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 81 of the Individual and Family Assistance Act (*insert the year and chapter number of this Act*)”.

TITLE VI

TRANSITIONAL AND FINAL PROVISIONS

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

165. Until section 164 comes into force, the following provisions of the Act respecting income support, employment assistance and social solidarity are amended as follows:

(1) section 27 of the said Act is amended

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

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

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

“27.1. The Minister may set particular eligibility requirements for certain special benefits other than those determined by 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.

“27.2. The benefit granted to an independent adult or a family may not be reduced for failure to take steps with a view to integrating the labour market, in particular for refusal to take or keep a job.”;

(3) section 39 of the said Act is amended

(a) by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) at intervals prescribed by regulation or at the Minister’s request, file a statement with the Minister on the form provided by the Minister or in any other way prescribed by regulation.”;

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

“The Government may make regulations providing for changes in circumstances of which a person is not obliged to inform the Minister.”;

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

(5) section 54 of the said Act is amended by replacing “43, 44 and 53” by “43 and 44”;

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

(7) section 58 of the said Act is amended by striking out “, 55 or 57” after “54”;

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

(9) section 101 of the said Act is amended

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

(b) by striking out paragraphs 2 and 3;

(10) the said Act is amended by inserting the following section after section 101:

“101.1. Despite any inconsistent provision of this Act, a person must also repay the Minister, in the cases and under the conditions determined by regulation, the amounts granted under a last resort financial assistance program

(1) during the declared ineligibility of the person, or a member of the person’s family, for allowances or benefits under another Act in force in Québec or elsewhere, up to the amounts that would have been payable under that other Act had the person or family member been eligible under the program; and

(2) up to the amount of the reduction, upon the cessation of a reduction in the amount of allowances or benefits granted to the person or to the person's family under another Act in force in Québec or elsewhere to compensate an overpayment or as a penalty.”;

(11) section 110 of the said Act is amended by replacing “the first paragraph of section 100 or section 101” in the first paragraph by “section 100, 101 or 101.1”;

(12) section 128 of the said Act is amended by replacing the second paragraph by the following paragraph:

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

(13) section 141 of the said Act is repealed;

(14) section 156 of the said Act is amended

(a) by inserting the following paragraph after paragraph 25:

“(25.1) prescribing, for the purposes of the second paragraph of section 39, the changes in circumstances for which no notice is required;”;

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

(15) section 158 of the said Act is repealed;

(16) section 159 of the said Act is amended by inserting the following paragraph after paragraph 2:

“(2.1) determining, for the purposes of section 101.1, the cases in which and the conditions under which an amount granted is recoverable;”.

166. Despite sections 164 and 165 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.”

167. 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.”

168. A regulation under the second paragraph of section 166 of this Act may have effect from 1 October 1999, and a regulation under section 167 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.

169. Agreements entered into before (*insert the date on which section 164 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.

170. 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.

171. 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.

172. An amount recoverable under the Social Aid Act (1969, chapter 63) is recoverable under this Act and sections 82, 84 and 87 to 93 apply to that end.

173. Despite section 164 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).

174. The third paragraph of section 80 of this Act applies to claims arising from (*insert the date on which section 80 of this Act comes into force*), even if the benefit was granted before 1 October 1999.

175. Section 93 of this Act applies to an amount owed to the Minister, even if the claim was established before 1 October 1999.

176. Despite section 164 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.

177. Despite section 153 of this Act, the second paragraph of section 22 of the Act respecting family benefits (R.S.Q., chapter P-19.1) continues to have effect with respect to amounts repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) for a period prior to 1 January 2005.

178. 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 97 of this Act.

179. 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.

180. 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.

181. 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.

182. The rules provided for in this Act apply to a claim for an amount granted before (*insert the date on which this section comes into force*) 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 is established on that date.

However, if a ministerial order under section 14.1 of that Act applies to the measure or program, section 170 of this Act applies to the claim.

183. In any other Act except the Taxation Act (R.S.Q., chapter I-3) or the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), in any regulation, except a regulation made under the Taxation Act or a regulation made under the Act respecting the Ministère du Revenu, 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.

184. The Minister of Employment, Social Solidarity and Family Welfare is responsible for the administration of this Act.

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

(1) paragraph 1, paragraph 2 insofar as it enacts section 27.1 of the Act respecting income support, employment assistance and social solidarity, paragraphs 3 and 8, subparagraph *a* of paragraph 9, paragraphs 11 to 13, subparagraph *a* of paragraph 14 and paragraph 15 of section 165, and sections 166 to 168, which come into force on 1 January 2005; and

(2) paragraph 2 insofar as it enacts section 27.2 of the Act respecting income support, employment assistance and social solidarity, paragraphs 4 to 7, subparagraph *b* of paragraph 9, paragraph 10, subparagraph *b* of paragraph 14 and paragraph 16 of section 165, which come into force on 1 April 2005.

