

Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

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PROVINCE OF QUÉBEC

2nd SESSION

36th LEGISLATURE

QUÉBEC, 30 MAY 2001

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 30 May 2001*

This day, at thirty-six minutes past seven o'clock in the evening, the Honourable the Administrator of Québec was pleased to sanction the following bills:

- 2 An Act to amend the Courts of Justice Act

- 140 An Act respecting parental insurance

- 162 An Act to amend the Act respecting financial assistance for education expenses

To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.

PROVINCE OF QUÉBEC

2nd SESSION

36th LEGISLATURE

QUÉBEC, 1 JUNE 2001

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 1 June 2001

This day, at five minutes past twelve o'clock in the afternoon, the Honourable the Administrator of Québec was pleased to sanction the following bills:

- 160 An Act respecting the Bibliothèque nationale du Québec and amending various legislative provisions
- 177 Geologists Act

To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 2
(2001, chapter 8)

An Act to amend the Courts of Justice Act

Introduced 28 March 2001
Passage in principle 10 May 2001
Passage 29 May 2001
Assented to 30 May 2001

**Québec Official Publisher
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EXPLANATORY NOTES

This bill amends the Courts of Justice Act to introduce a new pension plan for the judges of the Court of Québec and the municipal courts of Laval and Québec, and for the judges of the Municipal Court of Montréal insofar as an agreement is reached between Ville de Montréal and the Commission administrative des régimes de retraite et d'assurances to enable them to participate in the plan. In the absence of an agreement, an equivalent pension plan administered by the municipality is to be established.

The bill proposes certain modifications to the employment benefits applicable to the judges of the Court of Québec.

The provisions contained in the bill give effect to the recommendations of the Committee on the remuneration of the judges of the Court of Québec and municipal judges concerning the pension plan and other benefits related to the pension plan and group insurance plans.

The bill provides for the appointment of an additional judge to the Superior Court for the judicial districts of Hull, Labelle and Pontiac. The bill also establishes, for part of the judicial district of Abitibi, a concurrent jurisdiction over the judicial districts of Abitibi, Saint-Maurice and Roberval.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Courts of Justice Act (R.S.Q., chapter T-16);
- Act to amend the Courts of Justice Act and the Act respecting municipal courts (1999, chapter 62).

Bill 2

AN ACT TO AMEND THE COURTS OF JUSTICE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 21 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing “143” in the first paragraph by “144”.

2. Section 32 of the said Act is amended by replacing “four” in subparagraph 7 of the first paragraph by “five”.

3. Section 93.1 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph :

“93.1. A judge suffering from permanent physical or mental disability which, in the opinion of the Government, prevents the judge from effectively performing the duties attached to judicial office shall be relieved from judicial duties. Unless the judge resumes judicial duties under the second paragraph, the judge is deemed to have ceased to hold office on the day preceding the day on which the judge satisfies any of the requirements set out in section 224.3, 228 or 246.3, as the case may be, for eligibility for a pension.”;

(2) by replacing “reappoint him as a judge of the court where he formerly held office without having recourse to the selection procedure prescribed by regulation under section 88” in the first, second and third lines of the second paragraph by “permit the judge to resume judicial duties at the same court”;

(3) by replacing “nommé” in the fourth line of the second paragraph of the French text by “affecté”.

4. Section 121 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph :

“121. The Government may, by order, establish the amount of expenses that may be incurred by judges in the carrying out of their duties and for which they may be reimbursed on presentation of vouchers.”;

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

“Reimbursable expenses do not include a judge’s personal expenses but they include expenses incidental to the judge’s functions and approved by the chief judge or a judge designated by the chief judge.”

5. Section 122 of the said Act is amended

(1) by inserting “V.1 or Part” after “Part” in the second line of the second paragraph;

(2) by adding the following sentence at the end of the second paragraph: “The Government may also specify in the plan the situations that entail the obligation for the judge to contribute to the plan and the conditions relating to the determination and payment of the contributions.”;

(3) by inserting “Unless expressly provided to the contrary,” at the beginning of the third paragraph.

6. Section 122.0.1 of the said Act is amended by adding the following paragraph at the end:

“The Government may make an order determining the information, the terms and the conditions that such an agreement must contain.”

7. Section 122.3 of the said Act is amended by inserting “V.1 or Part” after “Part” in the third line of the second paragraph.

8. Section 127 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The contributions of the judges and the contributions of the municipalities to the supplementary benefits plan established under the second paragraph of section 122 shall be paid into the consolidated revenue fund.”

9. The said Act is amended by inserting the following Part after section 224:

“PART V.1

**“PENSION PLAN OF THE JUDGES OF THE COURT OF QUÉBEC
AND OF CERTAIN MUNICIPAL COURTS**

“CHAPTER I

“SCOPE

“224.1. The pension plan established by this Part applies to judges of the Court of Québec and judges of the municipal courts of Laval and Québec appointed after 31 December 2000. It also applies to judges of those courts appointed before 1 January 2001 and still in office on that date, to the extent that they elect to participate in that plan before 1 January 2002.

The same shall apply to judges of the Municipal Court of Montréal if Ville de Montréal has become a party to the pension plan under section 31 of chapter 8 of the statutes of 2001.

“CHAPTER II

“CONTRIBUTIONS

“224.2. A judge must pay, as contributions to this plan, an amount corresponding to 7% of the judge’s annual salary. The annual salary of a judge is the salary fixed by order under section 115. However, the additional remuneration paid to a chief judge, senior associate chief judge, associate chief judge, coordinating judge or associate coordinating judge and all other remuneration paid to a judge referred to in sections 131 to 134 shall be excluded from the salary.

Where a judge is granted leave without pay under section 122.0.1, the judge’s annual salary for the purposes of this section is the salary to which the judge would have been entitled pursuant to the order made under section 115 had the judge exercised the functions attached to the judge’s office during the year concerned. The annual salary of a judge who is a party to an agreement granting leave with deferred pay under section 122.0.1 is the salary received by the judge in each of the years covered by the agreement.

Any lump sum paid as a salary increase or adjustment for a preceding year is added to the salary for the year in which it is paid. However, if the lump sum is paid in a year for which no service is credited, it forms part of the salary for the last year for which service is credited prior to the year of payment.

The judge shall pay the contributions provided for by this section until the date on which the judge ceases to hold office, subject to the applicable fiscal rules.

“CHAPTER III

“PENSION AND REFUND

“224.3. A judge who ceases to hold office is eligible for a pension if the judge

- (1) has reached 65 years of age ;
- (2) has accumulated at least 21.7 years of service ;
- (3) has, in years of age and years of service, a combined total of 80 or more.

“224.4. A judge under 65 years of age who, upon ceasing to hold office, has less than two years of service is entitled to a refund of the

contributions paid with accrued interest, unless the judge elects to transfer such years or parts of a year of service to another pension plan pursuant to a transfer agreement made under section 246.24.

If the judge dies before obtaining the refund, the judge's contributions shall be refunded to the judge's spouse or, if the judge leaves no spouse, to the judge's heirs.

“224.5. For the purposes of this pension plan, the contributions paid, including those from which a judge was exempt, bear interest at the rate fixed by regulation, from the midpoint of the year in which they were paid until the first day of the month in which the payment of benefits begins or in which the contributions are refunded.

“224.6. A judge who, upon ceasing to hold office, has two years of service or more but does not satisfy any of the requirements set out in section 224.3, is entitled to a deferred pension payable at 65 years of age, computed in accordance with sections 224.8 and 224.9, unless the judge elects to transfer such years or parts of a year of service to another pension plan pursuant to a transfer agreement made under section 246.24.

A deferred pension confers on the judge's spouse, children or heirs, from the time it becomes payable, the same rights as those provided in the case of a judge who is in receipt of a pension.

The deferred pension of a judge is cancelled if the judge is reappointed to an office to which pensionable service is attached under this pension plan, and the years or parts of a year of service accumulated are added to those already credited.

“CHAPTER IV

“COMPUTATION AND PAYMENT OF THE PENSION

“224.7. For the purposes of this pension plan, a year or part of a year of service is any year or part of a year

(1) during which a judge of the Court of Québec or of the municipal court of a municipality that is a party to this pension plan held judicial office or during which a judge was granted leave without pay or leave with deferred pay under section 122.0.1, to the extent that the judge has paid the contributions required under section 224.2, and subject to the applicable fiscal rules;

(2) during which the judge held any function to which pensionable service is attached under this plan;

(3) of past service credited pursuant to a transfer agreement made under section 246.24;

(4) in respect of which the judge receives benefits, as a salary replacement under an employee benefits plan established under the first paragraph of section 122 or, where applicable, under an equivalent plan in effect in a municipality that is a party to this pension plan, including any year or part of a year during which the judge was relieved from judicial duties under section 93.1.

The Government shall fix, by order, the conditions that must be fulfilled so that a year or part of a year during which a judge was granted leave without pay or leave with deferred pay may be counted for the purposes of the pension plan.

If a judge has received, in respect of certain years, a refund of contributions paid including the contributions from which the judge was exempt, and has not repaid those contributions as permitted by sections 224.26, 244.9 and 244.10, such years shall be taken into account for pension eligibility purposes only.

A year or part of a year of service shall not be counted under this plan if it is counted under another pension plan.

A judge shall not accumulate service and shall not acquire entitlement to any additional amount of pension under this plan after 30 December of the year in which the judge reaches 69 years of age.

“224.8. The annual amount of a judge’s pension is equal to the amount obtained by multiplying the judge’s average salary by 1.5% per year of credited service. That amount, however, shall not exceed the amount obtained by multiplying the defined benefit limit applicable under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement) for the year in which the judge retires, by the number of years of credited service.

Notwithstanding the first paragraph, the annual amount of a judge’s pension, including the amounts to which the judge is entitled as supplementary benefits under the plan established pursuant to the second paragraph of section 122, shall not exceed 65% of the judge’s average salary.

“224.9. The average salary of a judge is the average salary for the three best remunerated years of service or, if the judge has less than three years of service, the average salary for all of the judge’s years of service.

To determine a judge’s average salary, the annual salaries taken into consideration are those of all the years of service of the judge as fixed by an order under section 115. However, the additional remuneration attached to the office of chief judge, senior associate chief judge or associate chief judge shall be included in those salaries only if the judge has held such an office for at least seven years. The additional remuneration paid to a coordinating judge or associate coordinating judge and any other remuneration paid to a judge to whom sections 131 to 134 apply shall be excluded from such salaries.

Any lump sum paid as a salary adjustment for a preceding year shall form part of the salary for the year in which it is paid. However, if the lump sum is paid in a year for which no service is credited, it forms part of the salary for the last year for which service is credited prior to the year of payment.

For the purposes of this section, the salary pertaining to a year of service covered by an agreement granting leave with deferred pay under section 122.0.1 is the salary that the judge would have received if the judge had not been a party to such an agreement.

“224.10. A judge’s pension that begins to be paid before the judge reaches 65 years of age and before the judge’s age and years of service total 80 shall be reduced, for its duration, by the amount obtained by multiplying the amount of the pension established pursuant to the first paragraph of section 224.8 by 0.25% per month, computed for each month comprised between the date on which payment of the pension begins and the date on which the judge will reach 65 years of age or the date on which the judge’s age and years of service will total 80, whichever occurs first.

“224.11. A pension paid to a judge under this pension plan is a life pension and payment must begin on or before 31 December of the year in which the judge reaches 69 years of age.

The latter rule does not, however, apply to a judge who continues to hold office after that date; in such a case, payment of the pension begins when the judge applies therefor to the Commission administrative des régimes de retraite et d’assurances and any salary paid to the judge shall be reduced in accordance with section 118 from the time payment of the pension begins.

The annual amount of a judge’s pension that begins to be paid after 31 December of the year in which the judge reaches 69 years of age is the same as the amount to which the judge would have been entitled if payment of the pension had begun on that date. Furthermore, in such a case, the judge is not entitled to any retroactive pension payment.

“CHAPTER V

“DEATH BENEFITS

“224.12. The pension of a judge who dies after retirement shall continue to be paid to the judge’s spouse or, if the judge leaves no spouse, to the judge’s heirs, until the first day of the month following the death of the judge.

“224.13. From the day the payment of the pension of a judge ceases by reason of death or from the day a judge dies while in office and before being entitled to a pension, a life pension equal to 50% of the pension the judge was receiving or would have received if the judge had been entitled to the payment of a pension at the time of death shall be granted to the judge’s spouse.

If a judge dies while in office, before being entitled to a pension, and leaves no spouse or child who satisfies any of the requirements set out in section 224.18, the judge's heirs are entitled to a refund of the contributions paid, with accrued interest.

If a judge who, upon ceasing to hold office, was entitled only to a deferred pension dies before reaching 65 years of age, the judge's contributions shall be refunded, with interest, to the judge's spouse or, if the judge leaves no spouse, to the judge's heirs. The same applies to a judge who dies having accumulated less than two years of service.

“224.14. For the purposes of this pension plan, the spouse of a judge is the person who, at the time of the judge's death,

(1) is married to the judge ;

(2) has been living in a de facto union with the judge, who was unmarried, whether the person is of the same or opposite sex, for not less than three years, or for not less than one year if

(a) a child has been born or is to be born of their union ;

(b) they have jointly adopted a child during their de facto union ; or if

(c) one of them has adopted the child of the other during that de facto union.

“224.15. If a judge dies before reaching 65 years of age and before the judge's age and years of service total 80 or more, the pension the judge would have received is, for the purpose of computing the spouse's pension, reduced in accordance with section 224.10.

“224.16. Judges may, before ceasing to hold office, elect to reduce their pension to allow their spouse to benefit from a pension that is more advantageous than the pension provided for in section 224.13. This reduction may, at the judge's option, be equal to 3.5%, in which case the spouse will be entitled to a pension equal to 60% of the reduced pension, or 5.7%, in which case the spouse will be entitled to a pension equal to $66\frac{2}{3}\%$ of the reduced pension.

The election is irrevocable from the time the judge ceases to hold office, even in the absence of a spouse entitled to a pension.

However, the election is deemed never to have been made if the judge dies while in office, before being entitled to a pension, and leaves no spouse entitled to a pension.

“224.17. Each child of a judge who dies while in office or after retirement is entitled to receive, as pension,

(1) if a pension is paid to the judge's spouse, 10% of the pension used as the basis for computing the spouse's pension;

(2) if there is no spouse entitled to a pension, 20% of the pension which would have been used as the basis for computing the spouse's pension;

(3) if the judge's spouse dies while receiving a pension, 20% of the pension used as the basis for computing the spouse's pension and indexed from the judge's death.

However, if there are more than four children, the total amount of the pensions payable to them shall in no case exceed the amount representing 10% or 20%, as the case may be, of the basis amount, multiplied by four, which shall be divided equally among the children.

“224.18. To be entitled to a pension under section 224.17, a child must be a dependant of the judge at the time of the latter's death and must satisfy one of the following requirements:

(1) be under 18 years of age;

(2) be 18 years of age but under 25 and a full-time student in an educational institution designated in Schedule I to the Act respecting the Teachers Pension Plan (chapter R-11) or designated by regulation under section 47 of the said Act;

(3) be an invalid as a result of illness or an accident, require medical treatment and be totally unable to perform work of any kind.

However, the child of a judge who, at the time of the latter's death, is not a dependant of the judge or does not satisfy any of the requirements set out in subparagraphs 1, 2 and 3 of the first paragraph or who ceases to satisfy any such requirement and who, before reaching 25 years of age, satisfies or again satisfies either of the requirements set out in subparagraphs 2 and 3 of the first paragraph and would have been a dependant of the judge had the latter not died is entitled to receive a pension under section 224.17.

“224.19. The pension of a minor child is granted until the child reaches majority.

The pension of a child of full age who is a full-time student in an educational institution is granted until the child reaches 25 years of age for the period during which the child attends an educational institution on a full-time basis; the pension of a child of full age who is an invalid is granted for the period of invalidity.

“224.20. The pension granted to a child is paid from the day on which payment of the spouse's pension begins or, if there is no spouse entitled to a pension, from the day on which a spouse's pension would have become

payable. If the spouse dies, the new pension granted to the child is paid from the first day of the month following the month of the death of the spouse.

The pension granted to a child under the second paragraph of section 224.18 is paid from the first day of the month following the date on which the child satisfies or again satisfies either of the requirements set out in subparagraphs 2 and 3 of the first paragraph of the said section.

The pension granted to a child under 18 years of age is paid to the person having the care of the child.

“224.21. The pension granted to the spouse and children runs until the first day of the month following the date on which the recipient ceases to be entitled to it.

“224.22. If the total of the amounts paid as pension to a judge or to a judge’s spouse and children, including the amounts paid as supplementary benefits under the plan established pursuant to the second paragraph of section 122, is less than the total of the contributions paid, with accrued interest, the difference shall be refunded to the judge’s heirs when payment of a pension to the last person entitled to it ceases.

For the purposes of this section, contributions shall bear interest until the date of the first payment of benefits.

“CHAPTER VI

“MISCELLANEOUS PROVISIONS

“224.23. Every pension is indexed annually, at the time prescribed pursuant to section 119 of the Act respecting the Québec Pension Plan (chapter R-9),

(1) for that part attributable to service prior to 1 July 1990, by the rate of increase of the Pension Index determined by the said Act;

(2) for that part attributable to service subsequent to 30 June 1990, by the excess of the rate over 1%.

Where the number of years of service exceeds 21.7, subparagraphs 1 and 2 of the first paragraph shall apply in the order that is the most advantageous to the judge.

Deferred pensions are indexed in accordance with the first paragraph. In this case, the indexing applies only from 1 January following the date on which the judge reaches 65 years of age.

“224.24. For the purposes of a refund of contributions paid, the contributions from which the judge was exempt for a period during which the

judge received, as a salary replacement, benefits under an employment benefits plan established under the first paragraph of section 122 or, as the case may be, under an equivalent plan in effect in a municipality that is a party to this pension plan, shall be considered as having effectively been paid.

“224.25. A retired judge authorized by the Government to exercise judicial functions shall continue to receive a pension, and the judge’s salary shall be reduced in accordance with section 118. The judge shall not acquire entitlement to any additional amount of pension.

A retired judge who receives a salary for holding any office under the Government of Québec or, in the case of a judge of a municipal court, any other office with a municipality shall continue to receive a pension, and the judge’s salary shall be reduced in accordance with section 118.

“224.26. Sections 244.9 and 244.10 apply to this pension plan. Those provisions also apply in the case of a judge who has received a refund of the contributions paid by the judge or from which the judge was exempt after 31 December 2000, with the necessary modifications.

“224.27. Arbitration under section 245 applies to disputes resulting from the application of a provision of this Part.

“224.28. Any amount paid or refunded under this pension plan is inalienable and unseizable.

However, such amounts shall be unseizable up to 50%, in the case of the partition between spouses of the family patrimony, the payment of support or the payment of a compensatory allowance.

“224.29. The Government may, by regulation, establish the rate of interest applicable to the contributions paid into this pension plan, the rules for the determination of that rate and the method of computing interest on those contributions.”

10. The heading of Part VI of the said Act is replaced by the following heading:

“PENSION PLAN OF CERTAIN JUDGES APPOINTED BEFORE
1 JANUARY 2001”.

11. Section 225 of the said Act is amended

(1) by replacing “on or after 30 May 1978, and to judges of the Court of Québec appointed before that date” in the second and third lines of the first paragraph by “between 29 May 1978 and 1 January 2001, to the extent that they have not elected to participate in the pension plan provided for in Part V.1, and to judges of the Court of Québec appointed before 30 May 1978”;

(2) by adding “and who have not elected to participate in the pension plan provided for in Part V.1” at the end of the first paragraph;

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

“The plan also applies to the judges of the municipal courts of Laval and Québec, and the judges of the Municipal Court of Montréal if Ville de Montréal has become a party to this plan under section 31 of chapter 8 of the statutes of 2001, to the extent that they have not elected to participate in the pension plan provided for in Part V.1.”

12. Section 227 of the said Act is amended by replacing the first paragraph by the following paragraph:

“227. A judge who reaches 70 years of age is eligible for retirement with a pension. A judge who suffers from permanent physical or mental disability within the meaning of section 93.1 and who, before 1 January 1992, became eligible for income replacement benefits under an employment benefits plan established under section 122, shall be eligible for retirement with a pension on or before 31 December of the year in which the judge reaches 71 years of age, even if the judge continues to receive such benefits.”

13. Section 244.2 of the said Act is repealed.

14. The heading of Part VI.1 of the said Act is replaced by the following heading:

“PENSION PLAN OF CERTAIN JUDGES APPOINTED BEFORE
30 MAY 1978”.

15. Section 246.2 of the said Act is amended by replacing “the plan provided for in Part VI does not apply” in the second line of the first paragraph by “the plans provided for in Parts V.1 and VI do not apply”.

16. The said Act is amended by replacing “Parts VI and VI.1” and “Part VI or in Part VI.1” wherever they occur in sections 246.15, 246.16, 246.17, 246.20, 246.21, 246.22, 246.23, 246.24, 246.25 and 246.28 by “Parts V.1, VI and VI.1”.

17. Section 246.22.1 of the said Act is amended by inserting “V.1,” after “Parts” in the first line.

18. Section 246.26 of the said Act is amended

(1) by inserting “V.1,” after “Parts” in the second line of the first paragraph;

(2) by inserting “contributions paid to the pension plan provided for in Part V.1,” after “except” in the second line of the second paragraph;

- (3) by striking out “except” in the third line of the second paragraph;
- (4) by inserting “V.1 or” after “Part” in the second line of the third paragraph;
- (5) by inserting “contributions paid by those judges to the pension plan provided for in Part V.1 and” after “except” in the second line of the third paragraph.

19. Section 246.26.1 of the said Act is amended by replacing “VI, which is based on the plan’s experience and obtained” in the third and fourth lines of the first paragraph by “V.1 and the rate of contribution to the pension plan provided for in Part VI; the rates are based on each plan’s experience and obtained”.

20. Section 246.27 of the said Act is amended by inserting “V.1 or” after “Part” in the second line.

21. Schedule I to the said Act is amended in respect of the judicial districts of Saint-Maurice and Abitibi

- (1) by replacing “and Abitibi” in the column listing the judicial districts by “, Abitibi and Roberval”;

- (2) by adding, in the column describing the territory over which concurrent jurisdiction is exercised, “or that of Roberval” at the end of that description.

TRANSITIONAL AND FINAL PROVISIONS

22. A judge who elects to participate in the pension plan provided for in Part V.1 of the Courts of Justice Act must so advise the Commission administrative des régimes de retraite et d’assurances in writing before 1 January 2002. Once the notice is received by the Commission, the election is irrevocable. Judges appointed after 31 December 1999 are deemed to have elected to participate in that pension plan.

The spouse of a judge who was in office on 31 December 2000 and who died between that date and the date of the coming into force of this Act, or who dies after 31 December 2000 without having made the election but before the final date set for doing so, may make the election in the place and stead of the judge, according to the conditions that would have applied to the judge.

23. A judge to whom the first paragraph of section 22 applies must pay to the Commission administrative des régimes de retraite et d’assurances the contributions required under section 224.2 of the Courts of Justice Act for the year 2001. In addition, the judge must pay, as contributions for past service subsequent to 1989, an amount equal to the contributions the judge would have paid for the year 2000, pursuant to section 224.2, if the pension plan had

been in force on 1 January 2000. However, that amount may not exceed the amount qualifying as contributions for past service under the applicable fiscal rules.

Payment of the amounts referred to in the first paragraph shall be made in full within 60 days from the date of mailing by the Commission of a notice to that effect or in equal instalments, with interest from the sixty-first day from the date of mailing of the notice, over a period not exceeding three years determined by agreement between the judge and the Commission. The amount pertaining to the contributions for the year 2001 that may be paid in instalments is limited to the amount indicated in the notice.

However, those amounts must be paid in full before the day on which payment of the judge's pension begins or, if the payment of the pension began between 1 January 2001 and the date of coming into force of this Act, within 60 days from the date of mailing by the Commission of a notice to that effect.

If the judge dies before having paid in full the amounts required, the judge's spouse must, to be entitled to the pension granted under the plan provided for in Part V.1, pay the balance of those amounts, within 60 days from the date of mailing by the Commission of a notice to that effect.

Failing payment of the amounts required within the time limit provided for in the third or the fourth paragraph, the judge is deemed, notwithstanding section 22, never to have elected to participate in the plan provided for in Part V.1 and the amounts paid by the judge shall be refunded to the judge or the judge's spouse, as the case may be, with interest.

24. The Commission administrative des régimes de retraite et d'assurances shall adjust the amount of any pension already being paid at the time the election is made, including any amount paid as supplementary benefits under the plan established pursuant to the second paragraph of section 122 of the Courts of Justice Act. The Commission shall pay, in a lump sum, the difference, if any, between the amount of the adjusted pension and the amount of pension effectively received, for each of the months elapsed since payment of the pension began, with interest computed from the date of each monthly payment of the pension.

25. A judge who has ceased to hold office between 31 December 1999 and 1 January 2001 is entitled to replace the pension to which the judge is entitled under the pension plan provided for in Part VI of the Courts of Justice Act by the pension to which the judge would have been entitled under the pension plan provided for in Part V.1 of that Act if the plan had come into force on 1 January 2000 and the judge had elected to participate in it. Such a replacement also concerns the amounts to which the judge is entitled as supplementary benefits under the plan established pursuant to the second paragraph of section 122 of that Act.

The judge referred to in the first paragraph must advise the Commission administrative des régimes de retraite et d'assurances of such a replacement in writing before 1 January 2002 and pay, as contributions for past service subsequent to 1989, an amount equal to the contributions the judge would have paid pursuant to section 224.2 of the Courts of Justice Act, if the pension plan had come into force on 1 January 2000, for the days elapsed between that date and the day on which the judge ceased to hold office. However, that amount may not exceed the amount qualifying as contributions for past service under the applicable fiscal rules and must be paid in full within 60 days from the date of mailing by the Commission of a notice to that effect, failing which the judge is deemed never to have requested the replacement of his or her pension and the amounts paid shall be refunded to the judge, with interest.

If the judge dies before having paid that amount in full, the judge's spouse must, to be entitled to the pension resulting from the replacement, pay in full the balance of the amounts required, within 60 days from the date of mailing by the Commission of a notice to that effect, failing which the judge is deemed never to have requested the replacement of the judge's pension and the amounts paid by the judge shall be refunded to the judge's spouse, with interest.

The spouse of a judge who was in office on 31 December 1999 but who died between that date and 1 January 2001 may request the replacement of the pension, in the place and stead of the judge, according to the conditions that would have applied to the judge.

On receipt of the notice and the amount required by this section, the Commission shall adjust the amount of the pension, including any amount paid as supplementary benefits under the plan established pursuant to the second paragraph of section 122 of the Courts of Justice Act. The Commission shall pay, in a lump sum, the difference, if any, between the amount of the adjusted pension and the amount of pension effectively received, for each of the months elapsed since payment of the pension began, with interest computed from the date of each monthly payment of the pension.

26. If a judge dies without leaving a spouse entitled to a pension and before paying in full the amounts required under sections 23 and 25, or if, as the case may be, the judge's spouse dies before paying those amounts, the judge is deemed never to have elected to participate in the plan provided for in Part V.1 of the Courts of Justice Act or never to have requested the replacement of his or her pension and the amounts paid shall be refunded to the judge's heirs, with interest.

27. For the purposes of sections 23 to 26, the amounts paid or refunded shall bear interest, compounded annually, at a rate of 6%.

28. Any amount paid by a judge or the judge's spouse as contributions for past service pursuant to sections 23 and 25 shall, for the purposes of the

pension plan provided for in Part V.1 of the Courts of Justice Act, be deemed to be contributions paid pursuant to section 224.2 of that Act.

29. The amounts collected under sections 23 to 27 shall be paid into the consolidated revenue fund and the amounts refunded by the Commission administrative des régimes de retraite et d'assurances shall be taken out of the fund.

30. The election made by a judge pursuant to section 238 of the Courts of Justice Act becomes inoperative if the judge elects to participate in the pension plan provided for in Part V.1 of the Courts of Justice Act. A new election must be made in accordance with section 224.16 of that Act.

The first paragraph does not apply to a judge who requests the replacement of his or her pension under section 25.

31. Ville de Montréal and, with the authorization of the Government, the Commission administrative des régimes de retraite et d'assurances may, until 31 December 2001, enter into an agreement to enable the city to become a party to the pension plan provided for in Part V.1 of the Courts of Justice Act with respect to the judges of the municipal court who are in office on 1 January 2001 and elect to participate in the plan, and with respect to judges appointed after 31 December 2000.

An agreement entered into under the first paragraph has effect from 1 January 2001.

Such an agreement may also enable the municipality to become a party to the pension plan provided for in Part VI of the said Act with regard to the judges of the municipal court who will not elect to participate in the pension plan provided for in Part V.1 and with regard to persons who, on 1 January 2001, are receiving a pension under an equivalent pension plan that is in force in their municipality.

If no agreement is entered into pursuant to this section, Ville de Montréal must establish a pension plan equivalent to the pension plan provided for in Part V.1 of the Courts of Justice Act and a supplementary benefits plan equivalent to the supplementary benefits plan established by the Government under the second paragraph of section 122 of that Act. The plan shall apply from 1 January 2001 and judges have until 31 December 2001 to elect to participate in it.

32. The sums of money to be transferred by Ville de Montréal pursuant to an agreement entered into under section 31 shall be established on the basis of the value of benefits determined according to assumptions and methods determined by order of the Government.

The sums shall be paid into the consolidated revenue fund.

33. The Government shall fix, by order, the rate of contribution of the cities of Laval and Québec to the pension plan provided for in Part VI of the Courts of Justice Act, for the years 1997 and following, and their rate of contribution to the pension plan provided for in Part V.1 of that Act. The Government shall also fix the rate of contribution of Ville de Montréal if an agreement is entered into pursuant to section 31.

The rates referred to in the first paragraph include the contributions required under the supplementary benefits plan established pursuant to the second paragraph of section 122 of the said Act.

34. Sections 22 to 28 and 30 also apply to the judges of the Municipal Court of Montréal, with the necessary modifications. If no agreement is reached pursuant to section 31, the notices required shall be given to the clerk of the city within the prescribed time and the amounts collected or refunded pursuant to those provisions shall be collected or refunded by the city.

35. Until the Government makes a regulation under section 224.29 of the Courts of Justice Act, the rate of interest applicable to the contributions paid into the pension plan provided for in Part V.1 of that Act is 6% compounded annually, and that rate shall be in force from 1 January 2001.

36. Schedule II to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 328 of chapter 12 of the statutes of 2000 and by section 66 of chapter 53 of the statutes of 2000, is again amended by replacing “PART VI OR VI.1” in paragraph 2.1 by “PART V.1, VI OR VI.1”.

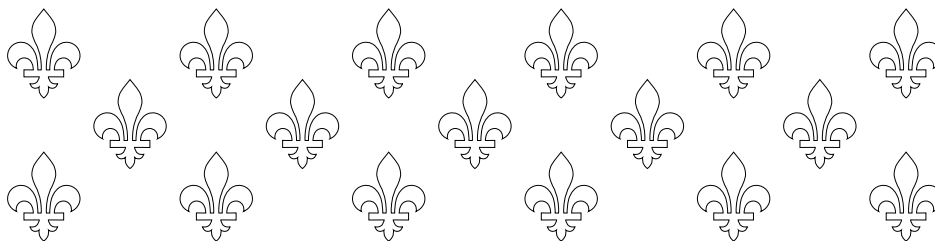
37. Schedule III to the said Act, amended by section 66 of chapter 53 of the statutes of 2000, is again amended by replacing “Part VI or VI.1” in paragraph 1 by “Part V.1, VI or VI.1”.

38. Section 8 of the Act to amend the Courts of Justice Act and the Act respecting municipal courts (1999, chapter 62) is amended by inserting “, 224.9” after “122” in the fourth line.

39. The resolution passed by the National Assembly on 22 March 2000 relating to the report of the Committee on the remuneration of the judges of the Court of Québec and municipal judges of Laval, Montréal and Québec, as tabled in the National Assembly on 28 October 1999 (Sessional Paper No. 639-19991028), is revoked.

The Government shall take, in accordance with the second paragraph of section 246.44 of the Courts of Justice Act, the necessary steps to implement in their entirety the recommendations of the Committee.

40. This Act comes into force on 30 May 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 140
(2001, chapter 9)

An Act respecting parental insurance

Introduced 6 June 2000
Passage in principle 22 November 2000
Passage 25 May 2001
Assented to 30 May 2001

Québec Official Publisher
2001

EXPLANATORY NOTES

This bill establishes a parental insurance plan, the object of which is to give eligible workers entitlement to maternity benefits and paternity and parental benefits on the birth of a child, and adoption benefits in connection with the adoption of a minor.

The Conseil de gestion de l'assurance parentale established by the bill is to be responsible for the management of the plan, while the plan is to be administered by the Régie des rentes du Québec.

A worker, whether an employee or self-employed, is eligible under the plan if he or she contributes to the plan, has insurable earnings during his or her qualifying period equal to or greater than \$2,000, and has had an interruption of earnings related to an event covered by the plan. In addition, a worker must be resident in Québec at the beginning of his or her benefit period, and on 31 December of the year preceding the beginning of the benefit period in the case of a self-employed worker. The maximum insurable earnings corresponds to the maximum in effect at the Commission de la santé et de la sécurité du travail.

The maximum number of weeks during which benefits are payable and the rates of benefits vary according to the duration of the period for which the eligible person chooses to receive benefits. In addition to provisions relating to the content and conditions for the granting of benefits, the bill contains provisions relating to the calculations for determining eligibility and provisions relating to the payment and repayment of benefits. In addition, the bill allows for the review of the decisions of the Board and provides for a remedy before the Administrative Tribunal of Québec.

The bill provides that employees, by deduction at source, employers and self-employed workers are to contribute to the plan according to the rates established by regulation of the Conseil de gestion de l'assurance parentale. Provisions relating to premium refunds and adjustment payments are also contained in the bill. Premiums are to be collected by the Minister of Revenue who is responsible for the administration of the chapter dealing with premiums.

The bill contains provisions relating to the administration of the plan and to its financing and to the functions, organization and operation of the Conseil de gestion de l'assurance parentale.

The Minister of Child and Family Welfare who is responsible for the administration of the Act will be required to report to the Government on the carrying out of the Act within five years of its coming into force. The report will be tabled in the National Assembly and examined by the competent parliamentary committee.

The bill contains consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001);
- Financial Administration Act (2000, chapter 15).

Bill 140

AN ACT RESPECTING PARENTAL INSURANCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

ESTABLISHMENT, OBJECT AND ELIGIBILITY

1. A parental insurance plan is hereby established.
2. The object of the plan is to grant the following benefits :
 - (1) maternity benefits ;
 - (2) paternity and parental benefits upon the birth of a child ; and
 - (3) adoption benefits for the adoption of a minor.
3. A person is eligible under the parental insurance plan if
 - (1) the person pays premiums to this plan or, to the extent prescribed by regulation of the Conseil de gestion de l'assurance parentale, under the Employment Insurance Act (Statutes of Canada, 1996, chapter 23) ;
 - (2) the person is resident in Québec at the beginning of the benefit period and, where the person's insurable earnings derive from a business, on 31 December of the year preceding the beginning of the person's benefit period ;
 - (3) the person's insurable earnings during the qualifying period are equal to or greater than \$2,000 ; and
 - (4) the person has had an interruption of earnings as defined by regulation of the Conseil de gestion.

The eligibility arising out of premiums paid to the employment insurance plan is conditional upon the Conseil de gestion entering into an agreement for that purpose with the Government of Canada.
4. All work is covered by this plan, subject to such inclusions or exclusions as the Conseil de gestion may prescribe by regulation. The regulation may subject plan coverage to such conditions as it determines.

5. The maximum insurable earnings shall correspond, from 1 January of each year, to the maximum yearly insurable earnings used by the Commission de la santé et de la sécurité du travail for the year concerned, established under section 66 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001).

6. The Conseil de gestion shall fix annually by regulation the rate of assessment applicable to employees, employers and self-employed workers.

The regulation comes into force on 1 January of the year following the date of its publication in the *Gazette officielle du Québec* or on any other date not prior to its publication.

CHAPTER II

BENEFITS

DIVISION I

CONTENT OF BENEFITS AND CONDITIONS OF ENTITLEMENT

§1. — Maternity benefits

7. The maximum number of weeks of maternity benefits is 18 or, in the case of an election pursuant to section 18, 15.

The payment of maternity benefits shall begin not earlier than the sixteenth week preceding the expected date of delivery and end not later than 18 weeks after the week of delivery. However, the payment may end after the expiry of the 18 weeks, but before the end of the benefit period, if the child is hospitalized and if, following a request, the weeks of benefits are suspended during the child's hospitalization.

8. A termination of pregnancy occurring after the nineteenth week of pregnancy gives entitlement to the same benefits as in the case of maternity. The payment of the benefits shall end not later than 18 weeks after the week during which the termination of pregnancy occurs.

§2. — Paternity benefits

9. The maximum number of weeks of paternity benefits is 5 or, in the case of an election pursuant to section 18, 3. Payment may not begin before the week of the birth of the child or exceed the benefit period.

§3. — Parental benefits

10. The total number of weeks of parental benefits to which the parents of a child may be entitled shall not exceed 32 or, in the case of an election pursuant to section 18, shall not exceed 25. Payment may begin the week of the birth of the child at the earliest, but may not exceed the benefit period.

§4. — *Adoption benefits*

11. The total number of weeks of adoption benefits to which the adoptive parents of a child may be entitled shall not exceed 37 or, in the case of an election pursuant to section 18, shall not exceed 28. Payment may begin, at the earliest, the week of the arrival of the child into the care of one of the parents within the framework of an adoption procedure or, in the case of an adoption outside Québec, two weeks before the week of the child's arrival; this total number of weeks may not exceed the benefit period.

If the adoption outside Québec does not materialize, the benefits paid during the two weeks preceding the expected child's arrival are not recoverable.

12. Persons who adopt the child of their spouse are not entitled to benefits under this plan.

§5. — *Conditions of entitlement*

13. No benefits under this plan shall be granted unless a claim for benefits is filed, except where an exemption is provided for in a regulation of the Conseil de gestion.

The regulation shall, in addition, specify the information and documents that must accompany a claim for benefits. In addition, the Régie des rentes du Québec, referred to as the Board, may require the claimant to provide any other information or document it considers necessary to determine the claimant's entitlement to a benefit.

14. The benefits payable under this plan, except maternity benefits, shall be granted only if the parent normally lives with the child whose birth or adoption gives entitlement to the payment of benefits. If the child is hospitalized, the child is deemed to be present with the parent throughout the child's hospitalization.

If the child dies or ceases to live with the parent, the child is deemed to be present with the parent until the end of the week of death or separation.

15. The delivery of more than one child as a result of a single pregnancy and the adoption of more than one child at the same time shall be considered to be a single delivery and a single adoption for the purposes of this Act.

In the case of a delivery or adoption occurring while at least one of the parents is eligible for parental or adoption benefits for a previous event, the number of weeks of parental or adoption benefits is equal to the lesser of the following:

(1) the total number of weeks of parental or adoption benefits fixed under section 10 or 11;

(2) the number of weeks that have lapsed between the two events.

Lastly, benefits may not be paid concurrently to one person for more than one event.

16. The total number of weeks of parental or adoption benefits may be allocated to one parent, divided between the parents or allocated concurrently to the parents.

The Conseil de gestion may determine by regulation the conditions on which weeks of benefits are to be divided if there is no agreement between the parents.

17. In the event of the death of one of the parents and if at least one of them is eligible under this plan, the number of weeks of maternity or paternity benefits of the deceased parent that were not used on the date of the parent's death shall be added to the total number of weeks of parental benefits fixed under section 10.

The parental benefits payable to the surviving parent from the death are calculated on the basis of the greater of the average weekly earnings of the surviving parent and the average weekly earnings of the deceased parent.

The same applies to the calculation of the adoption benefits payable from the death of one of the adoptive parents, if at least one of them is eligible under this plan.

The provisions of the first and second paragraphs also apply when the death of the father occurs three hundred days or less before the birth of the child.

DIVISION II

CALCULATION FOR THE PURPOSES OF ELIGIBILITY FOR OR PAYMENT OF BENEFITS

18. The amount of weekly benefits shall be equal to the following percentage of the average weekly earnings, calculated in accordance with this division, of the person entitled thereto :

(1) 70% for the 18 weeks of maternity benefits, the five weeks of paternity benefits and the first seven weeks of parental benefits, and for the first 12 weeks of adoption benefits ;

(2) 55% for the remaining weeks of parental or adoption benefits.

Notwithstanding the first paragraph, a person may, on the conditions prescribed in a regulation of the Conseil de gestion, elect for weekly benefits equal to 75% of the person's average weekly earnings. The maximum number

of weeks of benefits shall be, in that case, 15 for maternity benefits, three for paternity benefits, 25 for parental benefits and 28 for adoption benefits.

An election made by a parent who is the first to receive benefits in respect of a birth or adoption applies to the benefits of the other parent. Except in exceptional circumstances, an election is irrevocable.

19. The benefits may, on the conditions prescribed in a regulation of the Conseil de gestion, be increased, up to the limit fixed in the regulation, where the family income of the recipient is below the threshold determined in the regulation. The regulation shall establish, in particular, the constituents of a recipient's family income and a calculation method as well as the manner in which an increase is calculated.

The data relating to family benefits may be used for the purposes of this section.

20. The qualifying period of a person is, subject to the exceptions provided for in a regulation of the Conseil de gestion, the period of 52 weeks preceding a benefit period or, where insurable earnings from a business are taken into account, the calendar year preceding the benefit period.

The qualifying period may, for the purpose of determining a person's entitlement to benefits, be extended on the conditions prescribed in a regulation of the Conseil de gestion. However, an extended qualifying period may not exceed 104 weeks.

21. The average weekly earnings of a person are the average of the person's insurable earnings, apportioned in the manner prescribed in a regulation of the Conseil de gestion, in particular, according to the nature of the earnings.

Where only insurable earnings from employment are considered, the average of the insurable earnings is established from the last 26 weeks of the person's qualifying period that involve such earnings. If the number of weeks of the qualifying period that involve insurable earnings is less than 26, the average is obtained on the basis of that number of weeks, but the divisor may not be less than 16.

Where insurable earnings from a business are considered, the average of the insurable earnings is equal, subject to exceptions prescribed by regulation of the Conseil de gestion, to 1/52 of the insurable earnings reported to the Minister of Revenue for the year preceding the beginning of the person's benefit period.

The average weekly earnings of a person may not exceed the amount obtained by dividing the maximum insurable earnings established under section 5 by 52 and may not be less than 1/52 of \$2,000.

22. For the purposes of sections 20 and 21, insurable earnings shall include

(1) the amount of insurable earnings from employment, which is all wages on which a person must pay a premium under Chapter IV or insurable earnings as defined by the Employment Insurance Act;

(2) the amount of insurable earnings from a business, which corresponds to the amount by which any amount that is a person's earnings for the year from a business calculated according to Part I of the Taxation Act (R.S.Q., chapter I-3), except income under paragraph v of section 87 and section 154.1 of that Act, exceeds any amount that is the person's loss so calculated, for the year, from a business and on which the person must pay a premium.

DIVISION III

PAYMENT OF BENEFITS

23. The benefit period means the period within which benefits may be paid.

The benefit period shall begin the week in which the first benefit is payable to the person entitled thereto and end the week in which the last benefit is payable. It may not exceed the fifty-second week following the week of delivery or the week of the arrival of the child into the care of one of the parents within the framework of an adoption procedure, unless it is extended in accordance with the regulations of the Conseil de gestion. The benefit period may not exceed the week in which the adopted child reaches majority.

The circumstances in which the benefit period may be extended or end shall be fixed in a regulation of the Conseil de gestion, but a benefit period may not, once extended, exceed 104 weeks.

24. Benefits are payable from the last of the following weeks:

(1) the week in which the last interruption of earnings occurred within the meaning of the regulation of the Conseil de gestion;

(2) the third week preceding the week in which a claim is filed, unless the claimant shows that it was impossible to act sooner;

(3) the earliest week in which benefits may be paid under sections 7 to 11;
and

(4) the week chosen by the claimant.

25. Where the amount of the benefits cannot be finally determined, interim benefits may be paid.

26. The benefit payment for a week is due at the beginning of the following week.

Benefits shall be paid every two weeks in accordance with the terms and conditions fixed by regulation of the Conseil de gestion.

The payment of a weekly benefit is prescribed five years after the date on which it becomes payable.

DIVISION IV

REPAYMENT OF BENEFITS

27. A person who has received a benefit payment to which the person was not entitled or a benefit payment in excess of the amount to which the person is entitled shall repay the amounts received without entitlement, except where they were paid as the result of an administrative error of which the person could not reasonably have been aware.

28. The recovery of amounts unduly paid is prescribed after the lapse of five years. If the person who received such amounts acted in bad faith, recovery is prescribed five years after the date on which the Board becomes aware that the amount is owed, but not later than fifteen years after the date on which the amount is owed.

29. The formal notice to repay an amount received without entitlement shall state the reasons why the debt is owed, the amount of the debt and the debtor's right to apply for a review of the decision within the period prescribed by section 39.

The formal notice interrupts prescription.

30. The debtor must repay any amount owed within the time and in accordance with the terms and conditions determined in a regulation of the Conseil de gestion, unless the debtor and the Board agree otherwise.

The Board may make deductions from any benefit payment that becomes payable to the debtor.

Any refund owed to the debtor by the Minister of Revenue may, pursuant to section 31 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), be allocated to the payment of any amount owed to the Board by the debtor.

A deduction or allocation under this section interrupts prescription.

31. Failing payment by the debtor, the Board may, at the expiry of the time for filing an application for review or for contesting a decision made after a review or, as the case may be, the day after a decision of the Administrative

Tribunal of Québec confirming all or part of the decision of the Board, issue a certificate

- (1) stating the debtor's name and address;
- (2) attesting the amount of the debt;
- (3) attesting the failure of the debtor to appeal from the decision rendered following a review or confirming the final decision maintaining the decision, as the case may be.

From the filing of the certificate in the office of the court of competent jurisdiction, the decision of the Board or of the Administrative Tribunal of Québec becomes executory as if it were a final judgment of the competent court, not subject to appeal, and has all the effects of such a judgment.

32. The Board may, even after the decision becomes executory, cancel all or part of the debt if it considers, in the circumstances, that recovery of the debt would be inappropriate.

DIVISION V

SPECIAL PROVISIONS

33. Benefits are unassignable and unseizable.

However, at the request of the Minister of Social Solidarity, the Board shall deduct from the benefits payable under this Act the amount repayable under section 102 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001). The Board shall remit the amount so deducted to the Minister of Social Solidarity.

34. The recipient must, without delay, notify the Board of any change in the recipient's situation which may affect his or her entitlement to benefits.

The Conseil de gestion may, by regulation, determine the cases in which the Board may consider that a change in a person's situation has been notified to it.

35. The Board may require a recipient to provide any documents or information in order to ascertain the recipient's entitlement to the benefits.

The Board may, during its inquiry, suspend the payment of benefits if it has reasonable grounds to believe that the benefits are being received without entitlement or that the person receiving the benefits has failed to provide the documents or information required by the Board.

36. The Board shall render its decision with diligence and shall inform the person concerned that he or she has the right to apply for review under section 39 or, in the case of a review decision, to contest it as provided for in section 40.

The Board's decision shall be in writing and give reasons.

37. For the purpose of adjusting the amount of the benefits of a person whose entire insurable earnings or a part of it derive from a business, the Board shall verify with the Ministère du Revenu whether the amount of the person's work income within the meaning of section 43 coincides with the amount of work income declared by the person in filing a claim for benefits.

38. A person's employer must provide to the person concerned, within the time and on the conditions determined in a regulation of the Conseil de gestion, the information and documents prescribed in the regulation that are used to establish the person's entitlement to benefits. The information and documents concern, in particular, the person's interruption of earnings and the person's insurable earnings during the qualifying period and, in the case of a recipient, during the recipient's benefit period.

In addition, the employer must provide the information and documents to the Board within the time, on the conditions and in the circumstances determined in a regulation of the Conseil de gestion.

CHAPTER III

REVIEW AND REMEDIES

39. The Board may, of its own initiative or on application by the interested person, review any decision it has rendered.

The application for review shall be filed within 90 days from notification of the decision; it shall summarily state the reasons on which it is based.

The Board may extend the 90-day period or relieve a person of the consequences of a failure to act within the allotted time, if it is established that the application for review cannot or could not, for a valid reason, be filed within that time.

40. Any review decision may be contested before the Administrative Tribunal of Québec within 60 days of notification.

41. At the request of the Board, the Administrative Tribunal of Québec shall issue a certificate attesting that no proceeding has been brought against a decision rendered by the Board.

42. The accuracy of the information disclosed by the Ministère du Revenu is not within the jurisdiction of the Board or the Administrative Tribunal of Québec. Any contestation in that respect shall be brought under the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

CHAPTER IV

PREMIUMS

DIVISION I

DEFINITIONS AND INTERPRETATION

43. In this chapter and the regulations made thereunder, unless the context indicates a different meaning,

“business” means a business within the meaning of section 1 of the Taxation Act;

“employee” means a person who is an employee within the meaning of section 1 of the Taxation Act and who, in respect of his or her employment,

(1) reports for work at an establishment of the employer in Québec; or

(2) receives wages, if the person is not required to report for work at an establishment of the employer, that are paid from such an establishment situated in Québec;

“employer” means an employer within the meaning of section 1 of the Taxation Act;

“income from a business” means prescribed income from a business;

“Minister” means the Minister of Revenue;

“self-employed worker” means a person whose income for the year derives from a business carried on by the person;

“wages” means prescribed wages;

“work income” of a person for a year means the total, for the year, of the person’s wages and the person’s income from a business carried on by the person.

44. A person who is required to pay a premium under this chapter for a year may, not later than 30 April of the following year, make an application in the prescribed manner with the Minister of Revenue requesting the Minister to determine whether the premium that must be paid is the premium payable by an employee, a person referred to in section 51, an employer or a self-employed worker.

The Minister must give the person the opportunity to provide information or make representations relevant to the determination.

45. If an application under section 65 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is made for a particular year by a person described in section 44, no application may be made under section 44 in respect of that year.

However the decision rendered under that section 65 is deemed, for the purposes of this chapter, to be rendered under section 44.

46. Subject to the definition of “wages” in section 43, for the purposes of this chapter and the regulations made thereunder, a reference to wages is a reference to wages or to a similar amount paid, allocated, granted or awarded by an employer.

47. For the purposes of this chapter and the regulations made thereunder, the mention of a deduction does not include an amount that has been refunded.

48. The Government shall determine the criteria to be used to establish that a person, in relation to a type of wages or to one or more of the employer’s establishments, is for the purposes of this chapter considered to report for work at an establishment of the employer and, in the case of a person reporting for work at an establishment of the employer in Québec and outside Québec, the criteria to be used to establish that the person reports for work either at an establishment in Québec or at an establishment outside Québec.

49. Except where inconsistent with this chapter or a regulation made thereunder, sections 1000 to 1026.0.1, 1026.2 and 1037 to 1079.16 of the Taxation Act and Chapters III.1 and III.2 of the Act respecting the Ministère du Revenu apply, with the necessary modifications, to this chapter.

DIVISION II

PAYMENT OF PREMIUMS

50. Every employee resident in Québec on the last day of a year is required, for that year, to pay the premium determined under Division III, in the manner set out in that division.

51. Every person resident in Québec on the last day of a year who, in respect of an employment, reports for work at an establishment of the employer in Canada outside Québec and every such person who is not required to report for work at an establishment of the employer but whose wages are paid from such an establishment in Canada outside Québec, is required to pay, for that year, the premium determined under Division III in the manner provided in that division.

52. Every employer is required, for a year, to pay the premium determined under Division III in respect of each employee, in the manner set out in that division.

53. Every self-employed worker resident in Québec on the last day of a year is required, for that year, to pay the premium determined under Division III, in the manner set out in that division.

54. Notwithstanding sections 50, 51 and 53, where the work income of an employee, a person referred to in section 51 or a self-employed worker for a year is less than \$2,000, no premium is payable under this chapter.

55. Notwithstanding sections 50, 51 and 53, this chapter does not apply in respect of a person who, under section 982 or 983 of the Taxation Act or any of paragraphs *a* to *c* of section 96 of the Act respecting the Ministère du Revenu, is exempt from the tax provided for the year under Part I of the Taxation Act.

56. For the purposes of sections 50, 51, 53, 58, 64, 66 and 68, where an employee, a person referred to in section 51 or a self-employed worker dies or ceases to be resident in Canada in a year, the last day of that year is deemed to be the day of that person's death or the last day on which that person was resident in Canada, as the case may be.

57. Where, for the purposes of Part I of the Taxation Act, a person is deemed to have been resident in Québec throughout a year, the person is deemed for the purposes of this chapter and subject to the second paragraph, to have been resident in Québec throughout the year.

The first paragraph does not apply in respect of a person who is deemed, for the purposes of Part I of the Taxation Act, to have been resident in Québec pursuant to paragraph *a* of section 8 of that Act.

DIVISION III

CALCULATION AND PAYMENT OF PREMIUMS

58. An employee is required to pay for a year, by deduction at source, a premium equal to the product obtained by multiplying the rate of assessment applicable by the lesser of

(1) the wages paid to the employee by the employer in the year; and

(2) the maximum insurable earnings in respect of the employee for the year.

59. Every employer is required to pay to the Minister each year, in respect of each employee, a premium equal to the product obtained by multiplying the rate of assessment applicable by the lesser of the following amounts:

- (1) the wages paid to the employee by the employer in the year;
- (2) the maximum insurable earnings in respect of the employee for the year.

60. Every employer is required to deduct, each year, from the wages paid in the year to an employee, even wages paid pursuant to a judgment, the amount prescribed as the employee's premium.

For the purposes of the regulations made under this section, the Minister may draw up tables determining the amounts to be deducted from the wages paid to an employee in a particular period, which come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date fixed therein.

61. An amount may be deducted under section 60 by an employer in respect of wages paid to an employee who performs employment duties for a regulated establishment, within the meaning of section 42.6 of the Taxation Act, only to the extent that the deduction of the amount does not reduce any amount that, but for section 60, would have been deducted from those wages under section 153 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), without reference to subsection 1.2 of that section, under section 82 of the Employment Insurance Act (Statutes of Canada, 1996, chapter 23) or under section 59 of the Act respecting the Québec Pension Plan.

62. Every employer is required to pay to the Minister, on the dates, for the periods and in accordance with section 1015 of the Taxation Act, an amount equal to the amount the employer was required to deduct and the amount the employer is required as an employer to pay in respect of each employee under section 59.

63. Any employer who neglects to deduct an amount prescribed under section 60 from the wages paid to an employee is bound to pay that amount to the Minister.

The employer may, however, make that deduction from the wages paid to the employee within 12 months following the employer's neglect.

The employer may not, however, deduct in respect of a regular pay period, in addition to the amount prescribed under section 60, more than one other prescribed amount that the employer neglected to deduct.

64. A person resident in Québec on the last day of a year who, in respect of an employment, reports for work at an establishment of the employer in Canada outside Québec and every such person who is not required to report for work at an establishment of the employer whose wages are paid from such an establishment in Canada outside Québec, is required to pay for that year a premium equal to the lesser of

(1) the product obtained by multiplying the applicable rate of assessment by the aggregate of the amounts each of which is equal to the wages paid by an employer in the year in respect of such employment; and

(2) the product obtained by multiplying the applicable rate of assessment by the amount by which the person's maximum insurable earnings for the year exceeds the quotient obtained by dividing the deductions at source from the person's wages for the year, as an employee, under this chapter by that rate.

65. Notwithstanding section 64, a person referred to therein who is resident in Québec on the last day of a year may deduct the amount prescribed from that person's premium payable for the year.

However, for the purposes of the prescribed provisions, the premium of such a person is deemed to be equal to the amount prescribed.

66. A self-employed worker resident in Québec on the last day of a year is required to pay for the year a premium equal to the product obtained by multiplying the rate of assessment applicable by the amount by which the amount determined under paragraph 1 exceeds the amount determined under paragraph 2:

(1) the lesser, for the year, of the income from a business carried on by the person and the person's maximum insurable earnings as a self-employed worker;

(2) the quotient obtained by dividing, by the applicable rate of assessment, the aggregate of

(a) the deductions at source made from the person's wages for the year, as an employee, under this chapter; and

(b) the premium the person is required to pay for the year under section 64.

67. A self-employed worker who is not required, under Part I of the Taxation Act, to make partial payments of his or her tax payable under that Part for a year, is not required to make such payments on his or her premium payable for the year under this chapter.

68. The Government shall determine by regulation the circumstances in which an employee, a person referred to in section 64, an employer or a self-employed worker is deemed to have made a premium overpayment and the calculation to be used to determine whether, for a year, an employee, a person referred to in section 64, an employer or a self-employed worker has made an overpayment.

69. Where an employer pays as an employee's premium an amount the employer omitted to deduct, that amount is, for the purposes of sections 64, 66 and 68, deemed to have been deducted by the employer as an employee's premium.

DIVISION IV

REFUNDS

70. Where a person has made a premium overpayment for a year, the Minister may refund the overpayment to the person without application. The Minister must refund the overpayment to the person if the person applies in writing to the Minister within four years following the end of the year.

71. Where an employer has made a premium overpayment for a year, the employer may obtain a refund of the overpayment if the employer applies therefor to the Minister within four years following the end of the year during which the overpayment was made. The application must be made in writing and be accompanied with the documents and information enabling the Minister to establish entitlement to a refund.

72. An employee who, on the last day of a year, was resident in Canada outside Québec and in respect of whom amounts have been deducted in Québec in relation to a premium payable under this chapter is not entitled to a refund of any amount so deducted nor may the employee apply the amount against any amount that may be owed by the employee in Québec.

The employer of an employee referred to in the first paragraph is not entitled to a refund of the portion of the amounts paid by the employer in relation to the deducted amounts referred to in that paragraph.

73. Where an amount is refunded or applied to another liability, interest shall be paid on the amount, at the rate fixed under section 28 of the Act respecting the Ministère du Revenu and for the period determined in section 30 of that Act.

DIVISION V

PAYMENTS AND ADJUSTMENTS

74. The Government shall determine by regulation what constitutes an adjustment payment, the circumstances in which the Minister may make an adjustment payment to the Government of Canada and the calculation to be used to establish the payment.

The Minister may, with the authorization of the Government, sign with the Government of Canada any agreement considered necessary for the purposes of this section.

DIVISION VI**MISCELLANEOUS PROVISIONS**

75. The Minister shall remit to the Conseil de gestion each month the premiums the Minister is required to collect under this chapter, with the interest and penalties relating thereto, after deducting the refunds and taking account of adjustments resulting from agreements and of the costs of collection determined by the Government.

76. Where a payment is made to the Minister as partial payment of tax under the Taxation Act and of a premium under this Act or a contribution under the Act respecting the Québec Pension Plan, the payment must, notwithstanding any contrary indication, first be applied to the contribution under the Act respecting the Québec Pension Plan and, if applicable, to the premium under this Act.

77. Where, in a year, an employer succeeds another employer without there being an interruption of the services furnished by an employee, the following rules apply :

(1) for the purposes of section 58, the employer is deemed to be the same as the preceding employer ; and

(2) the premium the employer is required to pay under section 59 is equal to the difference between the premium that the preceding employer should have paid for the year in respect of each employee if there had been no successive employer, and the aggregate of the amounts that the latter is required to pay for the year.

78. The Government may make regulations

(1) requiring any person in a prescribed class of persons to file prescribed returns in relation to any information necessary to determine a premium under this chapter and to transmit, where applicable, a copy of such a return or an extract therefrom to any prescribed person ;

(2) prescribing the measures that are required for the purposes of this chapter.

A regulation made under this chapter comes into force on the date of its publication in the *Gazette officielle du Québec* and, if the regulation so provides, may have effect from a date that is later or earlier than the date of publication. In the latter case, however, the date may not be earlier than the date on which the legislative provision under which the regulation is made becomes effective.

79. This chapter is a fiscal law within the meaning of the Act respecting the Ministère du Revenu.

CHAPTER V

ADMINISTRATION

80. The Conseil de gestion de l'assurance parentale, established by Chapter VI, shall entrust, for adequate remuneration, the administration of the parental insurance plan to the Régie des rentes du Québec referred to in this Act as the Board.

For such purpose, the Board shall exercise, in addition to the powers conferred on it by this Act, such of the powers provided by the Act respecting the Québec Pension Plan as are necessary, in particular the power of inquiry provided in section 30 of that Act.

The Board may also carry out any mandate assigned to it by the Conseil de gestion.

81. The administration of the parental insurance plan entrusted to the Board shall be the subject of an agreement between the Conseil de gestion and the Board. In addition to the remuneration, the agreement shall determine, in particular, the general objectives of the administration, particularly as regards the level of services to the citizens, the cash and investment management procedures and the budgetary policy, together with the procedure for the rendering of account to the Conseil de gestion.

82. The Conseil de gestion or the Board may enter into an agreement with any person, association, partnership or body, and with the Government, a government department or a government body.

Either may also, subject to the applicable legislative provisions, enter into an agreement with a government in Canada or elsewhere, a department or agency of such a government, an international organization or an agency of such an organization.

83. An agreement with the Government of Canada may provide, in particular,

(1) that any benefit relating to the birth or adoption of a child is payable to a person either under this Act or under the Employment Insurance Act depending, in particular, on the place of residence of the person at the beginning of the benefit period;

(2) that the application of either Act in respect of a parent entails the application of the same Act in respect of the other parent, regardless of that parent's place of residence at the beginning of the benefit period and subject to the exceptions that may be provided for in the agreement; and

(3) that applications relating to those matters are dealt with in accordance with the terms of the agreement.

The agreement shall include provisions allowing financial adjustment to be made whenever payments have been made.

Lastly, the provisions necessary for the implementation of the agreement made under this section shall be prescribed in a regulation of the Conseil de gestion.

84. The Conseil de gestion or the Board shall make agreements with certain public bodies, in particular the Ministère du Revenu, the Ministère de la Solidarité sociale and the Commission de la santé et de la sécurité du travail, concerning the communication of the information required for the purposes of this Act.

85. The Conseil de gestion or the Board, as the case may be, may delegate any power under this Act to a member of its board of directors, to a member of its personnel or to a committee, established by it, composed of persons to whom it may delegate such powers.

Either may also, in the instrument of delegation, authorize the subdelegation of the delegated powers. In such case, the Conseil de gestion or the Board shall designate the member of the board of directors or the personnel member to whom such powers may be subdelegated.

The instrument of delegation shall be published in the *Gazette officielle du Québec*.

86. Every year, the Conseil de gestion shall cause to be prepared an actuarial valuation on the operation of this Act and on the state of the plan's account. The report made after the valuation shall include, in particular, for each of the five subsequent years, an estimate of the plan's revenue and expenditures and a study of the long-term effects thereof on the accumulation of the reserve.

An actuarial valuation prepared under the first paragraph shall describe the situation of the plan as of 31 December of a year; the report made after the valuation must be available before the end of the following year.

The report must be prepared by an actuary who is a fellow of the Canadian Institute of Actuaries or enjoys a status considered equivalent by that Institute.

The report shall be transmitted to the Minister, who shall table it in the National Assembly.

87. Where the law of a State provides for the payment of benefits similar to the benefits provided for in this Act, the Minister may, subject to the applicable

legislative provisions, enter into a social security agreement with the Government of that State or with a department or agency of that State.

The agreement may, in particular, include

- (1) provisions relating to the application of all or some of the provisions of this Act or of the law of that State ;
- (2) special provisions relating to entitlement to benefits under this Act and to the conditions that must be met to receive such benefits ;
- (3) the procedure for communicating the necessary information.

For the purpose of giving effect to such an agreement, the Government may, by regulation, determine the manner in which this Act is to apply to a case covered by the agreement, adapt the provisions of this Act to such a case and take the necessary action to implement the agreement.

88. In addition to its other regulatory powers under this Act, the Conseil de gestion may make regulations

- (1) determining the manner of and time limits for the making of any application to the Board, including a claim for benefits ;
- (2) defining the term “week” ;
- (3) prescribing the cases and the manner in which a person’s benefits are reduced to take account of income replacement indemnities or other benefits mentioned in the regulation that are payable to the person under another Act and of the person’s work income during the period in which the person receives benefits ;
- (4) establishing the manner of determining the date on which a claim is made ;
- (5) prescribing the cases in which the number of weeks of parental or adoption benefits may be increased, and the rate of benefits for those weeks ;
- (6) determining any other measure necessary for the application of this Act, except Chapter IV.

The regulations of the Conseil de gestion require the approval of the Government.

CHAPTER VI**CONSEIL DE GESTION DE L'ASSURANCE PARENTALE****DIVISION I****ESTABLISHMENT AND FUNCTIONS**

89. The "Conseil de gestion de l'assurance parentale" is hereby established.

The Conseil de gestion is a legal person and a mandatary of the State.

90. The property of the Conseil de gestion forms part of the domain of the State, but the execution of the obligations of the Conseil de gestion may be levied against its property.

The Conseil de gestion binds none but itself when it acts in its own name.

91. The Conseil de gestion shall manage the parental insurance plan.

The functions of the Conseil de gestion shall be, in particular,

- (1) to ensure the funding of the parental insurance plan;
- (2) to ensure the payment of the benefits payable under the plan;
- (3) to carry out any mandate entrusted to it by the Government.

92. The Conseil de gestion shall advise the Minister on any matter within its jurisdiction referred to it by the Minister and on any matter relating to this Act. The advice of the Conseil de gestion may be accompanied with recommendations.

DIVISION II**ORGANIZATION AND OPERATION**

93. The head office of the Conseil de gestion shall be located in the territory of the Communauté urbaine de Québec. Notice of the location or any change of location of the head office shall be published in the *Gazette officielle du Québec*.

94. The affairs of the Conseil de gestion shall be administered by a board of directors composed of the following members appointed by the Government :

- (1) a president and director general;
- (2) three members chosen from among employers, after consultation with the bodies representing employers;

(3) two members chosen from among workers, after consultation with the labour unions representing workers ;

(4) a member representing workers who derive their income from a business; and

(5) a member representing the Government.

The Deputy Minister of Child and Family Welfare or the Deputy Minister's representative and a representative of the secretariat of the Conseil du trésor are, by virtue of their office, members of the board of directors.

95. The Government shall designate the chair of the board from among the board members. The chair shall call and preside at meetings of the board and see to its proper operation. The chair shall, in addition, exercise any other functions assigned to the chair by the board.

The members of the board of directors shall designate a vice-chair from among their number. The vice-chair shall exercise the functions of the chair when the chair is absent or unable to act.

96. The president and director general is responsible for the administration and direction of the Conseil de gestion within the scope of its regulations and policies. The office of president and director general is a full-time position.

97. The term of office of the members of the board of directors shall not exceed three years, except that of the president and director general which shall not exceed five years.

At the expiry of their term, the members of the board of directors shall remain in office until replaced or reappointed.

98. Vacancies on the board of directors shall be filled in accordance with the rules governing appointments set out in section 94, for the unexpired portion of the term of the member to be replaced.

Absence from the number of board meetings determined in the internal by-laws of the Conseil de gestion, in the cases and circumstances specified therein, constitutes a vacancy.

99. The Government shall determine the remuneration, employment benefits and other conditions of employment of the president and director general.

The other board members shall receive no remuneration except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

100. The quorum of the board of directors is the majority of its members, including the chair.

In the case of a tie-vote, the chair has a casting vote.

101. The members of the board may waive notice of a meeting of the board. The attendance of a member at a meeting of the board constitutes a waiver of notice, unless the member is present to contest the legality of the calling of the meeting.

102. The members of the board may, if they all agree, take part in a meeting using means which allow them to communicate with each other orally, such as the telephone. They are, in that case, deemed to have attended the meeting.

103. A written resolution, signed by all the members entitled to vote, has the same value as if it had been adopted at a meeting of the board of directors.

A copy of the resolutions shall be kept with the minutes of the proceedings or the equivalent.

104. The minutes of a meeting of the board, approved by the board and certified by the president and director general or any other person so authorized by the Conseil de gestion, are authentic, as are documents and copies emanating from the Conseil de gestion or forming part of its records if signed or certified by any such person.

105. No document binds the Conseil de gestion or may be attributed to it unless it is signed by the president and director general, a member of the board of directors or, to the extent determined in the internal by-laws of the Conseil de gestion, by a member of the Conseil de gestion's personnel.

The rules governing the delegation of signing authority may provide for sub-delegation and the mechanics thereof.

106. An intelligible print-out of a decision or of any other data stored by the Conseil de gestion in computerized or other electronic form is a document of the Conseil and constitutes proof of its contents if certified by a person referred to in section 105.

107. The internal by-laws of the Conseil de gestion may allow, subject to the conditions and on the documents specified therein, that a signature be affixed by means of an automatic device, that a signature be electronic, or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile shall have the same force as the signature itself only if the document is countersigned by a person referred to in section 105.

The by-laws may, however, for the documents they specify, prescribe that the facsimile has the same force as the signature itself, even though the document is not countersigned.

108. The internal by-laws of the Conseil de gestion require the approval of the Government.

109. The employees of the Conseil de gestion shall be appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

110. No member of the board of directors and no employee of the Conseil de gestion may be prosecuted by reason of official acts accomplished in good faith in the exercise of their functions.

DIVISION III

FINANCIAL PROVISIONS

111. The Conseil de gestion shall ensure the funding of the parental insurance plan, in particular, out of

- (1) the sums received from the Minister of Revenue pursuant to section 75 ;
- (2) the sums received from the Minister of Child and Family Welfare out of the appropriations granted for that purpose by Parliament ;
- (3) the sums advanced to the Conseil de gestion by the Minister of Finance ;
- (4) the sums borrowed by the Conseil de gestion from the Minister of Finance and taken out of the financing fund of the Ministère des Finances ;
- (5) the other sums borrowed by the Conseil de gestion ; and
- (6) any other sum received by the Conseil de gestion.

112. The Conseil de gestion shall deposit the funds put at its disposal under this Act with the Caisse de dépôt et placement du Québec.

113. The Conseil de gestion may not, without the authorization of the Government,

- (1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government ;
- (2) make a financial commitment in excess of the limits or in contravention of the terms and conditions determined by the Government ;
- (3) accept a gift or legacy to which a charge or condition is attached.

114. The Government may, subject to terms and conditions it determines,

(1) guarantee the payment of the capital of and interest on any loan contracted by the Conseil de gestion and the performance of its obligations ;

(2) authorize the Minister of Finance to advance to the Conseil de gestion any amount considered necessary to meet its obligations or for the exercise of its functions and powers.

The sums required for the purposes of this section shall be taken out of the consolidated revenue fund.

115. The sums at the disposal of the Conseil de gestion shall be used exclusively for the purposes of this Act and the payment of the obligations of the Conseil de gestion.

Notwithstanding section 91 of the Financial Administration Act (2000, chapter 15), surpluses, if any, shall be retained by the Conseil de gestion. It may be allocated to the reduction of premiums or the increase of benefits.

DIVISION IV

ACCOUNTS AND REPORTS

116. The fiscal year of the Conseil de gestion ends on 31 March.

117. The Conseil de gestion shall, not later than 31 July each year, file its financial statements and a report of its operations for the preceding fiscal year with the Minister.

The financial statements and report of operations must contain all the information required by the Minister.

118. The Minister shall table the report of operations and financial statements of the Conseil de gestion in the National Assembly within 15 days of receiving them or, if the Assembly is not in session, within 15 days of resumption.

119. The Conseil de gestion shall also furnish to the Minister any information required by the Minister concerning its operations.

120. The books and accounts of the Conseil de gestion shall be audited by the Auditor General each year and whenever so ordered by the Government.

The auditor's report must accompany the report of operations and financial statements of the Conseil de gestion.

CHAPTER VII**PENAL PROVISIONS**

121. Every person who

(1) in order to obtain benefits, provides information knowing it to be false or misleading, or misrepresents a material fact,

(2) assists or encourages another person to obtain or receive benefits, knowing that the person is not entitled thereto,

(3) enters false information in any document required by the Board under this Act or the regulations,

(4) hinders an inspector or an investigator of the Board in the exercise of his or her functions or misleads an inspector or an investigator by concealment or fraudulent misrepresentations, or

(5) contravenes section 38,

is guilty of an offence and is liable to a fine of \$200 to \$2,000.

CHAPTER VIII**AMENDING PROVISIONS**

122. The Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by adding the following paragraph at the end of section 42.1 :

“The Commission and the Régie shall also enter into an agreement for the transmission of the information required for the purposes of the Act respecting parental insurance (2001, chapter 9).”

123. Section 62 of the said Act is amended by adding the following subparagraph at the end of the first paragraph :

“(4) the Act respecting parental insurance (2001, chapter 9).”

124. Section 63 of the said Act is amended by adding the following subparagraph at the end of the first paragraph :

“(4) the premium payable by the worker pursuant to the Act respecting parental insurance (2001, chapter 9).”

125. Section 67 of the said Act is amended by inserting “the Act respecting parental insurance or” after “under” in the second paragraph.

126. Section 52 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by inserting “, the worker’s premium determined under the Act respecting parental insurance (2001, chapter 9)” after “the Act respecting employment insurance in Canada (Statutes of Canada, 1996, chapter 23)”.

127. Section 1015 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing “and section 63 of the Act respecting the Québec Pension Plan (chapter R-9)” in the fourth paragraph by “, section 63 of the Act respecting the Québec Pension Plan (chapter R-9) and section 62 of the Act respecting parental insurance (2001, chapter 9)”.

128. Section 1019.6 of the said Act is amended by inserting “, under section 60 of the Act respecting parental insurance (2001, chapter 9),” after “under section 59 of the Act respecting the Québec Pension Plan (chapter R-9)”.

129. Section 1045 of the said Act is amended by inserting “section 70 of the Act respecting parental insurance (2001, chapter 9),” after “, section 78 of the Act respecting the Québec Pension Plan (chapter R-9),” in the second paragraph.

130. Section 1 of Schedule I to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by adding the following paragraph after paragraph 1 :

“(1.1) proceedings under section 40 of the Act respecting parental insurance (2001, chapter 9);”.

131. Section 12.0.2 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), enacted by section 3 of chapter 36 of the statutes of 2000, is amended by inserting “an assessment issued under the Act respecting parental insurance (2001, chapter 9) otherwise than as an employer,” after “otherwise than as an employer,” in the portion of the first paragraph before subparagraph *a*.

132. Section 24.0.1 of the said Act is amended by inserting “the Act respecting parental insurance (2001, chapter 9),” after “under the Act respecting the Québec Pension Plan (chapter R-9),” in the portion of the first paragraph before subparagraph *a*.

133. Section 24.0.3 of the said Act is amended by replacing “or the Act respecting the Québec Pension Plan (chapter R-9)” by “, the Act respecting the Québec Pension Plan (chapter R-9) or the Act respecting parental insurance (2001, chapter 9)”.

134. Section 27.0.1 of the said Act is amended by inserting the following subparagraph after subparagraph *c* of the second paragraph :

“(c.1) the Act respecting parental insurance (2001, chapter 9), where the person referred to therein is required to pay the amount otherwise than as an employer;”.

135. Section 61 of the said Act is amended

(1) by replacing “or” after “(chapter I-3)” by a comma;

(2) by inserting “or sections 60 and 62 of the Act respecting parental insurance (2001, chapter 9)” after “(chapter R-9)”.

136. Section 69.1 of the said Act, amended by section 135 of chapter 15 of the statutes of 2000, is again amended by replacing subparagraph 3 of subparagraph *n* of the second paragraph by the following:

“(3) is required to establish a person’s entitlement to benefits under the Act respecting family benefits (R.S.Q., chapter P-19.1) or the Act respecting parental insurance (2001, chapter 9)”.

137. Section 71.0.7 of the said Act is amended by replacing the second paragraph by the following:

“The first paragraph does not apply to a release of information files under subparagraph 3 or 4 of subparagraph *n* of the second paragraph of section 69.1.”

138. Section 71.4 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Section 69.1, except subparagraphs 3 and 4 of subparagraph *n* of the second paragraph, and section 71 apply notwithstanding sections 67.3, 67.4, 68, 68.1 and 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information.”

139. Section 93.1.1 of the said Act is amended by replacing “or in the case of taxation relating to self-employed earnings under the Act respecting the Québec Pension Plan (chapter R-9),” in the second paragraph by “, in the case of taxation relating to self-employed earnings under the Act respecting the Québec Pension Plan (chapter R-9) or in the case of an assessment in respect of the work income of a self-employed worker under the Act respecting parental insurance (2001, chapter 9),”.

140. Section 93.2 of the said Act is amended by inserting the following paragraphs after paragraph *h*:

“(h.1) a determination under section 44 of the Act respecting parental insurance (2001, chapter 9);

“(h.2) an assessment under Chapter IV of the Act respecting parental insurance;

“(h.3) an assessment in respect of the work income of a self-employed worker under the Act respecting parental insurance;”.

141. The Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by inserting the following section after section 42:

“42.1. A pregnant worker shall receive no indemnity under sections 40 to 42 from the fourth week preceding the expected date of delivery if she is eligible for benefits under the Act respecting parental insurance (2001, chapter 9).”

142. The said Act is amended by inserting the following section after section 174:

“174.1. The Commission and the Régie des rentes du Québec shall enter into an agreement for the transmission of the information required for the purposes of this Act and the Act respecting parental insurance (2001, chapter 9).”

143. Section 28 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) is amended by adding “or has received benefits under the Act respecting parental insurance (2001, chapter 9)” after “(Statutes of Canada, 1996, chapter 23)” in subparagraph 2 of the first paragraph.

144. Section 68 of the said Act is amended by replacing “a maternity or parental leave allowance paid by the Minister; such benefits or allowance” in subparagraph 4 of the second paragraph by “benefits under the Act respecting parental insurance; such amounts”.

145. Schedule 2 to the Financial Administration Act (2000, chapter 15) is amended by inserting “Conseil de gestion de l’assurance parentale” in alphabetical order.

CHAPTER IX

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

146. No benefit period may be established under this plan as commencing on a date prior to (*insert here the date of coming into force of this Act*).

147. The birth of a child gives entitlement to benefits only if the birth occurs on or after (*insert here the date of coming into force of this Act*).

Similarly, the adoption of a child gives entitlement to benefits only if the arrival of the child into the care of one of the parents occurs within the framework of an adoption procedure on or after (*insert here the date of coming into force of this Act*).

In addition, no benefit period may be established under this plan in respect of a birth occurring on or after (*insert here the date of coming into force of this Act*) if, in respect of that birth, a maternity benefit period began before that date under the Employment Insurance Act.

148. section 42.1 of the Act respecting occupational health and safety, enacted by section 141, does not apply to a worker who is compensated under any of sections 40 to 42 of the said Act from a date prior to (*insert here the date of coming into force of section 141*), regardless of the expected date of delivery.

149. This Act is deemed to have been in force in respect of the year (*insert here the year preceding the year of the coming into force of this Act*) as regards the application, by the effect of section 49, of sections 1025, 1026 and 1038 of the Taxation Act (R.S.Q., chapter I-3).

150. The Conseil de gestion may, by way of a regulation made before (*insert here the date occurring two years after the date of coming into force of this Act*), enact any other transitional measure necessary for the carrying out of this Act.

If they so provide, regulations under this section may apply from any date not prior to (*insert here the date of coming into force of this Act*).

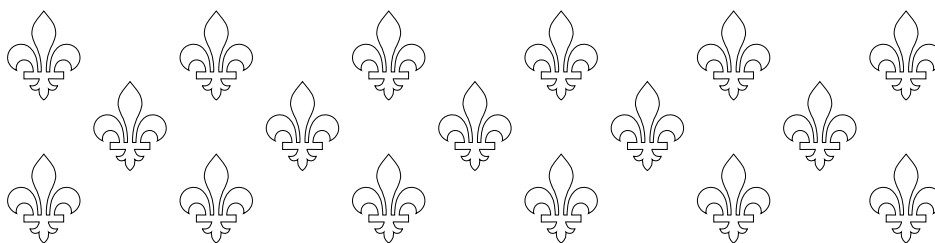
151. The Maternity Allowance Program (PRALMA) shall terminate on (*insert here the date of coming into force of this Act*).

152. The Minister of Child and Family Welfare is responsible for the administration of this Act, except Chapter IV, the administration of which comes under the responsibility of the Minister of Revenue.

153. Not later than (*insert here the date occurring five years after the date of coming into force of this Act*), the Minister shall submit a report to the Government on the carrying out of this Act.

The Minister shall table the report in the National Assembly within the next 15 days or, if the Assembly is not in session, within 15 days of resumption. The report shall be examined by the competent committee of the National Assembly.

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 160
(2001, chapter 11)

**An Act respecting the Bibliothèque
nationale du Québec and amending
various legislative provisions**

**Introduced 14 November 2000
Passage in principle 29 November 2000
Passage 31 May 2001
Assented to 1 June 2001**

**Québec Official Publisher
2001**

EXPLANATORY NOTES

The object of this bill is to amend the Act to establish the Grande bibliothèque du Québec by amalgamating the Bibliothèque nationale du Québec with the Grande bibliothèque du Québec to create a new institution called the “Bibliothèque nationale du Québec”.

To that end, the bill replaces the title of the Act to establish the Grande bibliothèque du Québec by “An Act respecting the Bibliothèque nationale du Québec” and incorporates into the Act all the legislative provisions concerning the mission of the Bibliothèque nationale du Québec and those concerning the deposit of published documents.

In addition, the bill amends the composition of the board of governors of the new Bibliothèque nationale du Québec and proposes transitional measures concerning the transfer of the rights and obligations of the Bibliothèque nationale du Québec and its personnel to the new Bibliothèque nationale du Québec.

Lastly, the bill repeals the Act respecting the Bibliothèque nationale du Québec.

LEGISLATION AMENDED BY THIS BILL :

- Act to establish the Grande bibliothèque du Québec (R.S.Q., chapter G-3);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Public Administration Act (2000, chapter 8);
- Financial Administration Act (2000, chapter 15).

LEGISLATION REPEALED BY THIS BILL :

- Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1).

Bill 160

AN ACT RESPECTING THE BIBLIOTHÈQUE NATIONALE DU QUÉBEC AND AMENDING VARIOUS LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The title of the Act to establish the Grande bibliothèque du Québec (R.S.Q., chapter G-3) is replaced by the following title :

“AN ACT RESPECTING THE BIBLIOTHÈQUE NATIONALE
DU QUÉBEC”.

2. Section 1 of the said Act is amended

(1) by replacing “Grande bibliothèque” in the first line by “Bibliothèque nationale”;

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

“The library may also be designated by any other name determined by the Government.”

3. The said Act is amended by inserting the following section after section 2 :

“2.1. Each of the sites occupied by the library may be designated by a name reflecting its principal mission.”

4. Section 4 of the said Act is amended

(1) by replacing “Grande bibliothèque” in the French text of the first line of the first paragraph by “Bibliothèque”;

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

“(1) five persons, including the chair, appointed by the Government, on the recommendation of the Minister of Culture and Communications ;

“(1.1) five persons, appointed by the Government, on the recommendation of the Minister of Culture and Communications and after consultation with the library sector, the publishing industry, writers associations and universities. Three of the persons appointed must be librarians. Among the latter, one

librarian must be a specialist in the area of preservation and another in the area of dissemination;”;

(3) by replacing “Grande bibliothèque” in the French text of the first and third lines of subparagraph 3 of the first paragraph by “Bibliothèque”;

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

“The head librarian of Ville de Montréal shall also be a member of the board of the library.”

5. Section 5 of the said Act is amended by inserting “, 1.1” after “subparagraphs 1” in the second paragraph.

6. Section 9 of the said Act is amended by striking out “The board shall meet at least six times a year.”

7. Section 11 of the said Act is amended by adding “The staffing plan shall include at least two senior management positions, one responsible for the preservation mission of the library and the other responsible for its dissemination mission.” at the end of the first paragraph.

8. Section 13 of the said Act is amended by adding “. At least one member of the executive committee must be a librarian” after “members” at the end of subparagraph 1 of the second paragraph.

9. Section 14 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“14. The mission of the library is to assemble, preserve permanently and disseminate Québec’s published documentary heritage together with any related document of cultural interest, and documents relating to Québec that are published outside Québec.

The mission of the library is also to offer democratic access to Québec’s national documentary heritage, culture and knowledge and to act as catalyst in relation to Québec documentary institutions, thus contributing to the personal development of citizens.”

10. Section 15 of the said Act is amended

(1) by replacing “Grande bibliothèque” in the French text of the first line by “Bibliothèque”;

(2) by inserting the following paragraphs after paragraph 2:

“(2.1) preserve permanently a copy of the documents published in Québec, preferably in their original form or, failing that, in a medium using modern techniques of preservation;

“(2.2) acquire any document published outside Québec which may further the development of Québec documentation ;

“(2.3) publish a bibliography of the documents published in Québec, an analytical index of the articles contained in the major magazines published in Québec and any document that may be useful for research purposes ;

“(2.4) make known and enhance its collections and the collections of other libraries or bodies by exhibitions or any other appropriate means ;

“(2.5) establish forms of cooperation with other persons, partnerships or bodies in the field of documentation ;”.

11. Section 16 of the said Act is amended by inserting “solicit and” before “receive” in paragraph 4.

12. Section 17 of the said Act is amended by replacing the first paragraph by the following paragraph :

“17. The library shall, on the date fixed by the Minister, submit a three-year plan of its activities to the Minister. The plan must be consistent with the orientations and objectives given to the library by the Minister, both as regards its preservation mission and its dissemination mission.”

13. Section 18 of the said Act is amended

(1) by replacing “Grande bibliothèque” in the French text of the first line by “Bibliothèque” ;

(2) by inserting “, take on lease” after “alienate” in paragraph 1.

14. The said Act is amended by inserting the following after section 20 :

“CHAPTER II.1

“DEPOSIT OF PUBLISHED DOCUMENTS

“20.1. Every publisher shall deposit with the library, free of charge, two copies of every edition of every document published by the publisher, within seven days of its publication.

“20.2. The deposit requirement does not apply to a film within the meaning of section 1 of the Cinema Act (chapter C-18.1).

“20.3. The deposit of a document transfers the ownership of the document.

“20.4. Where the retail price of a document varies according to the edition, the publisher shall deposit a copy of the document of the highest-priced edition and a copy of one of the other editions.

“20.5. Notwithstanding sections 20.1 and 20.4, the publisher shall deposit only one copy of a document

- (1) of a class of published documents prescribed by regulation ; and
- (2) where the retail price of the document falls between two amounts fixed by regulation.

“20.6. Notwithstanding section 20.1, the Government may, by regulation, exempt publishers from the requirement to deposit certain classes of published documents and any document the retail price of which exceeds the amount fixed by regulation.

The publisher shall transmit to the library, in respect of such documents, any information prescribed by regulation, at the time indicated therein.

“20.7. The library may acquire, at the expense of a publisher who fails to deposit a document, the number of copies required for the deposit.

“20.8. The publisher shall enter on every published document or on the container of such a document the particulars concerning the deposit that are prescribed by regulation.

“20.9. This chapter also applies to every person or body who or which assumes the responsibility of producing a published document.

“CHAPTER II.2

“REGULATORY PROVISIONS

“20.10. The Government may, by regulation, after consultation with the library,

- (1) determine the classes of published documents for which the deposit of a single copy of one edition of the document is required ;
- (2) fix the amounts provided for in paragraph 2 of section 20.5 ;
- (3) exempt publishers from the requirement to deposit certain classes of published documents and any document the retail price of which exceeds the amount fixed by regulation ;
- (4) prescribe, in respect of certain documents excluded from the deposit requirements, the information that a person or body who or which assumes the

responsibility of producing a published document, or a publisher, is required to transmit to the library and indicate the time at which they must be transmitted ;

(5) determine the particulars concerning the deposit which must be mentioned on any published document or on the container of such a document ;

(6) determine, among the provisions of a regulation made under paragraphs 1 to 5, those the contravention of which constitutes an offence.

“CHAPTER II.3

“PENAL PROVISIONS

“20.11. Every publisher, person or body mentioned in section 20.9 who or which contravenes section 20.1 or 20.4 or a regulatory provision made under paragraph 1 or 5 of section 20.10 and the contravention of which constitutes an offence under paragraph 6 of that section is guilty of an offence and is liable to a fine of \$100 to \$400.

“20.12. Every publisher, person or body mentioned in section 20.9 who or which contravenes a regulatory provision made under paragraph 4 of section 20.10 and the contravention of which constitutes an offence under paragraph 6 of that section is guilty of an offence and is liable to a fine of \$500 to \$2 000.”

15. The said Act is amended by inserting the following section after section 26:

“26.1. The library shall submit its budget for the following year to the Government for approval within such time and in such form as the Government may determine.”

16. Section 27 of the said Act is amended

(1) by replacing “Grande bibliothèque” in the first line of the first paragraph of the French text by “Bibliothèque”;

(2) by inserting “, particularly as regards its preservation mission and its dissemination mission” after “Minister” at the end of the second paragraph.

17. The said Act is amended by inserting the following section after section 32:

“32.1. Chapters II.1, II.2 and II.3 are binding on the Government, government departments and bodies which are mandataries of the State.”

18. Sections 2, 3, 7, 11 to 13, 16, 17, 19 to 26, 29 and 31 of the said Act are amended by replacing, in the French text, the words “Grande bibliothèque” wherever they appear by the word “Bibliothèque”.

19. The Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1) is repealed.

20. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing “Grande bibliothèque du Québec” by “Bibliothèque nationale du Québec”.

21. Schedule 2 to the Financial Administration Act (2000, chapter 15) is amended by striking out “Grande bibliothèque du Québec”.

22. Section 150 of the French text of the Public Administration Act (2000, chapter 8) is amended by replacing “Grande bibliothèque” in paragraph 2 by “Bibliothèque”.

23. The new Bibliothèque nationale du Québec, governed by the Act to establish the Grande bibliothèque du Québec (R.S.Q., chapter G-3) as amended by this Act, is substituted for the Bibliothèque nationale du Québec, established by chapter 42 of the statutes of 1988, and it acquires all the rights and assumes all the obligations thereof.

24. The records and other documents of the Bibliothèque nationale du Québec, established by chapter 42 of the statutes of 1988, become the records and other documents of the new Bibliothèque nationale du Québec.

25. The current affairs of the Bibliothèque nationale du Québec, established by chapter 42 of the statutes of 1988, are continued by the new Bibliothèque nationale du Québec.

26. The new Bibliothèque nationale du Québec becomes, without continuance of suit, a party to any proceedings to which the Bibliothèque nationale du Québec, established by chapter 42 of the statutes of 1988, was a party.

27. The Regulation respecting the deposit of published documents (R.R.Q., chapter B-2.1, r.0.1), made by the Government under paragraph 1 of section 46 of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.1), is deemed to be a regulation made under section 20.10 of the Act respecting the Bibliothèque nationale du Québec, enacted by section 14 of this Act.

28. The employees of the Bibliothèque nationale du Québec, established by chapter 42 of the statutes of 1988, who are in office on (*insert here the date preceding the date of coming into force of this section*) become, subject to the conditions of employment that are applicable to them, the employees of the new Bibliothèque nationale du Québec to the extent that a decision of the Conseil du trésor providing for their transfer is made before (*insert here the date that occurs 24 months after the date of coming into force of this section*).

29. Every employee transferred to the new Bibliothèque nationale du Québec under section 28 may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) if, on the date on which the employee was transferred to the new Bibliothèque, the employee was a public servant with permanent tenure at the Bibliothèque nationale du Québec.

Section 35 of the Public Service Act applies to any employee who enters a competition for promotion to a position in the public service.

30. When an employee referred to in section 29 wishes to obtain a transfer or enters a competition for promotion, the employee may require the chair of the Conseil du trésor to give the employee an assessment of the classification that would be assigned to the employee in the public service. The assessment must take account of the classification of the employee in the public service on the date of the employee's transfer, and the experience and formal training acquired in the course of the employee's employment with the new Bibliothèque nationale du Québec.

When an employee is transferred pursuant to section 29, the Deputy Minister or chief executive officer shall assign to the employee a classification compatible with the assessment provided for in the first paragraph.

When an employee is promoted pursuant to section 29, the employee's new classification must take account of the criteria set out in the first paragraph.

31. If all or some of the activities of the new Bibliothèque nationale du Québec are discontinued or if there is a shortage of work, any employee referred to in section 29 is entitled to be placed on reserve in the public service with the classification the employee had before the date of the employee's transfer.

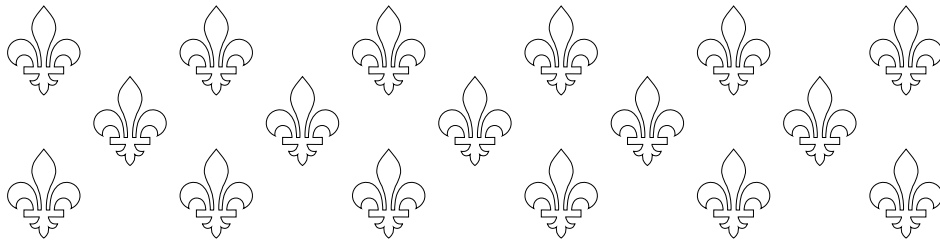
The chair of the Conseil du trésor shall, where applicable, establish the employee's classification taking into account the criteria set out in the first paragraph of section 30.

32. A person who refuses, in accordance with the conditions of employment applicable to the person, to be transferred to the new Bibliothèque nationale du Québec, is assigned to the Bibliothèque until the chair of the Conseil du trésor is able to place the person in accordance with section 100 of the Public Service Act. The same applies to a person placed on reserve under section 31, and the person shall remain in the employ of the new Bibliothèque nationale du Québec.

33. Subject to any remedy available under a collective agreement, any employee referred to in section 29 who is dismissed may bring an appeal under section 33 of the Public Service Act (R.S.Q., chapter F-3.1.1).

34. The term of office of the part-time members appointed under section 4 of the Act to establish the Grande bibliothèque du Québec shall end on (*insert here the date of coming into force of this section*).

35. The provisions of this Act come into force on the date fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 162
(2001, chapter 10)

**An Act to amend the Act respecting
financial assistance for education
expenses**

**Introduced 15 November 2000
Passage in principle 30 November 2000
Passage 29 May 2001
Assented to 30 May 2001**

**Québec Official Publisher
2001**

EXPLANATORY NOTES

This bill grants additional regulatory powers to the Government that allow the situation in which certain students find themselves to be taken into consideration for the purposes of the loans and bursaries program established under the Act respecting financial assistance for education expenses.

Consequently, it will be possible in future to extend the period during which the Minister of Education makes interest payments on student loans or the period during which student loans do not have to be repaid.

Bill 162

AN ACT TO AMEND THE ACT RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

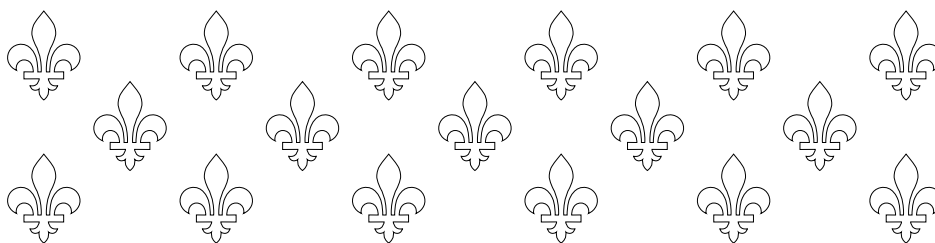
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 57 of the Act respecting financial assistance for education expenses (R.S.Q., chapter A-13.3) is amended by replacing subparagraph 13.1 of the first paragraph by the following subparagraph :

“(13.1) determine, for the purposes of section 24, the date on which the additional period ends and, for the purposes of sections 23 and 25, the date on which the period of exemption ends, according to the situation in which borrowers find themselves or according to the time when borrowers complete or abandon their studies, or interrupt their studies for one of the reasons specified in the regulation, in respect of each level of instruction and each cycle and in respect of certain programs of instruction identified in the regulation ;”.

2. The first regulation amending any regulation made before 30 May 2001 pursuant to subparagraph 13.1 of the first paragraph of section 57 of the Act respecting financial assistance for education expenses may, if it so provides, have effect from 1 May 2001.

3. This Act comes into force on 30 May 2001.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 177
(2001, chapter 12)

Geologists Act

Introduced 8 December 2000
Passage in principle 20 December 2000
Passage 30 May 2001
Assented to 1 June 2001

Québec Official Publisher
2001

EXPLANATORY NOTES

This bill provides for the constitution of the Ordre professionnel des géologues du Québec. In that regard, it defines and regulates the practice of the profession of geologist.

The bill also provides for measures to integrate persons into the new professional order who, on the coming into force of the Act, will be regular members of the Association professionnelle des géologues et des géophysiciens du Québec.

Lastly, the bill contains various provisions to ensure the proper operation of the new professional order upon the coming into force of the provisions respecting the constitution of the Order.

LEGISLATION AMENDED BY THIS BILL :

- Professional Code (R.S.Q., chapter C-26);
- Mining Act (R.S.Q., chapter M-13.1).

Bill 177

GEOLOGISTS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

DIVISION I

ORDRE PROFESSIONNEL DES GÉOLOGUES

1. All the persons qualified to practise the profession of geologist in Québec constitute a professional order called the “Ordre professionnel des géologues du Québec” or “Ordre des géologues du Québec”.
2. Subject to the provisions of this Act, the Order and its members shall be governed by the Professional Code (R.S.Q., chapter C-26).

DIVISION II

BUREAU

3. The Order shall be governed by a Bureau constituted as prescribed in the Professional Code.
4. The Bureau shall, in addition to the regulations it is required to make under the Professional Code, fix the terms and conditions relating to the seal of the Order, in particular its form and content, and the conditions and obligations attached to the use of the seal.

Section 95.1 of the Professional Code applies to the regulation.

DIVISION III

PRACTICE OF THE PROFESSION

5. The practice of the profession of geologist includes such scientific activities as identifying, observing, characterizing, interpreting or modeling geological phenomena, including geophysical and hydrogeological phenomena.
6. Only a geologist may, within the framework of an activity referred to in section 5, give professional advice or an opinion or make a report in relation to mining, petroleum or gas resource exploration, development, operation or project assessment activities.

Nothing in this section shall affect

- (1) the rights and privileges granted by law to other professionals;
- (2) acts that may be engaged in by a person in accordance with a regulation under paragraph *h* of section 94 of the Professional Code.

7. A geologist must attest, authenticate by affixing his or her seal, certify or sign any opinion or report relating to an act referred to in the first paragraph of section 6 which was prepared by the geologist or under his or her immediate supervision.

8. No geologist may practise his or her profession under a name other than his or her own name.

Nevertheless, geologists are allowed to practise their profession under a firm name which may be the name of one, several or all of the partners. The firm name may also include the name of any partner who has ceased to practise, for a period not exceeding three years from the date on which the partner ceased to practise, provided the name of the partner was included in the firm name at the time the partner ceased to practise.

9. In the practice of the profession of geologist, no geologist may designate himself or herself otherwise than as a geologist.

DIVISION IV

ILLEGAL PRACTICE OF THE PROFESSION

10. Every person who contravenes the first paragraph of section 6 or who, without being a member in good standing of the Order, attests, authenticates by affixing a seal, certifies or signs an opinion or a report relating to an act referred to in the first paragraph of section 6 is guilty of an offence and is liable to the fine prescribed in section 188 of the Professional Code.

11. The first paragraph of section 6 and sections 7 and 9 do not apply to members of the Ordre des ingénieurs du Québec.

DIVISION V

AMENDING PROVISIONS

PROFESSIONAL CODE

12. Section 31 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing “21.3” in the second line by “21.4”.

13. Section 32 of the said Code, amended by section 1 of chapter 13 of the statutes of 2000, is again amended by replacing “or midwife” in the fifth line of the first paragraph by “, midwife or geologist”.

14. Schedule I to the said Code, amended by section 50 of chapter 13 of the statutes of 2000, is again amended by inserting the following paragraph after paragraph 21.3 :

“21.4 The Ordre professionnel des géologues du Québec;”.

MINING ACT

15. Section 101 of the Mining Act (R.S.Q., chapter M-13.1), amended by section 49 of chapter 24 of the statutes of 1998, is again amended

(1) by replacing the words “qualified geologist” in the second and third lines of the second paragraph by “geologist, who meets the qualification requirements prescribed by regulation,”;

(2) by striking out the fourth paragraph.

16. Section 226 of the said Act, amended by section 105 of chapter 24 of the statutes of 1998, is again amended by replacing “qualified geologist, within the meaning of the fourth paragraph of section 101” in the fourth and fifth lines of the first paragraph by “geologist”.

17. Section 306 of the said Act, amended by section 128 of chapter 24 of the statutes of 1998, is again amended by inserting, after paragraph 12.9, the following paragraph :

“(12.10) determine the qualification requirements concerning the engineer or geologist certifying the report required pursuant to section 101;”.

DIVISION VI

TRANSITIONAL AND FINAL PROVISIONS

18. Notwithstanding section 3 of this Act, the first Bureau shall be composed of the following persons :

(1) six directors appointed by the Office des professions du Québec and chosen from among the persons who, on (*insert here the date of coming into force of this section*), are directors of the Association professionnelle des géologues et des géophysiciens du Québec; they are deemed to be elected directors;

(2) two directors appointed by the Office des professions du Québec, in accordance with the first paragraph of section 78 of the Professional Code;

(3) a president elected by secret ballot by the directors referred to in subparagraph 1 and chosen from among their number.

The president and the directors referred to in subparagraph 1 of the first paragraph shall remain in office until the first election of the members of the Bureau held in accordance with the provisions of the Professional Code.

19. For the purposes of section 75 of the Professional Code, the territory of Québec constitutes a single region until the date of coming into force of a regulation made pursuant to section 65 of the Code.

20. A person who, on (*insert here the date of coming into force of this section*), is a regular member of the Association professionnelle des géologues et des géophysiciens du Québec is deemed to be qualified to practise the profession of geologist and shall be issued a permit by the Bureau to practise the profession of geologist.

A person who, on (*insert here the date of coming into force of this section*), is not a regular member of the Association must, to obtain a permit to practise the profession of geologist, satisfy the membership requirements of the Association in effect on 8 December 2000 until they are replaced by a regulation, made in accordance with the provisions of the Professional Code, determining the diplomas and, if applicable, any other qualifications giving access to a permit.

21. Notwithstanding section 86 of the Professional Code, the first resolution passed by the Bureau for the purpose of fixing the first annual assessment need not, to come into force, be approved by a majority of the members of the Order, and may take into account the sums already paid as membership dues to the Association professionnelle des géologues et des géophysiciens du Québec.

22. The Bureau shall apply, in respect of the members of the Order, the rules applicable to the members of the Association professionnelle des géologues et des géophysiciens du Québec in force on 8 December 2000 until the effective date of a regulation concerning the same subject made in accordance with the provisions of the Professional Code. However, the rules must be compatible with the provisions of the Professional Code and the regulations made thereunder.

23. Until the coming into force of a regulation made by the Bureau for the purposes of paragraph *f* of section 93 of the Professional Code, the head office of the Order shall be situated in the territory of Ville de Montréal.

24. A person legally authorized to practise outside Québec the same profession as the members of the Ordre des géologues is deemed to hold a special authorization to practise that profession in Québec for a period of twelve months from (*insert here the date of coming into force of this section*).

The authorization may be renewed in accordance with section 33 of the Professional Code.

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

Regulations and other acts

Gouvernement du Québec

O.C. 688-2001, 6 June 2001

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Trapping activities and fur trade — **Amendments**

Regulation to amend the Regulation respecting trapping activities and the fur trade

WHEREAS under paragraph 2 of section 97 of the Act respecting the conservation and development of wildlife (R.S.Q. c. C-61.1), the Government may, by regulation, determine for each class of lease, the conditions for obtaining, transferring and renewing a lease, the term of a lease and the method of computing and conditions of payment of the annual rent for a lease;

WHEREAS under paragraphs 9 and 16 of section 162 of the Act, the Government may, in addition to the other regulatory powers conferred on it by the Act, make regulations on the matters mentioned therein;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting trapping activities and the fur trade was published in Part 2 of the *Gazette officielle du Québec* of 7 March 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting trapping activities and the fur trade, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting trapping activities and the fur trade*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 97, par. 2 and s. 162, pars. 9 and 16)

1. The Regulation respecting trapping activities and the fur trade is amended by striking out “if it is located within the perimeter of the FAMU mentioned on his general trapping licence” in paragraph 1 of section 13.

2. Section 22 is amended

(1) by substituting “, a person, partnership or association authorized by the Société de la faune et des parcs du Québec under section 56.1 of the Act” for “a wildlife conservation officer or any person appointed for that purpose at a control station” and by adding “; he must also pay the registration fees provided for in the Regulation respecting the scale of fees and duties related to the development of wildlife” after the word “punched”;

(2) by adding the following after the first paragraph:

“Notwithstanding the first paragraph, the holder of a trapping licence who captures a black bear shall, at a wildlife conservation officer’s request, have the officer register it immediately.”

3. Section 30 is amended by adding “or three consecutive assistant trapper’s licences authorizing him to trap on the territory described in the lease” after “of the lessee” in the first paragraph.

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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* The Regulation respecting trapping activities and the fur trade was made by Order in Council 1027-99 dated 8 September 1999 (1999, *G.O.* 2, 2915). It has not been amended since it was made.

Gouvernement du Québec

O.C. 695-2001, 6 June 2001

Courts of Justice Act
(R.S.Q., c. T-16)

Pension plan provided for in Part V.1 of the Act — Supplementary benefits plan for judges

Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act

WHEREAS, under the second paragraph of section 122 of the Courts of Justice Act (R.S.Q., c. T-16), amended by section 5 of chapter 8 of the Statutes of 2001, the Government may establish, in respect of judges to whom the pension plan established under Part V.1 of the Act applies, a plan providing for supplementary benefits payable from the date on which benefits become payable under the pension plan;

WHEREAS, under that paragraph, the Government may also include in that supplementary benefits plan provisions concerning the payment of benefits to the spouse and children of a judge and specify the situations that entail the obligation for the judge to contribute to the plan and the conditions relating to the determination and payment of the contributions;

WHEREAS it is expedient for the Government to establish a supplementary benefits plan for judges to whom the pension plan provided for in Part V.1 of the Act applies;

WHEREAS section 122.1 of the Courts of Justice Act, the Government may render all or some of the rules concerning the partition and assignment of benefits between spouses, contained in or enacted pursuant to Part VI.2 of that Act, applicable to the supplementary benefits plan thus established;

WHEREAS it is expedient for the Government to render applicable to the supplementary benefits plan thus established the rules concerning the partition and assignment of benefits between spouses, contained in or enacted pursuant to Part VI.2 of the Courts of Justice Act;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of such publication in the case of the Supplementary benefits plan for judges to whom the pension plan provided for in Part V.1 of the Courts of Justice Act applies:

(1) This Order in Council is the final element of the statutory implementation of the Rapport du Comité de la rémunération des juges de la Cour du Québec et des cours municipales de Laval, Montréal et de Québec dealing with the pension plan and the fringe benefits related to it. The Government has agreed in a declaration made in the National Assembly on 20 December 2000 to fully implement that report of the Committee. In accordance with section 246.44 of the Courts of Justice Act (R.S.Q., c. T-16), the Government must take, with diligence, the necessary steps to implement those recommendations;

(2) Bill 2 establishing a new pension plan for judges compels them to decide on a very short notice whether to participate in the new plan or to keep their present plan. If the provisions of the Regulations Act (R.S.Q. c. R-18.1) concerning the periods of time for the publication of proposed regulations in the *Gazette officielle du Québec* were applied, it is possible that the judges could not make that election in due time;

WHEREAS, pursuant to section 123 of the Courts of Justice Act, any order made pursuant to sections 115 to 122.3 of that Act comes into force on the date of its publication in the *Gazette officielle du Québec* or on any earlier or later date fixed therein;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Supplementary benefits plan for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act applies

Courts of Justice Act
(R.S.Q., c. T-16, ss. 122 and 122.1; 2001, c. 8, s. 5)

DIVISION I SCOPE

1. A plan providing for supplementary benefits payable from the date on which benefits become payable under the pension plan is hereby established for judges covered by the pension plan provided for in Part V.1 of the Courts of Justice Act.

DIVISION II COMPUTATION AND PAYMENT OF SUPPLEMENTARY BENEFITS

2. The annual supplementary benefits payable to a judge are equal to the amount by which

(1) the amount obtained by multiplying the average salary by 3% per year of service used in calculating the pension payable to him under the pension plan,

exceeds

(2) the amount of that pension.

3. Special supplementary benefits shall be paid to a judge where the pension granted under the pension plan starts being paid after 30 December of the year in which he reached age 69. The benefits shall be equal to the amount obtained by multiplying the average salary by 3% per year of service comprised between 30 December of that year and either of the following dates, whichever comes first:

(1) the date on which his pension becomes payable under the second paragraph of section 224.11 of the Act;

(2) the date he reaches age 71.

4. Where the pension granted under the pension plan becomes payable while the judge's age and his years of service total 80 or more, the sum of that pension and the amount of supplementary benefits granted under this Plan may not be less than 55% of the average salary. If need be, the amount of supplementary benefits shall be increased.

The amount of that increase shall be attributed to the judge's last year of service considered for the purposes of this Plan.

5. The sum of the supplementary benefits granted under this Plan and the pension granted under the pension plan may not be less than 65% of his average salary.

6. For the purposes of this Division, the average salary shall be determined in accordance with section 224.9 of the Act.

Notwithstanding the foregoing, in the case of a judge referred to in section 3, the annual salary for each year of service included in the period prescribed in that section shall also be taken into consideration.

7. The supplementary benefits of a judge whose pension is reduced pursuant to section 224.16 of the Act shall be reduced in the same proportion.

8. A judge's supplementary benefits are for life and they become payable on the same date as his pension becomes payable under the pension plan.

9. When a retired judge dies, his benefits shall continue to be paid to his spouse or, failing that, to his heirs until the first day of the month following his death.

DIVISION III CONTRIBUTIONS

10. Where his contribution to the pension plan is less than 7% of his average salary, a judge shall pay to this Plan a contribution equal to 7% of this annual salary less the contribution paid to the pension plan.

A judge who continues to exercise his functions after 30 December of the year in which he reaches age 69 and who is not yet receiving his pension shall pay to this Plan a contribution equal to 7% of his annual salary.

For the purposes of this section, the annual salary of a judge shall be determined in accordance with section 224.2 of the Act.

The provisions of the Act regarding the refund of contributions to a judge, his spouse or heirs apply to contributions paid under this section.

DIVISION IV JUDGE HOLDING AN OFFICE AFTER RETIREMENT

11. A retired judge who is authorized by the Government, under section 93 of the Act, to exercise judicial functions shall continue to receive his supplementary

benefits and his salary shall be reduced in accordance with section 118 of the Act. He may not however become entitled to any additional benefits.

A retired judge receiving a salary for holding any other office with the Gouvernement du Québec or, in the case of a municipal court judge, any other office within the municipality shall continue to receive his supplementary benefits and his salary shall be reduced in accordance with section 118 of the Act.

DIVISION V
COMPUTATION AND PAYMENT OF
SUPPLEMENTARY BENEFITS TO SPOUSE
AND CHILDREN

12. A judge's spouse and children are entitled, where a pension is payable to them in that capacity under the pension plan provided for in Part V.1 of the Act, to supplementary benefits computed in relation to those that the judge received or would have received and in the same proportion as that applied to establish the pension payable to them under Chapter V of that Part.

Any supplementary benefits thus granted shall be paid until the day the recipient is no longer entitled to his pension under the pension plan.

DIVISION VI
MISCELLANEOUS

13. Supplementary benefits shall be indexed each year in the manner provided for in section 224.23 of the Act.

14. Supplementary benefits shall be paid at the intervals and on the conditions determined by a regulation made under section 148 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10).

15. The rules for the partition and assignment of benefits between spouses provided for in Part VI.2 of the Act and those established by the Government under the provisions of that Part which are applicable to benefits accumulated by the judge under his pension plan apply, adapted as required, to the benefits accumulated by the judge under this Plan.

16. The contribution of a municipality to this Plan, in respect of each municipal court judge covered by the plan provided for in Part V.1 of the Act, shall be equal to the amount by which 27.98% of the salary considered to calculate the supplementary benefits under this plan exceeds the contribution paid in respect of those judges to the pension plan provided for in Part V.1.

17. Municipalities shall pay their contribution to the Commission administrative des régimes de retraite et d'assurances on the 15th day of each month, in respect of municipal court judges covered by the pension plan provided for in Part V.1 of the Act.

Any portion of the municipality's contribution that remains unpaid to the Commission on the 15th day of the month shall bear interest as of the next day, at the rates provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan.

18. Within 30 days of the date of the statement of account sent by the Commission, the municipalities shall pay their contributions and the interest payable on such contributions.

Any amount unpaid within 30 days shall bear interest at the rates provided for in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan as of the date of the statement of account.

19. This Plan came into force on 1 January 2001.

4342

Gouvernement du Québec

O.C. 698-2001, 6 June 2001

Pharmacy Act
 (R.S.Q., c. P-10)

Veterinary Surgeons Act
 (R.S.Q., c. M-8)

Medications

— **Terms and conditions for the sale**

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications

WHEREAS under section 37.1 of the Pharmacy Act (R.S.Q., c. P-10), the Office des professions du Québec, after consultation with the Conseil consultatif de pharmacologie, the Ordre professionnel des médecins du Québec, the Ordre professionnel des médecins vétérinaires du Québec and the Ordre des pharmaciens du Québec, may, by regulation, establish categories of medications and determine, for each category, if need be, by whom and subject to what terms and conditions the medications may be sold and whereas the rules may vary for the same medication according to whether it is intended for human or animal consumption;

WHEREAS under section 9 of the Veterinary Surgeons Act (R.S.Q., c. M-8), the Office des professions du Québec shall prepare periodically, by regulation, after consultation with the Conseil consultatif de pharmacologie, the Ordre des médecins vétérinaires du Québec and the Ordre des pharmaciens du Québec, a list of the medications which shall be sold only on prescription of a veterinary surgeon;

WHEREAS the Office carried out the consultations required under the aforementioned provisions;

WHEREAS the Office des professions du Québec adopted, under those sections, the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications;

WHEREAS in accordance with section 13 of the Professional Code (R.S.Q., c. C-26), the Office des professions du Québec submitted the Regulation to the Government which approved it by Order in Council 54-2001 dated 24 January 2001;

WHEREAS it is expedient to amend certain provisions in the French and English versions of the Regulation;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved without having been published as provided for in section 8 of that Act where the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has approved it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force on the date of publication shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and the coming into force of the Regulation on the date of publication:

— certain provisions of the French and English versions of the Regulation are not in agreement and it is imperative to make the necessary corrections immediately considering that the Regulation was approved by the Government on 24 January 2001, that it was published in the *Gazette officielle du Québec* on 7 February 2001 and that it came into force on 8 April 2001;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the terms and conditions for the sale of medications, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the terms and conditions for the sale of medications*

Pharmacy Act
(R.S.Q., c. P-10, s. 37.1)

Veterinary Surgeons Act
(R.S.Q., c. M-8, s. 9)

1. The French version of the Regulation respecting the terms and conditions for the sale of medications is amended as follows:

(1) in Schedule III, by substituting “51” for “50” in the specification of “ACÉTYLSALICYLIQUE, ACIDE ET SES SELS”;

(2) in Schedule IV

(a) by adding “(C)” in front of “4-HYDROXY-19-NORTESTOSTERONE ET SES DÉRIVÉS”;

(b) by striking out the substance “N-2- (MÉTHOXY-PHÉNYL)-2-ÉTHYLBUTYL-1-HYDROXYBUTYRAMIDE (T-61)”;

(3) in Schedule V, by adding the specification “formes pharmaceutiques destinées à une administration par voie topique” to “TRICHLORFON”.

2. The English version is amended as follows:

(1) in Schedule II

(a) by adding the words “on the skin” after the word “use” in the specification of “GRAMICIDIN AND ITS SALTS”;

* The Regulation respecting the terms and conditions for the sale of medications was approved by Order in Council 712-98 dated 27 May 1998 (1998, *G.O.* 2, 2149) and was amended by the Regulation approved by Order in Council 54-2001 dated 24 January 2001 (2001, *G.O.* 2, 1085).

(b) by substituting “30” for “31” in the specification of “IRON, ITS SALTS AND DERIVATIVES”;

(2) in Schedule III

(a) by adding the words “and sold in single packages containing only one packaging unit” after the word “less” in the specifications of “ACETAMINOPHEN” and “ACE-TYLSALICYLIC ACID AND ITS SALTS”;

(b) by striking out the conjunction “or” in the specification of “BENZOCAINE AND ITS SALTS”;

(c) by adding the words “cleansing and” after the word “colon” in the specification of “ELECTRO-LYTES”;

(d) by substituting the words “more than 15 mg and less than 30 mg” for the words “between 15 mg and 30 mg” in the specification of “IRON, ITS SALTS AND DERIVATIVES”;

(e) by adding the words “sold in single packages containing only one packaging unit” after the words “dosage units” in the first specification of “PSEU-DOEPHEDRINE AND ITS SALTS”;

(f) by substituting the words “greater than 20%” for the words “of 20% or more” in the specification of “TRIETHANOLAMINE SALICYLATE”;

(3) in Schedule IV

(a) by substituting the word “DICUMAROL” for the word “DICOUMAROL”;

(b) by striking out the substance “N-(2-(M-METHOXYPHENYL)-2-ETHYLBUTYL-(1))-GAMMA-HYDROXYBUTYRAMIDE (T-61)”;

(c) by striking out the substance “NIZATIDINE”.

3. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

4343

Gouvernement du Québec

O.C. 701-2001, 6 juin 2001

An Act respecting transportation by taxi
(R.S.Q., c. T-11.1)

Transportation by taxi — Amendments

Regulation to amend the transportation by taxi regulation

WHEREAS under subparagraphs 1, 2 and 17 of the first paragraph of section 60 of the Act respecting transportation by taxi (R.S.Q., c. T-11.1), the Government may, by regulation, delimit urban areas, determine for each urban area or region that it specifies, ratios permitting to determine the maximum number of permits that may be issued and authorize taxi permit holders to supply the types of shared transportation which it specifies in the places it specifies and on conditions it determines, and fix the tariffs therefor;

WHEREAS the Transportation by Taxi Regulation was made by Order in Council 1763-85 dated 28 August 1985;

WHEREAS it is expedient to amend it;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Transportation by Taxi Regulation was published in Part 2 of the *Gazette officielle du Québec* of 7 February 2001 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the Regulation to amend the Transportation by Taxi Regulation, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Transportation by Taxi Regulation*

An Act respecting transportation by taxi (R.S.Q., c. T-11.1, s. 60, 1st par., subpars. 1, 2 and 17)

1. Schedule A to the Transportation by Taxi Regulation is amended

(1) by substituting “Brownsburg-Chatham (76043M)” for “Brownsburg (76040VL)” in the A.7 urban area;

(2) by striking out “Saint-Pierre (66050V)” in the A.11 urban area;

(3) by substituting “66057V” for “66080V” in the A.12 urban area;

(4) by substituting “Sorel-Tracy (53052V)” for “Sorel (53057V) and Tracy (53045V)” in the A.16 urban area;

(5) by substituting “86033V” for “86047V” in the A.48 urban area.

2. Schedule B is amended

(1) by substituting the words “Mont-Joli airport” for the words “List of airports” in the title;

(2) by substituting the words “Mont-Joli airport” for the words “following airports” in the first line of the first paragraph;

(3) by deleting subparagraph *B* of the first paragraph.

3. Schedule C is amended by inserting the following territory and ratio in alphabetical order:

“Kuujuuaq (99095VN) 1 permit per 400 inhabitants”.

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4344

Gouvernement du Québec

O.C. 708-2001, 13 June 2001

An Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001)

Income support — Amendments

Regulation to amend the Regulation respecting income support

WHEREAS, in accordance with the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001), the Government made the Regulation respecting income support by Order in Council 1011-99 dated 1 September 1999;

WHEREAS it is expedient to amend that Regulation;

WHEREAS, under sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting income support was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2001, on page 2229, with a notice that it could be made by the Government upon the expiry of 20 days following its publication;

WHEREAS the 20-day period has expired;

WHEREAS, under section 18 of the Act, a regulation may come into force between the date of publication in the *Gazette officielle du Québec* and the date applicable under section 17 of the Act;

WHEREAS, under section 18 of the Act, the reason justifying such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to following circumstances requires such coming into force:

— the amendments made to the Regulation to amend the Regulation respecting income support, attached to this Order in Council, are harmonized with the changes to the national child benefit supplement and must come into effect at the same time, that is, in July 2001;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour, Employment and Social Solidarity and Minister of Employment and Social Solidarity:

* The Transportation by Taxi Regulation, made by Order in Council 1763-85 dated 28 August 1985 (1985, *G.O.* 2, 3687), was last amended by the Regulation made by Order in Council 986-2000 dated 16 August 2000 (2000, *G.O.* 2, 4418). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

THAT the Regulation to amend the Regulation respecting income support, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting income support*

An Act respecting income support, employment assistance and social solidarity
(R.S.Q., c. S-32.001, s. 156, par. 12 and s. 160)

1. Section 36 of the Regulation respecting income support is amended by substituting the amounts “\$104.58”, “\$87.91” and “\$81.66” for the amounts “\$81.41”, “\$64.25” and “\$57.83”.

2. This Regulation comes into force on July 2001.

4349

M.O., 2001-011

Order of the Minister responsible for Wildlife and Parks dated 27 March 2001

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the establishment of the Île-Laval wildlife sanctuary

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

CONSIDERING that section 122 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), modified by section 85 of Chapter 40 of the Acts of 1999, section 96 of Chapter 36 of the Acts of 1999 and by section 27 of Chapter 48 of the Acts of 2000, provides that the Minister may establish, notably on lands in the domain of the State a wildlife sanctuary the resources whereof may be used, and accessorially, the recreational activities therein practiced, on conditions fixed in view of preserving the wildlife habitat or the habitat of a species of wildlife, after consultation with the Minister of Natural Resources;

CONSIDERING that the territory contemplated for the establishment of the Île-Laval wildlife sanctuary is comprised of lands in the domain of the State;

CONSIDERING that the Minister of Natural Resources has been consulted in the matter;

CONSIDERING that there is reason for establishing the Île-Laval wildlife sanctuary for purposes of preserving the habitat of the wildlife species therein;

ORDERS that:

The “Île-Laval wildlife sanctuary”, whose boundaries are shown on the appended map, be established;

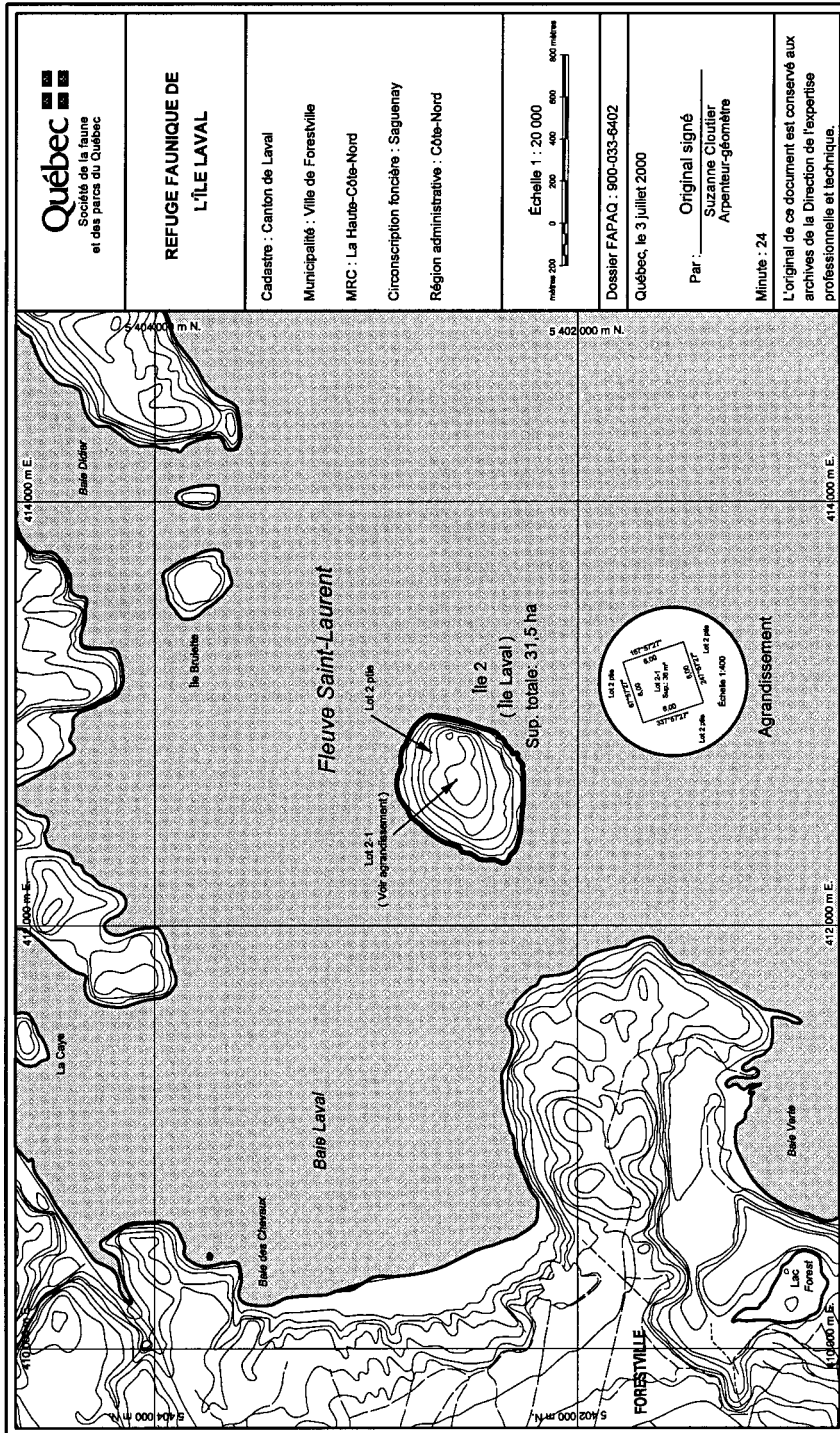
The present ministerial order takes effect on the day of its publication in the *Gazette officielle du Québec*.

Québec, 27 March 2001

GUY CHEVRETTE,
Minister responsible for Wildlife and Parks

* The Regulation respecting income support, made by Order in Council 1011-99 dated 1 September 1999 (1999, *G.O.* 2, 2881), was last amended by the Regulations made by Orders in Council 1427-2000 dated 6 December 2000 (2000, *G.O.* 2, 5724), 1428-2000 dated 6 December 2000 (2000, *G.O.* 2, 5726), 15-2001 dated 11 January 2001 (2001, *G.O.* 2, 445), 205-2001 dated 7 March 2001 (2001, *G.O.* 2, 1379) and 450-2001 dated 25 April 2001 (2001, *G.O.* 2, 2165). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

SCHEDULE



Fichier : sc24.dgn

Draft Regulations

Draft Regulation

Highway Safety Code
(R.S.Q., c. C-24.2)

Demerits point

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting demerit points, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The Regulation replaces the current Regulation respecting demerit points as well as the Table of demerit points attached thereto.

The proposed Table of demerit points includes, in particular, new offences and revises the number of demerit points associated with offences.

Further information may be obtained by contacting Micheline Briand, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-12, C.P. 19600, Québec (Québec) G1K 8J6, telephone: (418) 528-3075.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,
Minister of Transport

Regulation respecting demerit points

Highway Safety Code
(R.S.Q., c. C-24.3, s. 619, pars. 9, 9.2 and 9.3)

DIVISION I INTERPRETATION

1. Any references in this Regulation must be read taking into account amendments that may be made to the legislative and regulatory provisions referred to.

DIVISION II DEMERIT POINT SYSTEM

2. Demerit points shall be assigned for any offence against the provisions of the Highway Safety Code (R.S.Q., c. C-24.2) listed in the table of demerit points in the Schedule, according to the number of points listed for each offence.

3. The same number of demerit points shall be assigned for any offence the description of which corresponds to one of the offences listed in the Schedule and committed against a provision of:

(1) a by-law in force in a municipality;

(2) a Statute of Canada other than the Criminal Code (R.S.C., 1985, c. C-46) or a regulation of Canada in the case of an offence committed in a territory under the jurisdiction of the Government of Canada.

4. A total of at least 7 demerit points must be entered in the record of a person to entail the sending of the notice prescribed in section 114 of the Highway Safety Code.

5. A total of at least 15 demerit points must be entered in the record of a person to entail the cancellation of the licence or the suspension of the right to obtain a licence.

In the case of a person referred to in section 191.2 of the Code, a total of at least 4 demerit points must be entered in the person's record to entail the suspension of the licence or the suspension of the right to obtain a licence.

DIVISION III PROVISIONS OF DIVISION IV OF CHAPTER II OF TITLE II OF THE HIGHWAY SAFETY CODE APPLICABLE TO THE HOLDER OF A LEARNER'S LICENCE OR A PROBATIONARY LICENCE

6. The provisions of Division IV of Chapter II of Title II of the Highway Safety Code apply, subject to the first paragraph of section 111, to the holder of a learner's licence or a probationary licence.

The Société de l'assurance automobile du Québec shall suspend the licence of a person referred to in the first paragraph and who is convicted of an offence within the meaning of section 110 of the Code or the right to obtain a licence, in accordance with section 191.2 of the Code.

DIVISION IV TRANSITIONAL AND FINAL

7. Demerit points appearing in the record of a person on the day preceding that of the coming into force of this Regulation shall be deemed to be demerit points entered in the record in accordance with this Regulation.

SCHEDULE (ss. 2 and 3)

TABLE OF DEMERIT POINTS

Summary description of offence for reference purposes only	Sections of the Highway Safety Code		Points
	Description	Penal Provisions	
1. Driving while unaccompanied	99 or 100	140.1	4
2. Failure by a driver involved in an accident to do his duty	168, 169, 170 or 171	178 or 179	9
3. Driving with the presence of alcohol in the blood or failing to provide a breath sample	202.2 or 202.8	202.8	4
4. Failure to obey the orders or signals of a peace officer, school crossing guard or flag man	311	314.1	3
5. Speeding or reckless driving	327	512	4
6. Speed in excess of a limit prescribed or indicated on traffic signs	299, 328 or 329	516	
Exceeding the speed limit by:			
11 to 20 km/h			1
21 to 30 km/h			2
31 to 45 km/h			3
46 to 60 km/h			5
61 to 80 km/h			7

8. This Regulation replaces the Regulation respecting demerit points, made by Order in Council 1424-91 dated 16 June 1991 (1991, G.O. 2, 4183).

Notwithstanding the foregoing, the demerit points prescribed by Schedule I to the Regulation shall remain applicable to the offences committed before the coming into force of this Regulation.

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Summary description of offence for reference purposes only	Sections of the Highway Safety Code		Points
	Description	Penal Provisions	
81 to 100 km/h			9
more than 100 km/h			12 + 3 points for every additional 20 km/h in excess of 100 km/h over the speed limit
7. Passing where prohibited by a line marking off a lane	326.1	510	3
8. Failure to reduce speed to take into account atmospheric or environmental conditions	330	507	2
9. Following another vehicle more closely than is prudent	335	509	2
10. Accelerating while being passed by another vehicle	340	510	2
11. Passing a bicycle when there is not enough space in the traffic lane	341	510	2
12. Successively passing vehicles in a zigzag pattern	342	510	4
13. Prohibited passing in the lane reserved for traffic moving in the opposite direction	345	510	4
14. Prohibited passing to the right	346	510	3
15. Prohibited passing to the left	348	510	3
16. Failure to yield the right of way to pedestrians and cyclists at an intersection	349	504 or 509	2
17. Failure to yield the right of way to vehicles moving in the opposite direction	350	504 or 509	2
18. Failure to obey a red light	359 or 360	504 or 509	3
19. Failure to stop before turning right on a red light	359.1	504 or 509	3
20. Failure to obey a stop sign	368, 369 or 370	504 or 509	3
21. Failure to wear a seat belt	396 or 401	508	3
22. Failure to make an obligatory stop at a level crossing	411	504 or 509	3
23. Failure to come to a stop at a level crossing when driving a bus, a minibus or a road vehicle carrying certain categories of dangerous substances	413	510	9

Summary description of offence for reference purposes only	Sections of the Highway Safety Code		Points
	Description	Penal Provisions	
24. Prohibited driving in reverse	416 or 417	509 or 506	3
25. Driving for a wager, a stake or a race	422	512	6
26. Sudden unnecessary braking	436	506	2
27. Failure to obey the flashing lights or stop sign of a school bus	460	510	9
29. Failure to wear a protective helmet	484	508	3
28. Prohibited driving of a road vehicle carrying dangerous substances in a tunnel (section 11 of the Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 dated 4 May 1988)	622	646	9

4337

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Île-Laval Wildlife Preserve

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the Île-Laval Wildlife Preserve, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to set standards and conditions for the use of the territory and resources of the Île-Laval Wildlife Preserve.

To that end, it provides that no one may stay in the wildlife preserve. It also prescribes the conditions on which a person may enter the wildlife preserve, travel about or carry on an activity therein.

To date, study of the matter has revealed a positive impact on users and businesses.

Further information may be obtained by contacting :

Mr. Michel Jean
Société de la faune et des parcs du Québec
Direction des territoires fauniques et de la réglementation
675, boulevard René-Lévesque Est, 11^e étage
Québec (Québec)
G1R 5V7

Telephone : (418) 521-3880, ext. 4095
Fax : (418) 646-5179
E-mail : michel.jean@fapaq.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,
Minister responsible for Wildlife and Parks

Regulation respecting the Île-Laval Wildlife Preserve

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 125, par. 3, and s. 162, par. 14;
2000, c. 48, s. 28)

1. This Regulation applies to the Île-Laval Wildlife Preserve, established by Minister's Order 2001-011 dated 27 March 2001.

2. No one may stay in the wildlife preserve.

3. From 15 April to 15 August, no one may enter or travel about the wildlife preserve or engage in any activity therein, unless the person

(1) is not accompanied by a domestic animal; and

(2) uses the corridors, trails, observation platforms or footbridges designated for that purpose.

The first paragraph does not apply to a person who, in the performance of his duties, carries out scientific research or inspection, protection, surveillance or maintenance work in the wildlife preserve.

4. No one may light a campfire in the wildlife preserve.

5. No one may, in the wildlife preserve, carry on an activity that may alter any biological, physical or chemical component of the wildlife habitat.

6. A person who contravenes any provision of sections 2 to 5 commits an offence.

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4333

Draft Regulation

An Act respecting off-highway vehicles
(R.S.Q., c. V-1.2)

Off-highway vehicles

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Off-highway Vehicles Regulation, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to specify the scope of the Act respecting off-highway vehicles, to prescribe safety standards for those vehicles and the sleighs and trailers they tow, and to establish obligations for drivers and passengers.

The draft Regulation fixes the conditions for operating off-highway vehicles on public highways, off the roadway, and the conditions trail security officers should meet. It also prescribes the obligations of off-highway vehicle clubs, in particular as regards trail signs and it determines the provisions the infringement of which constitutes an offence.

Further information may be obtained by contacting Claude Martin, Direction du transport terrestre des personnes, Ministère des Transports, 700, boulevard René-Lévesque Est, 24^e étage, Québec G1R 5H1, tel. (418) 644-0324.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45 day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1

GUY CHEVRETTE,
Minister of Transport

Off-highway Vehicles Regulation

An Act respecting off-highway vehicles
(R.S.Q., c. V-1.2, s. 46)

DIVISION 1 APPLICATION OF THE ACT

1. The Act respecting off-highway vehicles (R.S.Q., c. V-1.2) does not apply to a snowmobile with a engine displacement of 150 cubic centimetres or less, or to an all-terrain vehicle with an engine displacement of 100 cubic centimetres or less, where the vehicle is driven on private property, in a reserved area or an area specifically laid out for such vehicles by an off-highway vehicle club and where the driver under 14 years of age is supervised by an adult.

2. Section 4 of the Act does not apply to a sleigh or trailer towed by an off-highway vehicle belonging to a farm or forest producer where the vehicle is used for farming or forest operations and is not used on an off-highway vehicle club trail.

3. The following provisions of the Act do not apply to the snowmobiles and motorized all-terrain vehicles referred to in subparagraphs 1 and 2 of the first paragraph

of section 1 of the Act, or to the use of such vehicles in a location north of the 50th parallel that is not linked to the Québec highway network by a public highway within the meaning of the Highway Safety Code (R.S.Q., c. C-24.2):

(1) sections 3 and 5;

(2) if applicable to sleigh equipment, sections 6 and 29 where the traditional Inuit sleigh, the “qamutiq”, is concerned;

(3) the first paragraph of section 11, provided that the traffic rules applicable to road vehicles on public highways are complied with;

(4) sections 12, 18, 19, 21 to 23 and 27; and

(5) section 20 with respect to the civil liability insurance certificate.

4. With respect to the areas referred to in section 3, drivers of off-highway vehicles shall be especially careful because the pension of the Act respecting off-highway vehicles referred to in section 3 and various provisions of this Regulation do not apply to those areas and the use of an off-highway vehicle should not be more dangerous there than in other regions of Québec.

The same shall apply to passengers of off-highway vehicles or sleighs and trailers towed by such vehicles.

DIVISION 2 VEHICLE STANDARDS

5. Brake lights on an off-highway vehicle built after 1 January 1998 shall turn on when pressure is applied to the brakes and be visible from a distance of not less than 150 metres.

6. The rear-view mirror of an off-highway vehicle shall not have sharp edges, or be broken, cracked or tarnished. Tarnish is tolerated on the sides of the mirror but may not exceed 10% of the total mirrored surface.

The mirror shall be horizontally and vertically adjustable and must stay in the position selected.

7. The exhaust system of an off-highway vehicle shall be equipped with an exhaust pipe including a muffler.

The sound level of an off-highway vehicle may not exceed 82 decibels.

No part of the exhaust system may be altered, removed or replaced to make the exhaust system noisier than the one installed by the manufacturer.

8. The speedometer of an off-highway vehicle manufactured after 30 June 2002 shall indicate the speed according to the metric system.

9. Each passenger seat on a snowmobile shall be equipped with:

(a) a handle facing the seat, wide enough to be gripped with both hands by a passenger wearing winter gloves or mitts; or

(b) a handle on each side of the seat, wide enough to be gripped with one hand by a passenger wearing winter gloves or mitts.

DIVISION 3 STANDARDS APPLICABLE TO A SLEIGH OR TRAILER TOWED BY AN OFF-HIGHWAY VEHICLE

10. A trailer or sleigh that is towed by an off-highway vehicle built after 1 January 1998 shall be equipped with brake lights that turn on when pressure is applied to the brakes and be visible from a distance of not less than 150 metres.

11. A trailer or sleigh that is towed by an off-highway vehicle and carries passengers shall be designed for passenger transport.

12. A trailer or sleigh towed by an off-highway vehicle shall be equipped with a safety device that keeps it attached to the vehicle if the rigid tow bar breaks.

13. A trailer towed by an all-terrain vehicle shall be equipped with fenders for both the front wheels and the back wheels.

14. Sections 10 to 12 do not apply to a traditional Inuit sleigh, the “qamutiq”, towed by an off-highway vehicle in a location north of the 50th parallel that is not linked to the Québec highway network by a public highway within the meaning of the Highway Safety Code (R.S.Q., c. C-24.2).

DIVISION 4 OBLIGATIONS OF THE DRIVER

15. It is prohibited to drive an off-highway vehicle on a trail operated by an off-highway vehicle club, unless the driver holds an access right issued by the club and has in his possession a document attesting that right, except in the following cases:

(1) the holder of a trapping permit issued under the Regulation respecting trapping and the fur trade made

by Order 99026 of the Minister for Wildlife and Parks dated 31 August 1999 must use the trail to travel in the territory where he is authorized to trap or to enter or exit the territory; or

(2) the owner of residence must use the trail to reach it.

16. It is prohibited to drive an off-highway vehicle more than 30 km/h in a place referred to in paragraph 1 of section 12 of the Act respecting off-highway vehicles and more than 50 km/h on a trail referred to in paragraph 4 of that section if such trail is located less than 30 metres from a residence, a facility operated by a health institution, or from an area reserved for cultural, educational, recreational or sports activities.

17. The driver of an off-highway vehicle shall make a full stop before crossing a public highway, a private road open to public vehicular traffic or a railway and proceed only after making sure that there is no risk of collision.

18. It is prohibited to drive an off-highway vehicle in reverse unless it is possible to do so without hindering traffic and without risk of collision.

19. It is prohibited to leave the key in the ignition of a parked off-highway vehicle. Where no key is required to start the motor, the person who has charge of the vehicle shall ensure that no child under 14 can start it.

20. It is prohibited for the driver of an off-highway vehicle to have a passenger ride in front of him.

21. It is prohibited for the driver of an off-highway vehicle to carry a greater number of passengers than there are passenger seats.

22. It is prohibited for the driver of an off-highway vehicle towing a trailer or a sleigh to carry passengers if the trailer or sleigh is not designed for passenger transport.

23. It is prohibited for the driver of an off-highway vehicle towing a trailer or a sleigh designed for passenger transport to carry more passengers than the number of passenger seats.

24. The driver of an off-highway vehicle carrying a passenger under 14 years of age shall ensure that the latter complies with section 23 of the Act respecting off-highway vehicles at all times.

25. The driver of an off-highway vehicle who crosses a public highway or drives on it shall have in his possession the licence referred to in the third paragraph of section 18 of the Act.

26. The driver of an off-highway vehicle involved in an accident shall stay on the scene of the accident or return there immediately after the accident and provide help to any person who has been injured or has suffered damages.

27. Where a person has been injured in an accident involving an off-highway vehicle, the driver of the vehicle shall call a peace officer so that a report may be made and a copy sent to the Société de l'assurance automobile du Québec within eight days of the accident.

28. The driver of an off-highway vehicle involved in an accident shall notify the Société immediately if the vehicle is a write-off.

29. Sections 16, 19, 24, 25, 27 and 28 do not apply to off-highway vehicles being used in a location north of the 50th parallel that is not linked to the Québec highway network by a public highway within the meaning of the Highway Safety Code.

Sections 22 and 23 do not apply to a traditional Inuit sleigh, the "qamutiq", towed by an off-highway vehicle in a territory referred to in this section.

DIVISION 5 OBLIGATIONS OF THE PASSENGER

30. The passenger of an off-highway vehicle shall sit behind the driver and remain seated, facing forward and keeping his feet on the footrests while the vehicle is in motion.

31. It is prohibited for the passenger of a trailer or sleigh towed by an off-highway vehicle to stand up while it is in motion.

DIVISION 6 HELMETS

32. Any person sitting an off-highway vehicle or in a trailer or sleigh towed by an off-highway vehicle shall wear a helmet that complies with one of the standards specified in section 2 of the Regulation respecting protective helmets for persons riding motorcycles, mopeds or snowmobiles and for their passengers made by Order in Council 1015-95 dated 19 July 1995.

Section 3 of the Regulation, concerning the standards of use, also applies to the persons governed by the first paragraph.

This section does not apply to off-highway vehicles travelling in a location north of the 50th parallel that is not linked to the Québec highway network by a public highway within the meaning of the Highway Safety Code.

DIVISION 7 **TRAVEL ON PUBLIC HIGHWAYS**

33. An off-highway vehicle may be driven on a public highway, off the roadway, the shoulder or the ditch area, where all the following conditions are combined:

(1) the public highway is the only means of avoiding a natural physical obstacle or land reserved for recreational, farming or industrial purposes that are incompatible with the presence of off-highway vehicles, or the only means of reaching a supply point;

(2) the highway connects two segments of a trail or links the trail to a supply point;

(3) a written agreement between the person in charge of maintaining the highway and the operator of the trail states the conditions for the layout and maintenance of the trail and its surroundings and the conditions for use by off-highway vehicles to ensure the safety of all highway users and to prevent or limit damage to the trail, its surroundings and anything found there; and

(4) the driver complies with the conditions for use in accordance with paragraph 3.

DIVISION 8 **TRAIL SUPERVISORS**

34. Trail security officers shall comply with the following conditions;

(1) be of full age;

(2) not have been found guilty of or have pleaded guilty to a criminal offence related to driving a road vehicle or an off-highway vehicle within the past five years unless that person was granted a pardon;

(3) have made the declaration under oath provided for in Schedule 1 before a person authorized to take oaths.

35. A trail security officer may only perform his duties on trails operated by an off-highway vehicle club that has recruited him, unless he has written authorization from another club for the trails it operates, or on trails operated by clubs that belong to the same association as the club that recruited him.

DIVISION 9 **OFF-HIGHWAY VEHICLE CLUBS AND TRAFFIC SIGNS**

36. An off-highway vehicle club shall, for the entire period the trail is in operation, keep the traffic signs it has installed in good condition.

37. The club shall, at every trail intersection or at an intersection referred to in section 17 where there is no mandatory Stop sign, install regulatory traffic lights.

38. The traffic signs that an off-highway vehicle club is required to install on the trails it operates are:

(1) the regulatory traffic signs shown in Schedule 2 including:

(a) the P-10, a mandatory Stop sign, especially pursuant to section 17 and at trail intersections;

(b) the P-70, a Speed Limit sign;

(c) the P-80-3, a Two-way Traffic sign;

(d) the P-90-D, an Obstruction Ahead sign;

(2) the warning signs shown in Schedule 3 including:

(a) the D-10-1, an Advance Stop sign;

(b) the D-50-1, an Advance Signals Ahead sign;

(c) the D-90-1, a Divided Trail sign;

(d) the D-90-2, an End of Divided Trail sign;

(e) the D-110-1-D and D-110-1-G, 90° Turn signs;

(f) the D-290-D and D-290-G, Hazard Markers; and

(3) the roadwork signs shown in Schedule 4 including:

(a) the T-50-1, a Men at Work sign;

(b) the T-50-P, a Distance Tab;

(c) the T-80-9 and T-80-10, Closed Trail signs;

(d) the T-90-1, T-90-2-D and T-90-2-G, Detour signs;

(e) the T-90-3-D and T-90-3-G, Advance Detour signs.

39. The traffic signs referred to in section 38 and any other signs installed by a club shall bear the following colours, markings and numbers:

(1) regulatory signs shall consist of a white background with a black border 6 millimetres wide and 4 millimetres from the edge of the sign and a black symbol or black letters, except for the mandatory stop sign, which, on a red background, has white letters 127 millimetres in height and a white border 12 millimetres wide;

(2) warning signs, except for hazard markers, shall consist of a yellow background with a black border 6 millimetres wide and 4 millimetres from the edge of the sign and a black symbol, except for D-10-1, which is red; and

(3) roadwork signs shall consist of an orange background with a black border 6 millimetres wide and 4 millimetres from the edge of the sign and a black symbol.

40. The shapes of traffic signs shall be as follows:

(1) rectangular shapes for regulatory signs, except for the mandatory Stop sign which is octagonal in shape;

(2) rhombic and square shapes for warning signs and roadwork signs, except for hazard markers, which are rectangular.

41. The minimum dimensions of traffic signs are as follows:

(1) rectangular shapes: 300 millimetres x 375 millimetres;

(2) rhombic or square shapes: 300 millimetres x 300 millimetres.

Notwithstanding subparagraph 1 of the first paragraph, D-290-D and D-290-G signs shall measure at least 150 millimetres x 450 millimetres.

Notwithstanding subparagraph 2 of the first paragraph, P-10, D-10 and D-50-1 signs shall measure at least 450 millimetres x 450 millimetres.

Larger signs than those prescribed in the first paragraph shall have proportionally larger components, including the symbols and markings they bear.

42. All highway signs shall be reflectorized, except for black symbols or markings.

43. Traffic signs shall be installed so that they are visible at all times, are located not less than 500 millimetres and not more than two metres from the right side of trails, and are facing approaching traffic.

44. The height of traffic signs, between the bottom edge of the sign or of the accompanying tab sign and the trail surface shall be not less than one metre and not more than two metres, unless it is necessary to raise it so that it remains visible above the snow.

45. Traffic signs shall be installed where the provision applies. However, the mandatory Stop sign (P-10) shall be placed as close as possible to the intersection or road or railway crossing, at a distance of not more than two metres.

Warning signs, except for D-290-D and D-290-G signs, shall be installed between 30 and 100 metres before the obstruction or danger it indicates.

46. No advertising, tourist information or illustrations may appear on traffic signs or their support, or cause traffic signs to be blocked from view.

47. Any trail whose width is not indicated by a fence or other means and that crosses an area more than 150 metres in length where there are no trees, shall be marked by the operator with red markers for showmobiles or blue markers for all-terrain vehicles, on each side of the trail and spaced not more than 90 metres apart.

Each marking shall be not less than 25 millimetres in diameter and not less than 1.5 metres in height; however, each marking may be raised higher to remain visible above the snow.

Each marking shall bear near the upper edge a stripe or plate 25 millimetres in width by 75 millimetres in height made of a resistant material and solidly affixed to the marker. The surface of the stripe or plate shall be white or yellow and reflectorized.

DIVISION 10

OFFENCES

48. The owner of an off-highway vehicle who contravenes a provision of sections 5 to 9 commits an offence and is liable to the fine prescribed in section 53 of the Act respecting off-highway vehicles.

49. The driver of an off-highway vehicle who contravenes a provision of sections 10 to 13, 15 to 18, 20 to 28 or 33 commits an offence and is liable to the fine prescribed in section 53 of the Act.

50. Any person who contravenes a provision of sections 19 and 30 to 32 commits an offence and is liable to the fine prescribed in section 53 of that Act.

**DIVISION 11
FINAL PROVISIONS**

51. This Regulation replaces the Regulation respecting snowmobiles (R.R.Q., 1981, c. C-24, r. 21) and the Regulation respecting all-terrain vehicles made by Order in Council 58-88 dated 13 January 1988.

52. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

**SCHEDULE 1
(s. 34)**

TRAIL SECURITY OFFICER'S OATH

"I (full name), declare under oath that I will faithfully, impartially and fairly, to the best of my knowledge and ability, carry out my duties as trail security officer and that I will exercise my power in the same manner.

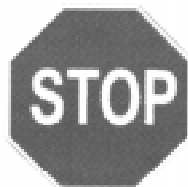
I also declare under oath that I will not disclose without due authorization confidential information that I may have access to in the performance of my duties."

**SCHEDULE 2
(s. 38, par. 1)**

REGULATORY SIGNS



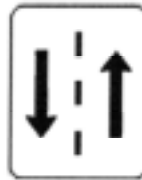
P-10
Mandatory Stop sign
450 × 450



P-10
Mandatory Stop sign
450 × 450



P-70
Speed Limit sign
300 × 375



P-80-3
Two-way Traffic sign
300 × 375



P-90-D
Obstruction Ahead sign
300 × 375

**SCHEDULE 3
(s. 38, par. 2)**

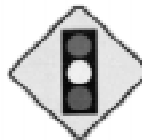
WARNING SIGNS



D-10-1
Advance Stop sign
450 × 450



D-10-1
Advance Stop sign
450 × 450



D-50-1
Advance Signals
Ahead sign
450 × 450



D-110-1-D
90° Turn
300 × 300



D-110-1-G
90° Turn
300 × 300



D-90-1
Divided Trail sign
300 × 300



D-90-2
End of Divided
Trail sign
300 × 300



D-290-D
Hazard marker
150 × 450



D-290-G
Hazard marker
150 × 450



T-90-1
Detour sign
300 × 300



T-90-2-D
Detour sign
300 × 300



T-90-2-G
Detour sign
300 × 300



T-90-3-G
Advance Detour sign
300 × 300

4336

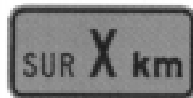
SCHEDULE 4

(s. 38, par. 3)

ROADWORK SIGNS



T-50-1
Men at Work sign
300 × 300



T-50-P
Distance tab
300 × 150



T-80-9
Snowmobile Trail
Closed sign
300 × 300



T-80-10
All-terrain Vehicle Trail
Closed sign
300 × 300

Draft Regulation

Civil Code of Québec
(1991, c. 64)

Code of Civil Procedure
(R.S.Q., c. C-25)

Courts of Justice Act
(R.S.Q., c. T-16)

Tariff of court costs in civil matters and court office fees

— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation amends the Tariff in order to introduce provisions prescribing the payment of costs for any proceeding introductive of suit relating to child custody or obligations of support.

The draft Regulation is not likely to have a significant effect on businesses.

Further information may be obtained by contacting Anne Richard, Direction générale des services de justice, 1200, route de l'Église, 7^e étage, Sainte-Foy (Québec) G1V 4M1; telephone: (418) 644-7704, fax: (418) 644-9968.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

PAUL BÉGIN,
Minister of Justice

Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees*

Civil Code of Québec
(1991, c. 64, a. 376)

Code of Civil Procedure
(R.S.Q., c. C-25, a. 659.10)

Courts of Justice Act
(R.S.Q., c. T-16, s. 224)

1. Section 6 of the Tariff of Court Costs in Civil Matters and Court Office Fees is amended by adding, after the word "marriage", the words "as well as for any proceeding introductive of suit relating to child custody or obligations of support or for any application for review of a judgment concerning child custody or obligations of support".

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4335

Draft Regulation

Transport Act
(R.S.Q., c. T-12)

Highway Safety Code
(R.S.Q., c. C-24.2)

Montréal's international airports, Jean-Lesage International Airport, the Port of Montréal and the Port of Québec

— Temporary increase in the number of buses used for the transportation of tourists

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to promote a temporary increase in the number of buses used for the transportation of tourists to Montréal's international airports, Jean-Lesage International Airport, the Port of Montréal and the Port of Québec, the text of which appears below, may be made by the Government after the expiry of 45 days following this publication.

The draft Regulation temporarily authorizes the holders of a permit for chartered bus transport service to provide their services to groups of tourists who transit by Montréal's international airports, Jean-Lesage International Airport, the Port of Montréal and the Port of Québec. It provides a temporary exemption from registration for owners of buses from outside Québec and an exemption from obtaining a permit for leasing those buses or for transporting tourists under the same conditions.

Further information may be obtained by contacting Jean Blais, Ministère des Transports du Québec, 700, boulevard René-Lévesque Est, 24^e étage, Québec (Québec) G1R 5H1, telephone: (418) 643-8609, fax: (418) 646-4904.

To date, study of the draft Regulation shows a positive impact on businesses in the tourist sector.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,
Minister of Transport

* The Tariff of Court Costs in Civil Matters and Court Office Fees, made by Order in Council 256-95 dated 1 March 1995 (1995, *G.O.* 2, 918), has not been amended since it was made.

Regulation to promote a temporary increase in the number of buses used for the transportation of tourists to Montréal's international airports, Jean-Lesage International Airport, the Port of Montréal and the Port of Québec

Transport Act
(R.S.Q., c. T-12, s. 5, par. c)

Highway Safety Code
(R.S.Q., c. C-24.2, s. 618, par. 18)

1. Every holder of a permit for chartered transport service is authorized, from 1 September to 31 October of each year, to provide chartered services for the transportation of persons by a category 1 bus within the meaning of section 2 of the Bus Transport Regulation made by Order in Council 1991-86 dated 19 December 1986, where the following conditions are met:

(1) the group of tourists transported passed or will pass through, as the case may be, either one of Montréal's international airports, Jean-Lesage International Airport, the Port of Montréal or the Port of Québec during their trip to Québec;

(2) the driver has in his possession a copy of the contract for chartered transport which must conform to the provisions of subparagraphs 1 and 3 to 9 of section 52 of the Bus Transport Regulation and on which the mention of the price of the trip may be struck out.

2. No permit shall be required for the leasing of a bus intended for the chartered transport services referred to in section 1 where the lessee holds a permit for chartered transport services.

3. No other transport permit shall be required from the holder of a permit for chartered transport service to provide sightseeing bus service under the conditions provided for in paragraph 1 of section 1 in the carrying out of a service contract with a travel agency.

4. The owner of a bus referred to in section 57 of the Regulation respecting road vehicle registration made by Order in Council 1420-91 dated 16 October 1991 is also exempt from the registration required by that section, from 1 September to 31 October of each year, where the following conditions are met:

(1) the bus is used in accordance with section 1;

(2) the bus is issued a valid registration certificate by another administrative authority, it is insured in accordance with sections 84 and 87.1 of the Automobile Insurance Act (R.S.Q., c. A-25) and the taxes on the chartered transport are paid;

(3) the bus has the mechanical inspection certificate and the inspection sticker referred to in section 203 of the Regulation respecting safety standards for road vehicles made by Order in Council 1483-98 dated 27 November 1998.

The provisions of the first paragraph shall also apply, *mutatis mutandis*, to the owner of a bus registered in an American state that entered into a reciprocal commercial vehicle registration agreement with Québec.

5. This Regulation comes into force on 1 September 2001.

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Draft Regulation

An Act respecting hunting and fishing rights in the James Bay and New Québec territories
(R.S.Q., c. D-13.1)

Upper limit of kill for moose – 2001

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the 2001 upper limit of kill for moose, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to renew for one year the limit of kill for moose allocated to Native and non-Native people in Area 17.

To that end, the Regulation proposes to limit the kill for moose in Area 17 to the same number as for 2000, that is, 140 moose.

To date, study of the matter has revealed no impact on businesses, including small and medium-sized businesses.

Further information may be obtained by contacting :

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Société de la faune et des parcs du Québec
Direction des territoires fauniques et de la réglementation
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Québec (Québec)
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Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,
Minister responsible for Wildlife and Parks

Regulation respecting the 2001 upper limit of kill for moose

An Act respecting hunting and fishing rights in the James Bay and New Québec territories
(R.S.Q., c. D-13.1, s. 78, 1st par., subpar. *f*, and 2nd and 3rd pars.)

1. The upper limit of kill for moose allocated to Native and non-Native people in Area 17 determined by the Fishing, Hunting and Trapping Areas Regulation, made by Order in Council 27-90 dated 10 January 1990, is 140 moose for the period extending from 1 August 2001 to 31 July 2002.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Municipal Affairs

Gouvernement du Québec

O.C. 678-2001, 6 June 2001

An Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56)

Labour relations following the municipal amalgamations referred to in the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais

WHEREAS, under the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), the new cities of Montréal, Québec, Longueuil, Hull-Gatineau, and Lévis will be constituted on 1 January 2002;

WHEREAS, under section 7 of Schedules I to V to the Act, all officers and employees of the municipalities or, as the case may be, of the urban communities will become on 1 January 2002, officers and employees of the new cities and some may be reassigned, as applicable, to the Communauté métropolitaine de Montréal or to the Communauté métropolitaine de Québec;

WHEREAS certain rules, provided for in Chapter V of Schedules I, II, III and V and in Chapter VI of Schedule IV to the Act, which govern labour relations, as a complement or subsidiary to the Labour Code (R.S.Q., c. C-27), both in 2001 and when the structural changes occur at the employer's level as the new cities are constituted, do not make it possible to specifically define certain legal situations or, due to omissions, are difficult to apply to certain situations or to certain groups of officers and employees;

WHEREAS, under section 9 of Schedules I to V to the Act, the Government may, by order, prescribe any rule providing, in particular, for any omission for the purpose of ensuring the application of the Act or derogating from any provision of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the following additional rules be provided in matters of labour relations following the municipal amalgamations referred to in the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais:

(1) For the purposes of paragraph 11 of section 152 of Schedule I, paragraph 10 of section 132 of Schedule II and paragraph 9 of section 78 of Schedule IV to the Act, the suspension of the right to strike provided for therein shall also apply to the employees of the Communauté urbaine de Montréal, the Communauté urbaine de Québec and the Communauté urbaine de l'Outaouais;

(2) For the purposes of paragraph 12 of section 152 of Schedule I, paragraph 11 of section 132 of Schedule II and paragraph 10 of section 78 of Schedule IV to the Act, the provisions relating to the expiry of the collective agreement provided for therein shall also apply to any collective agreement binding the Communauté urbaine de Montréal, the Communauté urbaine de Québec and the Communauté urbaine de l'Outaouais;

(3) The first paragraph of section 10 of Schedule I and the third paragraph of section 47 of Schedule I, the first paragraph of section 10 and the third paragraph of section 44 of Schedule II, the first paragraph of section 11 and the third paragraph of section 44 of Schedule III and the first paragraph of section 10 and the third paragraph of section 42 of Schedule V to the Act shall apply for the purposes of reassigning the officers and employees of the municipalities referred to in section 5 of each of the schedules;

(4) The certification granted by the labour commissioner in accordance with paragraph 5 of section 152 of Schedule I, paragraph 4 of section 132 of Schedule II, paragraph 4 of section 89 of Schedule III, paragraph 3 of section 78 of Schedule IV and paragraph 4 of section 103 of Schedule V to the Act shall take effect on 1 January 2002;

(5) For the purposes of the provisions relating to the arbitration of a disagreement on the employee reassignment procedure provided for in section 182 of Schedule I, 162 of Schedule II, 119 of Schedule III, 120 of Schedule IV and 133 of Schedule V to the Act, the mediator-arbitrator shall be entitled to the remuneration and reimbursement of expenses that the Minister of Labour determines; the expenses shall be reimbursed by the transition committee and shall be deemed paid to the mediator-arbitrator under the committee's contractual obligations;

(6) For the purposes of section 7 and sections 132 to 135 of Schedule V to the Act, the “Régie intermunicipale de police et direction incendie de Charny, Saint-Jean-Chrysostome et Saint-Romuald” shall be given the same status as the municipalities referred to in section 5 of Schedule V to the Act;

(7) This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 679-2001, 6 June 2001

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Authorization to the Minister of Municipal Affairs and Greater Montréal to require Ville de Saint-Hyacinthe, Ville de Sainte-Rosalie, Paroisse de Saint-Hyacinthe-le-Confesseur, Paroisse de Notre-Dame-de-Saint-Hyacinthe, Paroisse de Saint-Thomas-d'Aquin and Paroisse de Sainte-Rosalie to file a joint application for amalgamation

WHEREAS under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000, the Minister of Municipal Affairs and Greater Montréal may, with the authorization of the Government, require local municipalities to file with the Minister a joint application for amalgamation within the time prescribed by the Minister;

WHEREAS it is expedient to authorize the Minister to require Ville de Saint-Hyacinthe, Ville de Sainte-Rosalie, Paroisse de Saint-Hyacinthe-le-Confesseur, Paroisse de Notre-Dame-de-Saint-Hyacinthe, Paroisse de Saint-Thomas-d'Aquin and Paroisse de Sainte-Rosalie to file with the Minister a joint application for amalgamation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Minister of Municipal Affairs and Greater Montréal be authorized to require Ville de Saint-Hyacinthe, Ville de Sainte-Rosalie, Paroisse de Saint-Hyacinthe-le-Confesseur, Paroisse de Notre-Dame-de-Saint-Hyacinthe, Paroisse de Saint-Thomas-d'Aquin and Paroisse de Sainte-Rosalie, in accordance with section 125.2 of the Act respecting municipal territorial organization, to file with the Minister a joint application for amalgamation.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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