



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 133
(2000, chapter 33)

**An Act to amend the Act respecting
health services and social services
concerning the Naskapi Nation of
Kawawachikamach**

**Introduced 11 May 2000
Passage in principle 23 May 2000
Passage 14 June 2000
Assented to 16 June 2000**

**Québec Official Publisher
2000**

EXPLANATORY NOTES

This bill establishes special rules applicable to any public institution constituted for members of the Naskapi Nation of Kawawachikamach and whose head office is situated in the territory described in this bill.

With regard to the structure of these institutions, this bill introduces measures to ensure the board of directors of these institutions are mainly composed of persons who are members of the Naskapi Nation of Kawawachikamach.

With regard to the operation of these institutions, this bill establishes that the institutions must seek the advice of the council of the Naskapi Nation of Kawawachikamach prior to exercising certain powers and must transmit certain information to the said council.

The bill also establishes certain specific provisions dealing with complaint examination procedures with regard to complaints of users who are members of the said nation.

Lastly, the bill provides for the constitution of a local community service centre whose mission would be to serve the members of the said nation.

Bill 133

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES CONCERNING THE NASKAPI NATION OF KAWAWACHIKAMACH

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by inserting the following after section 530.88 :

“PART IV.3

“SPECIAL PROVISIONS APPLICABLE TO CERTAIN LANDS TRANSFERRED FOR THE EXCLUSIVE USE OF THE NASKAPI NATION OF KAWAWACHIKAMACH

“TITLE I

“GENERAL PROVISIONS

“530.89. This Part applies to any public institution whose head office is situated in the territory constituted by the Category IA-N lands of which the administration, management and control were transferred by Order in Council 92-92 dated 29 January 1992 for the exclusive use and benefit of the Naskapi Band of Quebec, now called the Naskapi Nation of Kawawachikamach.

“530.90. The provisions of this Act applicable to public institutions apply to every institution described in section 530.89, subject to the special provisions enacted by this Part.

“TITLE II

“USERS’ COMPLAINTS

“530.91. In addition to what is provided for in sections 31 and 42, the complaint examination procedure enables the user to file a complaint with an institution referred to in section 530.89 concerning the services that have or should have been provided to the user by an institution whose head office is situated outside the territory described in the said section.

Where such a complaint is filed, the complaints officer responsible for the application of the complaint examination procedure who receives the complaint must transmit it with diligence to the complaints officer responsible for the

application of the complaint examination procedure in the institution concerned or, as the case may be, the regional board concerned, who shall then examine the complaint and communicate with the complaints officer of the institution referred to in section 530.89 who shall inform the user with diligence of the action taken following the user's complaint.

If a complaint concerning an institution situated outside the territory described in section 530.89 is filed directly with the complaints officer responsible for the application of the complaint examination procedure of the institution or, as the case may be, the regional board, the complaint shall be examined by the complaints officer who shall inform the complaints officer responsible for the application of the complaint examination procedure of an institution referred to in section 530.89. Any information relating to the follow-up of the complaint shall be communicated to the complaints officer of the latter institution, who shall communicate the information to the user with diligence.

“530.92. Where the regional board or the complaints commissioner examines the complaint of a Naskapi who is a beneficiary under the Northeastern Québec Agreement and whose domicile is situated in the territory described in section 530.89, the regional board or the complaints commissioner must be assisted by a Naskapi who is a beneficiary under the Northeastern Québec Agreement, appointed by the Government on the recommendation of the council of the Naskapi Nation of Kawawachikamach. The Government shall fix the salary or fees and the other terms of employment of the latter Naskapi.

“530.93. Any report transmitted to the regional board by an institution described in section 530.89, pursuant to section 68, must also be transmitted to the council of the Naskapi Nation of Kawawachikamach.

“TITLE III

“BOARD OF DIRECTORS OF AN INSTITUTION DESCRIBED IN SECTION 530.89

“530.94. The board of directors of an institution shall be composed of the following persons, who shall be members of the board as and when they are elected or appointed :

(1) three persons, who are qualified electors of the Nation, elected by and from among the members of the Naskapi Nation of Kawawachikamach. Of the persons elected, at least one shall be a female person, at least one shall be a male person and at least one shall be 50 years of age or over ;

(2) one person elected by and from among the persons employed by the institution ;

(3) a member of the council of the Naskapi Nation of Kawawachikamach, appointed by the council of the Naskapi Nation of Kawawachikamach;

(4) a member of the Naskapi Education Committee referred to in section 11.5 of the Northeastern Québec Agreement, appointed by the Naskapi Education Committee;

(5) the executive director of the institution.

No Naskapi whose domicile is situated within the limits of the Indian reserve of Matimekossh, as defined in Order in Council 2718 dated 21 August 1968, may be elected under subparagraph 1 of the first paragraph.

“530.95. The rules governing the election and appointment of members referred to in subparagraphs 1, 3 and 4 of the first paragraph of section 530.94 are determined by a by-law adopted by the council of the Naskapi Nation of Kawawachikamach and must be submitted to the regional board for approval.

The procedure governing the election of persons referred to in subparagraph 2 of the first paragraph of section 530.94 is determined by a regional board by-law.

Elections or appointments shall take place on the date fixed by the regional board. Before fixing the date, the regional board must consult the council of the Naskapi Nation of Kawawachikamach.

“530.96. Any vacancy on the board of directors shall be filled, for the unexpired portion of the term of office of the member whose seat has become vacant, as follows :

(1) in the case of a member whose seat becomes vacant 18 months or less after the election or appointment of the member, the vacancy shall be filled in accordance with the rules governing the election or appointment of the member. The board of directors shall inform the regional board of the election or appointment;

(2) in the case of a member whose seat becomes vacant more than 18 months after the election or appointment of the member, the members of the board of directors remaining in office shall fill the vacancy by resolution. The person thus appointed shall have the qualifications required to be a member of the board of directors in the same capacity as the member replaced. The board of directors shall inform the regional board of the appointment.

If the board of directors fails to fill a vacancy within 60 days of its occurrence, the vacancy may be filled by the regional board after consultation with the council of the Naskapi Nation of Kawawachikamach.

Any unexplained absence from a number of regular and consecutive sittings of the board of directors determined in the rules of internal management, in the cases and circumstances provided therein, also constitutes a vacancy.

“530.97. Any interested person may apply to the Tribunal administratif du Québec to contest or demand the annulment of any election of a member of the board of directors.

The second, third, fourth, fifth and sixth paragraphs of section 148 apply to an application made under the first paragraph.

“530.98. A person elected under subparagraph 1 of the first paragraph of section 530.94 may be elected as a member of the board of directors of the regional board under subparagraph 1 of the first paragraph of section 397.

“TITLE IV

“OPERATING RULES OF AN INSTITUTION DESCRIBED IN SECTION 530.89

“530.99. Before establishing priorities and orientations for an institution prescribed by section 171 or adopting a code of ethics prescribed by section 233, an institution must seek the advice of the council of the Naskapi Nation of Kawawachikamach.

“530.100. The performance by an institution of acts described in sections 260, 262, 263, 268 and 271 and for which an authorization is required is subject to the additional obligation to seek the advice of the council of the Naskapi Nation of Kawawachikamach. The same applies to acts described in subparagraphs 1 to 4 of the first paragraph of section 265.

“530.101. Section 266 does not apply to an institution.

“530.102. An institution must transmit to the council of the Naskapi Nation of Kawawachikamach a copy of all documents or information furnished to the regional board, pursuant to section 272, and allow the council to verify the accuracy of the said documents or information.

“530.103. An institution must, at the request of the council of the Naskapi Nation of Kawawachikamach, supply it with any information concerning the use made of assistance obtained under section 272.

“530.104. An institution must, within the time prescribed by section 278, transmit to the council of the Naskapi Nation of Kawawachikamach a copy of the report described in the said section. In addition to the information provided for in section 278, the report must contain any information required by the council of the Naskapi Nation of Kawawachikamach.

“530.105. An institution must, at the request of the council of the Naskapi Nation of Kawawachikamach, supply it with a copy of statements, statistical data, reports and other information furnished to the regional board, pursuant to section 279.

“530.106. An institution must seek the advice of the council of the Naskapi Nation of Kawawachikamach before submitting to the regional board, where required, the budget balancing plan referred to in the third paragraph of section 286.

“530.107. An institution must transmit to the council of the Naskapi Nation of Kawawachikamach a copy of any report transmitted to the regional board pursuant to section 288, within the same time.

“530.108. Before appointing an auditor, in accordance with section 290 or, where applicable, filling a vacancy in accordance with section 291, the board of directors of an institution must seek the advice of the council of the Naskapi Nation of Kawawachikamach.

“530.109. A copy of the auditor’s report must be submitted to the council of the Naskapi Nation of Kawawachikamach at the same time as it is submitted to the board of directors of the institution under section 294.

“530.110. A copy of the annual financial report of the institution, prepared in accordance with section 295, must be transmitted to the council of the Naskapi Nation of Kawawachikamach, within the time provided for in the said section. The institution must also furnish to the council any information it requires in respect of the report.

“530.111. An institution must seek the advice of the council of the Naskapi Nation of Kawawachikamach before requesting the authorization provided for in the second paragraph of section 296.

“530.112. Any information concerning the financial position of an institution must be furnished to the council of the Naskapi Nation of Kawawachikamach at the same time as it is furnished pursuant to section 297.

“TITLE V

“MISCELLANEOUS PROVISIONS APPLICABLE TO AN INSTITUTION DESCRIBED IN SECTION 530.89

“530.113. The constituting instrument of an institution cannot be granted, amended, revoked, abandoned or cancelled without the consent of the council of the Naskapi Nation of Kawawachikamach.

“530.114. No institution may be amalgamated without the consent of the council of the Naskapi Nation of Kawawachikamach.

“530.115. No institution may, without the consent of the council of the Naskapi Nation of Kawawachikamach, integrate the whole of its property, rights and obligations with those of another institution.

“530.116. Where a community organization carries on activities in the territory referred to in section 530.89, the report of activities and the financial statement provided for in section 338 must be transmitted within the same time to the council of the Naskapi Nation of Kawawachikamach.

“TITLE VI

“TRANSITIONAL PROVISION

“530.117. As soon as this Part comes into force, the Minister shall require the constitution, for the territory described in section 530.89, of a public institution whose mission shall be to operate a local community service centre for the Naskapis who are beneficiaries under the Northeastern Québec Agreement. The institution may also, with the consent of the council of the Naskapi Nation of Kawawachikamach, enter into an agreement with the regional board to offer services to a population other than the population the institution has the mission to serve.”

2. This Act comes into force on 16 June 2000.