



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 145
(2002, chapter 81)

An Act respecting the Cree Hunters and Trappers Income Security Board

Introduced 21 November 2002
Passage in principle 3 December 2002
Passage 18 December 2002
Assented to 19 December 2002

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EXPLANATORY NOTES

This bill gives effect to Complementary Agreement No. 15 to the James Bay and Northern Québec Agreement entered into between the Government of Québec and the Cree Regional Authority and repeals the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec. The bill is in furtherance of Order in Council 605-2002 dated 24 May 2002 made by the Government of Québec bringing the Complementary Agreement into force.

The bill provides for the continuance of the Cree Hunters and Trappers Income Security Board which had been established under the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec. It provides that the Board is to be governed by the new Act and the provisions to that effect contained in Section 30 of the James Bay and Northern Québec Agreement.

The bill provides that the Board's function is to administer the Income Security Program for Cree Hunters and Trappers.

Lastly, the bill contains various transitional provisions and concordance amendments.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting administrative justice (R.S.Q., chapter J-3).

LEGISLATION REPEALED BY THIS BILL :

- Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2).

Bill 145

AN ACT RESPECTING THE CREE HUNTERS AND TRAPPERS INCOME SECURITY BOARD

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. In this Act, “Program” refers to the Income Security Program for Cree Hunters and Trappers provided for in Section 30 of the James Bay and Northern Québec Agreement appearing as Schedule 1 to Complementary Agreement No. 15 entered into between the Government of Québec and the Cree Regional Authority, approved by Order in Council 605-2002 dated 24 May 2002 and published in the *Gazette officielle du Québec* dated 6 November 2002.

2. The Cree Hunters and Trappers Income Security Board, a legal person constituted by chapter 16 of the statutes of 1979, is continued and shall be governed by this Act and the Program.

3. It is the mission of the Board to administer the Program.

For that purpose, the Board shall exercise the powers and duties provided for by this Act and the Program ; however, the powers referred to in paragraph 30.6.14, except those relating to overpayment or abuse, or in paragraph 30.11.8 of the Program shall be exercised subject to the conditions set out in section 10 or 11 of this Act, as the case may be.

4. The head office of the Board shall be in the territory of Ville de Québec ; the Board may, however, move the head office to any other location in Québec with the authorization of the Government and the Cree Regional Authority. Notice of any change of location of the head office shall be published in the *Gazette officielle du Québec*.

The Board may hold its sittings at any place in Québec.

5. The Board is composed of six members.

The Cree Regional Authority shall appoint three members by a resolution filed at the head office of the Board.

The Government shall appoint the three other members.

Notice of the appointments of the six members shall be published by the Minister in the *Gazette officielle du Québec* within thirty days following such appointments.

The salary, additional salary, allowances and expenses of each member shall be fixed and paid by the authority that appointed the member.

The members appointed by the Government who are public servants continue to be members of the public service staff.

6. The Government and the Cree Regional Authority shall designate, each year and alternately, a chair and a vice-chair from among the members of the Board.

The Minister shall publish a notice of the appointment of the chair and the vice-chair in the *Gazette officielle du Québec* within 30 days following their appointment.

The vice-chair shall replace the chair if the latter is absent or unable to act.

7. Every vacancy shall be filled in the manner provided for the appointment of the member to be replaced. In the case of the chair or vice-chair, such new appointment is valid only for the remainder of the term.

8. The members of the personnel of the Board shall be appointed in accordance with the staffing plan established by by-law of the Board. Subject to the provisions of a collective agreement, the Board shall determine, by by-law, the pay scales and rates of the personnel in accordance with the conditions defined by the Government.

9. The members of the Board or other persons in its employ may not be prosecuted for official acts performed in good faith in the exercise of their functions.

10. Every government department or body is authorized to communicate to the Board any information the Board requires to verify eligibility under the Program and to calculate the amount of benefits.

The information must be communicated 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).

11. The Board may designate a person to investigate any matter relating to the application of the Program.

For the purposes of an investigation, the investigator shall 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 order imprisonment.

The investigator shall, on request, produce identification and a certificate of capacity, signed by the chair of the Board or a person authorized by the chair for that purpose.

12. No person may hinder an investigator in the exercise of his or her functions, mislead or attempt to mislead the investigator by misrepresentation or false statements, refuse to produce the documents required or omit or refuse, without good cause, to answer any question that may lawfully be asked.

Every person who contravenes a provision of this section is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$1,000.

13. The Board shall furnish the Minister or the Cree Regional Authority with any information they may require regarding the Board's activities.

14. The fiscal year of the Board ends on 30 June each year.

15. Not later than 31 January each year, the Board shall report to the Minister and the Cree Regional Authority on its activities for the preceding fiscal year.

The report must also contain any information regarding the Program that may be required by the Minister or the Cree Regional Authority.

The Minister shall table the report in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days after resumption.

16. The books and accounts of the Board shall be audited each year by the Auditor General and whenever ordered by the Government. The audit reports must accompany the Board's annual report.

17. The benefits paid under the Program are unseizable in the same manner as salaries under article 553 of the Code of Civil Procedure (R.S.Q., chapter C-25).

The provisions of the first paragraph shall not prevent the application of any other Act as regards the unseizability of benefits.

18. Every person who believes himself or herself aggrieved by a decision rendered by the Board under paragraph 30.9.7 of the Program may, within 60 days of notification, contest the decision before the Administrative Tribunal of Québec.

19. Schedule I to the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 130 of chapter 9 of the statutes of 2001, section 107 of chapter 24 of the statutes of 2001, section 20 of chapter 29 of the statutes of 2001, section 147 of chapter 60 of the statutes of 2001, section

25 of chapter 22 of the statutes of 2002 and section 41 of chapter 27 of the statutes of 2002, is again amended by replacing “or under section 31.18 or 40 of the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2)” in paragraph 3 of section 1 by “or under section 18 of the Act respecting the Cree Hunters and Trappers Income Security Board (2002, chapter 81)”.

20. The Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2) is repealed.

21. The regulations made pursuant to the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec continue to apply until they are replaced or repealed.

22. In any text or document, a reference to the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec or one of its provisions is, unless the context indicates otherwise, a reference to this Act or to the corresponding provision of this Act or the Program.

For the purposes of subparagraph 14 of section 44 of the Regulation respecting legal aid made by Order in Council 1073-96 (1996, G.O. 2, 3949), the words “programs established by” in that section mean the Program to which this Act applies.

23. The Minister of Social Solidarity is responsible for the administration of this Act.

24. The members of the Cree Hunters and Trappers Income Security Board in office on 19 December 2002 are deemed to have been appointed in accordance with the provisions of sections 5 and 6 of this Act.

25. The provisions of this Act, except the provisions of section 12, have effect from 1 July 2002, subject to the provisions of sections 2 and 4 of Complementary Agreement No. 15 referred to in section 1 of this Act.

26. This Act comes into force on 19 December 2002.