

NATIONAL ASSEMBLY

FIRST SESSION

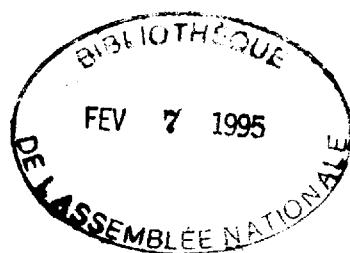
THIRTY-FIFTH LEGISLATURE

Bill 60

An Act to facilitate the payment of support

Introduction

**Introduced by
Madam Jeanne L. Blackburn
Minister of Income Security
and Minister responsible for the Status of Women**



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EXPLANATORY NOTES

The object of this bill is to establish how and on what terms and conditions judgments awarding periodic support payments are to be enforced.

To that end, debtors of support will henceforth be required to make their support payments to the Minister of Revenue for the benefit of the creditor of support, except where, in certain cases determined by the bill, the court decides otherwise. Support payments will be collected either by means of a deduction at source from amounts paid regularly to the debtor of support or by means of a payment order from the Minister, in which case the debtor will be required to furnish security.

Every two weeks, the Minister will remit the amount of support he has collected to the creditor of support. In certain cases, where support payments are not made, the Minister will be authorized to pay sums of money to the creditor to stand in lieu of the support payments.

Moreover, the bill provides for the establishment of the "Fonds des pensions alimentaires" into which the sums collected by the Minister are to be paid before they are transmitted to the creditors of support. The bill also establishes the rules governing the operation of the fund.

In addition, the bill proposes various measures for the recovery of sums owed under the provisions of the Act. It determines the remedies available against certain decisions of the Minister, establishes the regulatory powers of the Government and sets out penal provisions.

Finally, the bill contains various amendments for concordance and a number of transitional provisions.

ACTS AMENDED BY THIS BILL:

- Code of Civil Procedure (R.S.Q., chapter C-25);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting income security (R.S.Q., chapter S-3.1.1).

Bill 60

An Act to facilitate the payment of support

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

1. Support payable as a pension awarded to a creditor of support under a judgment rendered in Québec shall be paid in the manner and according to the terms and conditions prescribed by this Act.

The same applies in respect of a judgment enforceable in Québec pursuant to the Act respecting reciprocal enforcement of maintenance orders (R.S.Q., chapter E-19).

2. The debtor of support shall make his support payments, including arrears, if any, to the Minister of Revenue for the benefit of the creditor of support.

3. The court may exempt the parties from the application of this Act, except sections 4 and 5, in the following cases:

(1) where the debtor of support establishes a trust guaranteeing the payment of the support;

(2) where the court is satisfied that the application of this Act could cause serious injury to one of the parties and the debtor files at the office of the court sufficient security to guarantee support payments for three months;

(3) where the parties make a joint application therefor, the court is satisfied that the parties have given free and enlightened

consent and the debtor files at the office of the court sufficient security to guarantee support payments for three months.

Subparagraph 3 of the first paragraph is not applicable where the creditor of support receives benefits under a last resort assistance program pursuant to the Act respecting income security (R.S.Q., chapter S-3.1.1).

4. The exemption granted by the court ceases to have effect for the duration of the obligation of support

(1) where it is ascertained by the Minister, on application by the creditor of support, that the debtor of support has failed to establish the trust, file the security or make a support payment when due;

(2) where the parties make a joint application therefor.

Such applications shall be sent to the Minister by registered or certified mail, accompanied with the information and documents prescribed by regulation.

CHAPTER II

COLLECTION OF SUPPORT PAYMENTS

DIVISION I

GENERAL PROVISIONS

5. As soon as a judgment awarding support or varying a judgment awarding support is rendered, the clerk of the court shall notify the following information to the Minister:

(1) the amount and due date of the support payments;

(2) the amount of arrears in support payments, if any;

(3) the basis of indexation of the support payments, if any, specified in the judgment;

(4) any other information necessary for the purposes of this Act.

The clerk of the court shall also transmit to the Minister the sworn statements provided for in article 827.5 of the Code of Civil Procedure (R.S.Q., chapter C-25) as well as any security filed pursuant to section 3. Sections 26, 28 and 66, and where expedient, sections 32 to 39 apply to the security.

6. Support payments are collected by means of a deduction at source or by means of a payment order or both.

7. Upon receipt of an application under section 4 or of the information notified by the clerk of the court, the Minister shall give notice to the debtor of the collection procedure applicable to him.

8. The debtor may, within ten days of that notice, file an application with the Minister requesting that another collection procedure be made applicable to him, if he meets the conditions thereof.

As soon as the support payments are payable, the debtor shall make his support payments to the Minister until the deduction at source or payment order becomes effective.

9. Where the Minister considers it appropriate in view of the amount of the support payments, the income of the debtor of support and any other circumstance relating to the payment of the support, the Minister may register, in the name of the creditor of support, a legal hypothec on the debtor's property in accordance with the provisions of article 2730 of the Civil Code of Québec.

DIVISION II

DEDUCTIONS AT SOURCE

10. Where an amount is paid periodically by a person to a debtor of support, the Minister shall collect support payments by means of a deduction at source from the following amounts and in the following order:

- (1) salary, wages or other remuneration;
- (2) fees or advances on remuneration, fees or profits;
- (3) benefits granted under an Act in respect of a pension plan or compensation plan;
- (4) the other amounts specified by regulation.

General partnerships, limited partnerships, undeclared partnerships and associations shall be regarded as persons.

Where there are several amounts of the same rank from which the deduction at source may be made, it shall be made from the largest amount and, if need be, from the others in decreasing order.

11. Section 10 does not apply to any amount which by law is totally exempt from seizure.

12. Any person who pays a periodic amount shall, at the request of the Minister, communicate to him any information with regard to that amount allowing the portion that may be deducted at source to be determined.

13. The Minister shall determine the sum that may be deducted at source having regard to the support payments to be made, up to the portion that is seizable for support debts as determined pursuant to the second paragraph of article 553 of the Code of Civil Procedure. Arrears in support payments and fees, if any, may be included in that sum, in such proportion as the Minister determines.

For the purpose of determining that sum, the amounts referred to in subparagraphs 2 to 4 of the first paragraph of section 10 are deemed to be salary.

14. Any person who pays a periodic amount shall, on notice from the Minister, deduct at source the sum determined by the Minister and remit it to him on the dates and in the manner specified in the notice.

A copy of the deduction notice shall be transmitted by the Minister to the debtor of support.

15. If the deduction at source is interrupted or terminated, the debtor shall make his support payments to the Minister.

16. Any person who deducts a sum at source pursuant to section 14 is deemed to hold that sum in trust for the Minister and shall keep it separate from his own funds.

In the event of the bankruptcy of that person or the winding-up or alienation of the person's property, any sum so deducted shall constitute an autonomous and distinct patrimony not forming part of the property subject to the bankruptcy, winding-up or alienation, whether or not the sum deducted has in fact been kept separate from the person's own funds.

17. A deduction at source is binding for as long as the periodic amount from which the deduction is made is payable to the debtor.

However, the Minister shall release the person making a deduction at source from the obligation to do so and give notice thereof to the debtor of support where the support becomes payable under a payment order or where the debtor is discharged from the obligation to make support payments and no arrears or fees are owing.

18. Any person who, despite the deduction notice, neglects or refuses to deduct at source the sum determined by the Minister becomes solidarily liable for that sum with the debtor of support.

Moreover, any person who neglects or refuses to remit to the Minister a sum he has deducted at source becomes the sole debtor of that sum.

19. Every person making a deduction at source shall give notice to the Minister as soon as the periodic amount from which the deduction is made ceases to be payable to the debtor.

20. Every person who receives a deduction notice shall declare to the Minister any seizure by garnishment that is binding in respect of the debtor of support. The person shall also declare to the Minister any seizure by garnishment served on him after receipt of the deduction notice.

In such cases, the deduction at source is suspended for as long as the seizure by garnishment is binding. The Minister shall file a copy of the deduction notice at the office of the court, and the copy constitutes the claim of the Minister for the purposes of article 647 of the Code of Civil Procedure. The clerk shall remit to the Minister the sums to which a creditor of support is entitled.

For the purposes of collocation, a seizure by garnishment for the execution of an ordinary claim subsequent to the original judgment awarding support has no effect in respect of the amount claimed by the Minister, except if that ordinary claim is another support claim.

DIVISION III

PAYMENT ORDERS

21. The Minister shall collect support payments by means of a payment order

(1) where there is no amount from which a deduction at source may be made;

(2) in respect of the balance owing, where the amount deducted at source is less than the amount of the support payment;

(3) where a debtor of support receiving a periodic amount so requests, provided there are no arrears.

In such cases, security shall be furnished to the Minister and maintained by the debtor.

22. Subparagraph 3 of the first paragraph of section 21 ceases to have effect for the duration of the obligation of support if a support payment is not made when due.

Moreover, the said subparagraph is not applicable to a debtor of support where the creditor of support receives benefits under a last resort assistance program pursuant to the Act respecting income security.

23. The Minister shall determine the amount that must be paid by the debtor having regard to the support payments to be made and, where applicable, any sum deducted at source pursuant to section 14. Arrears in support payments and fees, if any, may be included in that amount, in such proportion as the Minister determines.

The debtor shall pay to the Minister the amount so determined on the dates and in the manner specified in the payment order.

24. The security required of the debtor must be sufficient to guarantee the support payments or, as the case may be, the payment of the balance owing, for three months.

New or additional security must be furnished where the amount of the payments or balance is varied.

25. Where a debtor shows to the Minister that he is unable to furnish the required security, the Minister may grant him a term for doing so. However, such a term cannot be granted to a debtor referred to in subparagraph 3 of the first paragraph of section 21.

Moreover, the Minister may, every year or at any time if he has reasonable grounds to believe that the financial situation of a debtor has improved, shorten or cancel the term granted for furnishing the security.

The Minister may, for such purposes, require of the debtor that he file any document or information and that he report on any steps he has taken to obtain a loan or security from a financial institution.

26. A debtor of support who fails to furnish or maintain the required security is deemed not to have made a support payment when due.

DIVISION IV

REIMBURSEMENT

27. Any creditor of support who receives from the Minister an amount to which he is not entitled shall reimburse that amount to the Minister.

28. Where the debtor is released from the obligation to pay support and no arrears or fees are owing, the Minister shall return to him the security not realized on or any balance thereof.

The Minister shall also return the security if it is no longer required.

Interest at the legal rate is paid annually to the debtor if the security is a sum of money.

DIVISION V

FEES

29. The Government may impose, in the cases and on the conditions prescribed by regulation, the payment of a fee for the collection of arrears in support payments or of any amount owing under this Act.

Where arrears are owing, the fee shall not be collected until all arrears have been paid.

Such a fee bears interest at the legal rate and is exigible notwithstanding the termination of the support obligation.

CHAPTER III

PAYMENT TO THE CREDITOR OF SUPPORT

30. The Minister shall, every two weeks, pay to the creditor of support the amount of the support and arrears he has collected.

31. Where a support payment is not made when due, the Minister may, in the cases and on the conditions prescribed by regulation, pay to the creditor, for a period not exceeding three months, sums of money up to a maximum amount of \$1 000 to stand in lieu of support payments. Such sums are paid in the name of the debtor and are recoverable from him or, where applicable, from the person referred to in the second paragraph of section 18.

However, where the debtor has furnished security, the Minister shall realize on the security and shall make the support payments to the creditor of support out of the proceeds.

CHAPTER IV

FONDS DES PENSIONS ALIMENTAIRES

32. The Fonds des pensions alimentaires, hereinafter referred to as the "Fund", is hereby established at the Ministère du Revenu, and the following sums shall be paid into it:

- (1) the sums collected by the Minister under this Act;
- (2) the sums paid to the Minister as security;
- (3) the sums derived from realization on securities;
- (4) the fees paid under this Act;
- (5) the advances paid into the Fund by the Minister of Finance under section 35;

(6) the sums paid into the Fund by the Minister, by a department or by a body of the Government and taken out of the appropriations allocated for that purpose by Parliament;

(7) the interest accrued on the sums referred to in paragraphs 1 to 4.

33. The sums required

(1) for the payment of the amounts payable by the Minister under this Act and

(2) for the return of any security that is a sum of money or of the balance thereof and for the payment of accrued interest

shall be taken out of the Fund.

34. The Government shall determine the costs to be charged to the Fund.

[[**35.** The Minister of Finance may advance to the Fund, on authorization by the Government and on the conditions determined by the latter, sums taken out of the consolidated revenue fund.]]

36. The remuneration and expenses relating to the social benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), to the activities connected with the administration of this Act may be paid out of the Fund, up to the amount of the sums paid into the Fund under paragraph 6 of section 32.

37. The sums making up the Fund shall be managed by the Minister. The Minister shall, notwithstanding section 13 of the Financial Administration Act (R.S.Q., chapter A-6), keep the books of account of the Fund and record the financial commitments chargeable to the Fund. The Minister shall also certify that such commitments and the payments arising therefrom do not exceed the available balances and comply with them.

38. Sections 22, 24 to 27, 33, 35, 47 to 49, 49.2, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the Fund.

Section 23 of the said Act applies with respect to the estimates concerning the operating expenses of the Fund.

39. The fiscal year of the Fund ends on 31 March.

CHAPTER V

RECOVERY

40. Any person owing an amount under this Act shall pay the amount within ten days after receipt of a demand for payment from the Minister.

However, the Minister may enter into a written agreement with such a person to establish the terms and conditions of payment of the amount owed. If the person is a debtor of support, the Minister shall give notice thereof to the creditor of support.

Before entering into such an agreement, the Minister may require of the person that he file any document or information which establishes his financial situation and that he report on any steps he has taken to obtain a loan or security from a financial institution.

If the terms of the agreement are not complied with, the agreement lapses.

41. In order to recover an amount, the Minister may use any recovery measure under this Act or any measure for compulsory execution under the Code of Civil Procedure. In such a case, the Minister shall act in the capacity of seizing creditor on behalf of the creditor of support.

The Minister may also become a party to any proceeding to foster the execution of the judgment and exercise any of the powers of a creditor under articles 543 to 546.1 of the said Code.

42. The Minister may, by written notice, require a person who is bound to make a payment, within one year after the date of the notice, to a person owing an amount under this Act, that he pay to the Minister all or part of the amount to be paid to his creditor, such payment to be made at the time at which the amount becomes payable to his creditor.

The same applies in the case of a payment to be made to the secured creditor of a person owing an amount under this Act or to the transferee of a debt transferred by such person where the payment would, but for the security or transfer, be made to that person.

43. Where a person owing an amount under this Act is the debtor of a financial institution and has furnished security for his

debt, and the institution has not yet paid its consideration for the debt, the Minister may, by written notice, require that the institution pay to the Minister all or part of the consideration.

The same rule applies where the person is to become the debtor of a financial institution within one year after the date of the notice from the Minister.

44. The Minister may, by written notice, require that a person other than a financial institution who, within one year after the date of the notice, is to lend or advance an amount to a person who owes an amount under this Act or is to pay an amount for that person, pay to the Minister all or part of that amount.

The first paragraph applies only if the person owing an amount under this Act is to be, within one year after the date of the notice, remunerated by the person other than a financial institution, or, where the latter person is a legal person, only if the person is not dealing at arm's length therewith within the meaning of the Taxation Act (R.S.Q., chapter I-3).

45. Any person who neglects or refuses to comply with a notice of the Minister under any of sections 42 to 44 becomes solidarily liable with the debtor of support for the amount required by the notice.

46. In order to recover an amount owed by a person under this Act, the Minister may acquire and alienate any property of that person, whether the property is offered for sale following legal proceedings or otherwise.

47. Where a person other than a debtor of support owes an amount under this Act, the Minister may issue a certificate attesting that the debt is exigible and specifying the amount owed; the certificate shall be proof that the debt is exigible.

Once the certificate, together with a copy of a document attesting the amount owed, is filed at the office of the competent court, the certificate becomes enforceable as if it were a final and unappealable judgment of that court and has all the effects of such a judgment.

CHAPTER VI

REMEDIES

48. A debtor having received a notice under section 7 by reason of the application of subparagraph 1 of the first paragraph of section 4 may, within ten days after receipt of the notice, contest the application of this Act in his respect by a motion to the court.

49. Any debtor who receives a copy of a deduction notice pursuant to the first paragraph of section 22 or any person to whom a demand for payment under section 40 is transmitted may oppose the deduction notice or demand for payment by sending to the Minister by registered or certified mail, within ten days after receipt of the notice or demand, a notice of contestation setting out the reasons for the contestation and all relevant facts.

50. The Minister shall, within 30 days after receipt of a notice of contestation, examine the grounds of the contestation and make his decision known to the person having sent the notice.

51. A person may, within 30 days after a decision rendered by the Minister under section 50, file an appeal from the decision to the court of the judicial district in which the person resides or to the court of the judicial district of Québec or Montréal, according to the judicial district in which the decision would be appealable under article 30 of the Code of Civil Procedure if it were an appeal to the Court of Appeal.

52. The appeal is brought by means of a motion filed in duplicate at the office of the court or sent in duplicate to the office of the court by registered or certified mail.

The clerk of the court shall transmit one copy of the motion to the Minister, who shall send to the clerk a copy of the notice of contestation and a copy of the decision appealed from.

The motion is heard and decided by preference.

53. The court may dismiss the motion, cancel or vary the deduction notice or demand for payment or refer notice or demand to the Minister for re-examination and a new decision.

54. A remedy sought under this chapter shall not prevent support payments from being collected by the Minister or recovery measures from being taken in respect of the amount at issue, unless a judge acting in chambers orders otherwise.

Such an order may be issued only where there are exceptional grounds therefor and the judge is satisfied that the payment of the support is assured until a decision is rendered regarding the remedy sought.

CHAPTER VII

PENAL PROVISIONS

55. Every person who fails to withhold or remit a sum in accordance with section 14 is guilty of an offence and liable to a fine of not less than \$100 nor more than \$5 000.

56. Every person who fails to provide the information required by section 12 or 19, or who provides false information, is guilty of an offence and liable to a fine of not less than \$100 nor more than \$1 000.

57. Every person who contravenes section 63 is guilty of an offence and liable to a fine of not more than \$500.

58. Where a person is convicted of an offence under section 55, the court may make any order to remedy the failure constituting the offence.

Prior notice of the application for such an order shall be given by the prosecutor to the person who could be compelled under such an order, except where the person is present in court.

CHAPTER VIII

REGULATORY PROVISIONS

59. The Government may determine, by regulation,

(1) the amounts from which a deduction at source may be made pursuant to subparagraph 4 of the first paragraph of section 10;

(2) the nature of the security referred to in sections 3 and 21;

(3) the cases and conditions in and on which the Government may impose a fee under section 29 and fix the amount of such fee;

(4) the cases and conditions in and on which the Minister may pay sums of money to stand in lieu of support payments pursuant to section 31;

(5) the information and documents that must be transmitted under section 4 or 85.

CHAPTER IX

MISCELLANEOUS PROVISIONS

60. This Act is of public order.

61. This Act is binding on the Government, its departments and their mandatory bodies.

62. No person may, on pain of damages, refuse to employ a person by reason of his being a debtor of support subject to the provisions of this Act.

63. Any information obtained under this Act is confidential.

No person may use such information for a purpose other than a purpose provided for by law, disclose or allow the disclosure of such information to a person not legally entitled thereto or allow examination of or access to a document containing such information by such a person.

64. The Minister of Revenue is responsible for the administration of this Act.

65. Any civil proceeding under this Act by or against the Minister shall, notwithstanding any inconsistent provision, be instituted in the name of the Deputy Minister of Revenue.

Any penal proceeding for an offence under this Act may be instituted by the Deputy Minister of Revenue.

Sections 72.4 and 77 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), adapted as required, shall apply to any such civil or penal proceeding.

66. A security furnished to the Minister or a sum of money to be paid or returned by the Minister under this Act is inalienable and unseizable.

CHAPTER X

AMENDING AND REPEALING PROVISIONS

CODE OF CIVIL PROCEDURE

67. Section IV of Chapter I of Title II of Book IV of the Code of Civil Procedure (R.S.Q., chapter C-25) is repealed.

68. Article 589 of the said Code is amended by replacing the second paragraph by the following paragraph :

“However, where the Minister of Revenue acts as seizing creditor pursuant to the Act to facilitate the payment of support (*insert here the year and chapter number of that Act*), no advance of money may be demanded by the seizing officer.”

69. The said Code is amended by inserting, after article 659, the following article:

“659.0.1 Debtors of support subject to the Act to facilitate the payment of support may not avail themselves of this subsection.

Where such a debtor is already making voluntary deposits, such voluntary deposits shall be interrupted and articles 641 to 650, adapted as required, shall apply.”

70. Section IV.1 of Chapter IV of Title II of Book IV of the said Code is repealed.

71. The said Code is amended by inserting, after article 659.10, the following article:

“659.11 This section shall not apply where the Minister of Revenue is acting as seizing creditor pursuant to the Act to facilitate the payment of support.”

72. Article 661.1 of the said Code is repealed.

73. The said Code is amended by inserting, after article 827.4, the following articles:

“827.5 Every application relating to an obligation of support must be accompanied with a sworn statement by each party, and each such statement must contain the information prescribed by regulation. If a creditor is a minor, the statement must be made by the person acting for the minor.

The statements shall be kept at the office of the court, and are confidential. If the court does not award support, the statements are destroyed.

“827.6 As soon as a judgment awarding support or a judgment varying such a judgment is rendered, the clerk of the court shall enter in the register of support payments the relevant information contained in the judgment and in the sworn statements and shall transmit the statements to the Minister of Revenue.”

TAXATION ACT

74. Section 313 of the Taxation Act (R.S.Q., chapter I-3), amended by section 140 of chapter 22 of the statutes of 1994, is again amended by adding, after the first paragraph, the following paragraph:

“Where the amount referred to in the first paragraph or any part of that amount is paid by the Minister under the Act to facilitate the payment of support (*insert here the year and chapter number of that Act*) otherwise than out of the sums collected from the debtor of support, the amount or any part of the amount, once paid, is deemed, for the purposes of paragraphs *a* to *b.1* of section 312, to have been received by the taxpayer under the order or judgment.”

75. Section 336 of the said Act, amended by section 95 of chapter 15 of the statutes of 1993, section 29 of chapter 64 of the statutes of 1993, section 143 of chapter 22 of the statutes of 1994 and section 38 of chapter 1 of the statutes of 1995, is again amended by adding, after paragraph 2, the following paragraph :

“(2.1) Where an order or judgment referred to in any of subparagraphs *a* to *b* of paragraph 1, or any variation thereof, provides for the periodic payment of an amount by a taxpayer to a person who is the taxpayer’s spouse or former spouse or, where the amount is paid under an order made by a competent tribunal in accordance with the laws of a province, an individual of the opposite sex who is the father or mother of a child of the taxpayer, or for the benefit of the person or a child in the custody of the person or both the person and that child, the amount or any part of the amount is paid by the Minister under the Act to facilitate the payment of support (*insert here the year and chapter number of that Act*) otherwise than out of the sums collected from the taxpayer and, in a particular taxation year, the taxpayer reimburses to the Minister all or part of the amount paid by the Minister, the amount reimbursed

is deemed, for the purposes of the said subparagraphs *a* to *b*, to have been paid in that year under the order or judgment.”

76. Section 1016 of the said Act is amended by adding the following paragraph:

“The Minister shall determine such a lesser amount where the amount paid to the taxpayer is subject to a deduction under the Act to facilitate the payment of support (*insert here the year and chapter number of that Act*) and the amount so deducted is deductible under section 334.”

ACT RESPECTING THE MINISTÈRE DU REVENU

77. Section 2 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by inserting the words “, the Act to facilitate the payment of support (*insert here the year and chapter number of that Act*)” after the word “laws” in the second line of the second paragraph.

78. Section 18.1 of the said Act is replaced by the following section:

“18.1 Where an amount is deducted or withheld in accordance with the terms of a fiscal law or the Act to facilitate the payment of support, that amount is deemed to have been received by the beneficiary of the payment from which the said deduction or withholding was made.”

79. Section 31 of the said Act, amended by section 16 of chapter 72 of the statutes of 1993, is again amended by adding, at the end of the second paragraph, the words “or of any amount that the person must pay to the Minister under the Act to facilitate the payment of support.”

80. Section 31.1.1 of the said Act, enacted by section 41 of chapter 79 of the statutes of 1993, is amended by inserting, after the word “law” in the second line of the first paragraph, the words “or under the Act to facilitate the payment of support”.

ACT RESPECTING LABOUR STANDARDS

81. Section 122 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by inserting, after subparagraph 3 of the first paragraph, the following subparagraph:

“(3.1) on the ground that such employee is a debtor of support subject to the Act to facilitate the payment of support (*insert here the year and chapter number of that Act*) ;”.

ACT RESPECTING INCOME SECURITY

82. Section 39 of the Act respecting income security (R.S.Q., chapter S-3.1.1) is amended by replacing the second paragraph by the following paragraph :

“To exercise such subrogation, the Minister shall notify the Minister of Revenue and provide to him the information required for the purposes of the Act to facilitate the payment of support (*insert here the year and chapter number of that Act*).”

CHAPTER XI

TRANSITIONAL AND FINAL PROVISIONS

83. The provisions of this Act apply to juridical situations in which the collector of support payments is charged, under articles 659.1 and 659.2 of the Code of Civil Procedure, with compulsory execution of a judgment awarding support against the debtor's property.

To that effect, the powers of the collector of support payments are transferred to the Minister of Revenue who shall continue proceedings in accordance with the rules contained in this Act.

84. For the purposes of section 83, the collector of support payments shall forthwith transmit to the Minister of Revenue all relevant information in respect of each judgment awarding support.

85. The provisions of this Act apply to any person who is a debtor of support before (*insert here the date of coming into force of section 1 of this Act*), and to the creditor of support,

(1) on the application of the creditor, where a support payment is not made when due, in which case the debtor may avail himself of section 48;

(2) on the joint application of the parties.

Such applications shall be addressed to the clerk of the court in the district in which the judgment awarding support was rendered

or of the court in the district in which the creditor resides and shall be accompanied with the information and documents prescribed by regulation. The clerk shall enter the judgment in the register of support payments and shall notify such information and transmit the prescribed documents to the Minister of Revenue.

86. Unless the context indicates otherwise, in any other Act and in any regulation, by-law, order in council, ministerial order, proclamation, judgment, order, contract, agreement, accord or other document, a reference to the collector of support payments is a reference to the Minister of Revenue.

87. The Minister of Revenue shall, not later than *(insert here the date that is the fifth anniversary of the day on which section 1 of this Act comes into force)*, submit to the Government a report concerning the carrying out of this Act.

The report shall be tabled before the National Assembly by the Minister within 15 days if the Assembly is sitting or, if it is not sitting, within 15 days after resumption.

88. This Act comes into force on the date or dates to be fixed by the Government.