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Laws and Regulations

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Summary

Table of Contents

Acts 2002

Regulations and other acts

Draft Regulations

Decisions

Parliamentary Committees

Index

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Table of Contents

Page

Acts 2002

52	An Act to amend the Act respecting the Ministère des Relations internationales and other legislative provisions	3121
66	An Act to amend the Act respecting school elections	3129
72	An Act to amend the Environment Quality Act and other legislative provisions with regard to land protection and rehabilitation	3185
79	An Act to amend the Education Act for Cree, Inuit and Naskapi Native Persons	3203
83	An Act to amend the Act respecting financial assistance for education expenses	3207
87	An Act to amend the Act respecting Société Innovatech du sud du Québec and the Act respecting Société Innovatech Régions ressources	3213
91	An Act respecting the extension of certain collective agreements of the public and parapublic sectors	3217
94	An Act respecting Ville de Montréal	3221
95	An Act to amend the Act respecting childcare centres and childcare services and the Act respecting the Ministère de la Famille et de l'Enfance	3227
103	An Act to impose restrictions on pig farming	3239
	List of Bills sanctioned (8 June 2002)	3119

Regulations and other acts

711-2002	Ministère de l'Environnement — Rules for the signing of certain documents	3243
728-2002	Selection of foreign nationals (Amend.)	3245
735-2002	Specialized services provided by holders of a taxi owner's permit	3253
736-2002	Maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation	3254
738-2002	Suspension of the application of certain provisions of the Bus Transport Regulation for the XVII th World Youth Day	3257
784-2002	Taxi transportation (Amend.)	3258
	Agreement concerning new methods of voting for an election using "Accu-Vote ES 2000" ballot boxes — Municipality of Vaudreuil-Dorion	3259
	Designation of a breast cancer detection centre	3274
	Foreign nationals — Weighting applicable to the selection (Amend.)	3274
	Immigration to Québec, An Act respecting... — Prescribed forms to give an undertaking	3275

Draft Regulations

	Program to share the growth of a metropolitan community's tax base	3289
	Quality of the atmosphere	3292

Decisions

	Furbearer management units	3295
--	----------------------------------	------

Parliamentary Committees

Committee on Institutions — General consultation — Mesures visant à instituer un nouveau Code de procédure civile et comportant une proposition quant aux deux premiers livres de ce code	3311
Committee on Social Affairs — General consultation — Bill 112, An Act to combat poverty and social exclusion	3311

PROVINCE OF QUÉBEC

2nd SESSION

36th LEGISLATURE

QUÉBEC, 8 JUNE 2002

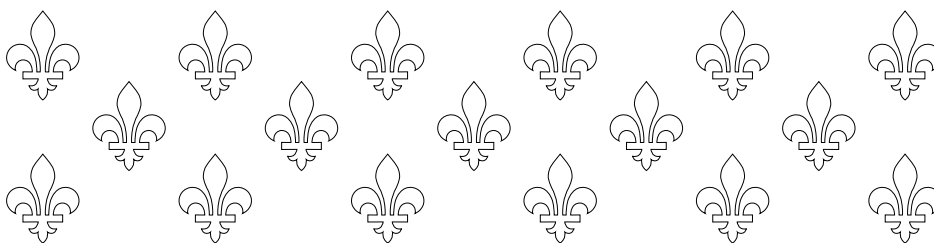
OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 8 June 2002*

This day, at twelve o'clock noon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 84 An Act instituting civil unions and establishing new rules of filiation
- 54 An Act to reform the Code of Civil Procedure
- 52 An Act to amend the Act respecting the Ministère des Relations internationales and other legislative provisions
- 65 Budget Act No. 1 giving effect to the Budget Speech delivered on 29 March 2001 and to certain budget statements
- 66 An Act to amend the Act respecting school elections
- 72 An Act to amend the Environment Quality Act and other legislative provisions with regard to land protection and rehabilitation

- 79 An Act to amend the Education Act for Cree, Inuit and Naskapi Native Persons
- 83 An Act to amend the Act respecting financial assistance for education expenses
- 87 An Act to amend the Act respecting Société Innovatech du sud du Québec and the Act respecting Société Innovatech Régions ressources
- 91 An Act respecting the extension of certain collective agreements of the public and parapublic sectors
- 94 An Act respecting Ville de Montréal
- 95 An Act to amend the Act respecting childcare centres and childcare services and the Act respecting the Ministère de la Famille et de l'Enfance
- 103 An Act to impose restrictions on pig farming

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 52

(2002, chapter 8)

**An Act to amend the Act respecting the
Ministère des Relations internationales
and other legislative provisions**

Introduced 14 November 2001

Passage in principle 20 March 2002

Passage 9 May 2002

Assented to 8 June 2002

**Québec Official Publisher
2002**

EXPLANATORY NOTES

This bill establishes a mechanism enabling the National Assembly to approve any important international commitment the Government intends to make either in respect of a Québec international agreement or an international accord pertaining to a matter within the constitutional jurisdiction of Québec.

The bill specifies the nature of the functions of the Minister in respect of an international accord and indicates the manner in which the Government may be bound or give its assent to Canada's expressing its consent to be bound by the accord.

The bill also specifies the extent of the power conferred on the Minister of Health and Social Services to enter into international agreements in the field of health and social services.

Lastly, the bill changes the scope of the Act respecting the implementation of international trade agreements so that it may be extended to any international trade agreement determined by the Government.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);
- Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1);
- Act respecting the implementation of international trade agreements (R.S.Q., chapter M-35.2);
- Act respecting the Office Franco-Québécois pour la Jeunesse (R.S.Q., chapter O-5).

Bill 52

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DES RELATIONS INTERNATIONALES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 11 of the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1) is amended by replacing subparagraph 2 of the third paragraph by the following subparagraph :

“(2) the depositary of the original copy of every international agreement, of a copy of every other international commitment and of a true copy of every other agreement and, in that capacity, the Minister shall establish a registry.”

2. Section 17 of the said Act is repealed.

3. The heading of Chapter III of the said Act is replaced by the following :
“INTERNATIONAL COMMITMENTS”.

4. Section 19 of the said Act is amended by inserting “, whatever its particular designation,” after “accord” in the first line of the third paragraph.

5. Section 20 of the said Act is amended

(1) by replacing “approved by the Government and signed by the Minister” in the second line of the first paragraph by “signed by the Minister and endorsed by the Government” ;

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

“Subject to section 22.5, international agreements referred to in section 22.2 must, to be valid, be signed by the Minister, approved by the National Assembly and ratified by the Government.”

6. The said Act is amended by inserting the following sections after section 22

“**22.1.** The Minister shall see to the interests of Québec during the negotiation of any international accord, whatever its particular designation, between the Government of Canada and a foreign government or an

international organization, which pertains to any matter within the constitutional jurisdiction of Québec. The Minister shall ensure and coordinate the implementation of any such accord in Québec.

The Minister may agree to the signing of such an accord by Canada.

The Government must, in order to be bound by an international accord pertaining to any matter within the constitutional jurisdiction of Québec and to give its assent to Canada's expressing its consent to be bound by such an accord, make an order to that effect. The same applies in respect of the termination of such an accord.

The Minister and the Government may subject their respective agreement and assent to the formulation by Canada, when it expresses its consent to be bound, of the reservations expressed by Québec.

“22.2. Every important international commitment, including the reservations relating thereto, if any, shall be tabled in the National Assembly by the Minister at the time deemed proper by the Minister. The tabled text of an international commitment shall be accompanied with an explanatory note on the content and effects of the commitment.

The expression “important international commitment” means an international agreement referred to in section 19 or an international accord referred to in section 22.1 and any instrument relating to either of them, which, in the opinion of the Minister,

(1) requires, for its implementation by Québec, the passing of an Act or the making of a regulation, the imposition of a tax or the acceptance of an important financial obligation;

(2) concerns human rights and freedoms;

(3) concerns international trade; or

(4) should be tabled in the National Assembly.

“22.3. The Minister may present a motion proposing that an important international commitment tabled in the National Assembly be approved or rejected by the Assembly. No prior notice is required if the motion is presented immediately after the tabling of the commitment. Unless the Assembly, with the unanimous consent of its members, decides otherwise, the motion shall be the subject of a two-hour debate that may not begin before the lapse of ten days after the tabling of the commitment. The only amendment that may be received is an amendment proposing to defer the approval or rejection of the commitment by the Assembly.

“22.4. The ratification of an international agreement or the making of an order referred to in the third paragraph of section 22.1 shall not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly.

“22.5. The Government may, in case of urgency, ratify an important international agreement or make an order referred to in the third paragraph of section 22.1 relating to an important international accord before it is tabled in or approved by the National Assembly. The Minister shall table the agreement or accord in the National Assembly together with a statement setting out the reasons for the urgency within 30 days after the ratification or the making of the order or, if the National Assembly is not sitting on that date, within 30 days of resumption.

“22.6. The procedure referred to in sections 22.2 to 22.5 applies to the denunciation of an important international agreement and to the making of an order referred to in the third paragraph of section 22.1 in respect of the termination of an important international accord.

“22.7. The Minister shall see to the fulfilment of international commitments and shall ensure their publication in a compilation.”

7. The said Act is amended by inserting the following headings before section 23 :

“CHAPTER III.1

“AUTHORIZATIONS OF THE MINISTER AND COOPERATION PROGRAMS”.

8. The said Act is amended by inserting the following headings before section 26 :

“CHAPTER III.2

“EXEMPTIONS”.

9. Section 26 of the said Act is amended by replacing “any agreement or class of agreements which” in the second and third lines of the first paragraph by “an international commitment referred to in section 19 or 22.1, an agreement referred to in section 23 or 24 or a class thereof”.

10. Section 10 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended

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

“(2) enabling, on a basis of reciprocity, a person to benefit, from the time specified in those agreements and on the conditions determined therein, from all or part of the health services and social services provided for in the Acts administered by the Minister or in the laws of a foreign State to which the agreements apply.”;

(2) by striking out the second sentence of the second paragraph;

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

“To give effect to such agreements, the Government may, by regulation, determine the manner in which an Act administered by the Minister is to apply in any case covered by the agreements, and adapt the provisions of such an Act.”

11. The preamble to the Act respecting the implementation of international trade agreements (R.S.Q., chapter M-35.2) is amended

(1) by inserting the following paragraph after the first paragraph:

“Whereas Québec is at liberty to subscribe to the principles and rules established in other international trade agreements containing provisions falling within its constitutional jurisdiction; and”;

(2) by striking out “the aforesaid agreements contain certain provisions falling within the constitutional jurisdiction of Québec and whereas” in the first two lines of the second paragraph.

12. Section 1 of the said Act is amended

(1) by replacing “Environmental Cooperation Agreement” in the definition of “Environmental Cooperation Agreement” by “North American Agreement on Environmental Cooperation”;

(2) by replacing “Labor Cooperation Agreement” in the definition of “Labor Cooperation Agreement” by “North American Agreement on Labor Cooperation”;

(3) by striking out the definitions of “Secretariat of the Environment” and “Secretariat of Labor”.

13. Section 2 of the said Act is amended

(1) by replacing “The following agreements are hereby approved” in the first line by “The object of this Act is to implement the following agreements”;

(2) by replacing “Environmental Cooperation Agreement” in the third line by “North American Agreement on Environmental Cooperation”;

(3) by replacing “Labor Cooperation Agreement” in the fourth line by “North American Agreement on Labor Cooperation”;

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

“The Government may, by order and subject to the terms and conditions it determines, make this Act applicable to any other international trade agreement.”

14. The said Act is amended by inserting the following section after section 4

“4.1. The commitments, reservations, measures and programs of Québec which are to appear in the Schedules of Canada annexed to the international trade agreements designated by government order under section 2 shall be the commitments, reservations, measures and programs set out by the Gouvernement du Québec.

The list is transmitted to the authorities concerned by the Minister.”

15. Section 6 of the said Act is amended by inserting “or specifically available to a person under any of the agreements referred to in section 2” after “North American Free Trade Agreement” in the second line.

16. Section 7 of the said Act is amended

(1) by replacing “the North American Free Trade Agreement and the Agreement Establishing the World Trade Organization” in the fourth and fifth lines of the first paragraph by “any of the agreements referred to in section 2”;

(2) by replacing “the Environmental Cooperation Agreement and the Labor Cooperation Agreement” in the first and second lines of the second paragraph by “an agreement referred to in section 2 pertaining to environmental or labor cooperation”.

17. Section 8 of the said Act is amended

(1) by replacing “Environmental Cooperation Agreement” in the fourth and fifth lines of the first paragraph by “North American Agreement on Environmental Cooperation”;

(2) by replacing “Labor Cooperation Agreement” in the fifth line of the first paragraph by “North American Agreement on Labor Cooperation”;

(3) by replacing “a panel” in the first line of the second paragraph by “an arbitral panel”;

(4) by adding the following paragraphs at the end:

“A certified copy of any determination on environmental or labor cooperation by an arbitral panel established under an agreement referred to in section 2 may also be filed at the office of the Superior Court.

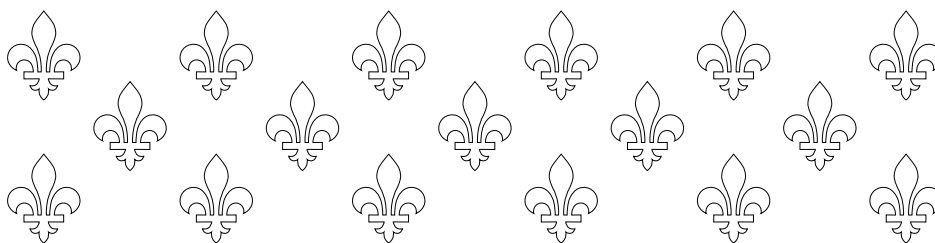
Where that is the case, the procedural requirements for the carrying out of the third paragraph and the effects of the filing shall be determined in the order made under section 2 which shall have precedence over the provisions of the Code of Civil Procedure (chapter C-25).”

18. Section 9 of the said Act is amended by replacing “the Executive Director of the Secretariat of the Environment or the Secretariat of Labor” in the second and third lines of the first paragraph by “an official representative of any of the administrative bodies established under an agreement referred to in section 2”.

19. Section 6 of the Act respecting the Office Franco-Québécois pour la Jeunesse (R.S.Q., chapter O-5) is amended by replacing “Secretary General” in the first line by “Secretaries General”.

20. Agreements entered into before 8 June 2002 pursuant to section 10 of the Act respecting the Ministère de la Santé et des Services sociaux, as it read before that date, are deemed to have been entered into in accordance with that section 10, as amended by this Act.

21. This Act comes into force on 8 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 66
(2002, chapter 10)

An Act to amend the Act respecting school elections

Introduced 11 December 2001
Passage in principle 26 March 2002
Passage 6 June 2002
Assented to 8 June 2002

**Québec Official Publisher
2002**

EXPLANATORY NOTES

This bill amends the Act respecting school elections so as to specify and complete the rules governing the election process applicable to the election of school board commissioners.

First, the bill moves the date of the school poll to be held every four years from the third to the first Sunday in November. The rules respecting the ineligibility of a person for the office of commissioner are specified and the election period is reduced from 75 to 44 days.

The chief electoral officer is given the mandate of providing school boards with any assistance required in the organizing and holding of a school poll, and is given the power to make inquiries into the application of the rules pertaining in particular to the election process, the financing of candidates and the control of election expenses.

The bill amends the rules relating to the revision of the list of school electors during the election period, among other things by indicating the cases in which revision is required, better defining the revision process, and providing for the communication of any changes made to the list between the different English and French language school boards whose territories partly or wholly coincide.

Provisions respecting the financing of candidates and the control of election expenses are introduced. Thus, a candidate who wishes to solicit or collect contributions and incur expenses for the purposes of his or her election is required to obtain an authorization to do so. The bill also provides that only an elector is authorized to make a contribution, and that the contribution will be limited to \$1,000 for any one authorized candidate up to \$3,000 per elector for the same school board. In addition, only an authorized candidate will be authorized to incur or authorize election expenses, the amount of which is limited. Every authorized candidate will be required to file a financial report and a return of election expenses but will retain the right to be reimbursed for election expenses, subject to certain conditions.

Lastly, the ballot paper is modified and school boards are given the possibility of testing new voting methods in accordance with an agreement with the chief electoral officer.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting school elections (R.S.Q., chapter E-2.3);
- Election Act (R.S.Q., chapter E-3.3);
- Education Act (R.S.Q., chapter I-13.3).

Bill 66

AN ACT TO AMEND THE ACT RESPECTING SCHOOL ELECTIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 3 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended by replacing “third” by “first”.

2. Section 11.1 of the said Act is amended by adding the following paragraph at the end :

“In this section, “parents” means the person having parental authority or, unless that person objects, the person having custody *de facto* of the student.”

3. The said Act is amended by replacing section 11.3, enacted by section 7 of chapter 45 of the statutes of 2001, by the following sections :

“11.3. The chief electoral officer shall transmit to each school board the list of the persons in whose respect he has been unable to update the information on the permanent list of electors.

“11.4. The school board that receives the list may verify the information concerning those persons and, where applicable, inform them that it was not possible to update the entries in their respect on the permanent list of electors.

“11.5. During an election year, the chief electoral officer shall send to each person whose name appears on the list transmitted under section 11.3, a notice informing the person that it was not possible to update the entries in respect of the person on the permanent list of electors.

The notice must indicate the procedure to follow to remedy the situation if the person wishes to do so.”

4. Section 12 of the said Act is amended by replacing “has been domiciled in Québec for six months” in paragraph 3 by “is domiciled in the territory of the school board and has been domiciled in Québec for at least six months.”

5. Section 13 of the said Act is amended by inserting “, at the time of voting, be an elector of the school board and” after “must” in the first line.

6. The said Act is amended by inserting the following section after section 18

“**18.1.** The elector who has opted to vote at an English language school board and establishes his domicile in the territory of another English language school board is deemed to have exercised the option in favour of the latter school board.”

7. Section 21 of the said Act is amended

(1) by inserting the following subparagraphs after subparagraph 3 of the first paragraph :

“(3.1) the chief electoral officer and the other members of the Commission de la représentation ;

“(3.2) public servants, except employees within the meaning of the Labour Code (chapter C-27), of the Ministère de l’Éducation or of any other department who are assigned to the Ministère de l’Éducation on a permanent basis;” ;

(2) by inserting the following subparagraph after subparagraph 4 of the first paragraph :

“(4.1) election officers of the school board;”.

8. The said Act is amended by inserting the following sections after section 21

“**21.1.** Any candidate at a previous election whose financial report or return of election expenses required under any of sections 206.10, 206.13, 209, 209.3 and 209.4 has not been transmitted within the prescribed time is ineligible until the report or return is transmitted.

“**21.2.** Any candidate at a previous election who has not paid in full the debts arising from his election expenses in accordance with section 206.56 is ineligible for four years from his default.

Notwithstanding the foregoing, the ineligibility affecting an elected candidate shall cease on the day of the transmission of the financial report establishing that the debts have been paid in full where the transmission occurs before the expiry of the four-year period.

“**21.3.** A person is ineligible for office as a member of the council of commissioners if he holds office as member of the council of another school board or if he is a candidate for such an office.

Any person who is already holding an office on the council of commissioners is also ineligible for office as a member of the council, except in the event of an election at which the office held by the person is open for nominations or ceases to exist.”

9. Section 27 of the said Act is amended by replacing “of the board of revisors” in the first and second lines of the first paragraph by “and the secretary of a board of revisors, the revising officers”.

10. The said Act is amended by inserting the following section after section 28

“28.1. A person is disqualified from holding office as an election officer of any school board if the person has been found guilty of an offence that is a corrupt electoral practice within the meaning of section 223.1 of this Act, section 645 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or section 567 of the Election Act (chapter E-3.3).

The disqualification shall continue for five years from the day on which the judgment convicting the person becomes *res judicata*.”

11. The said Act is amended by inserting the following after section 30:

“30.1. No penalty may be imposed by the school board on election officers who are employees of the school board for acts performed in good faith by the election officers in the performance of their duties, even outside the election period within the meaning of section 206.1.

Any contravention of the first paragraph authorizes the persons on whom the penalty is imposed to assert their rights before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Labour Code apply, with the necessary modifications.

“DIVISION III.1

“CHIEF ELECTORAL OFFICER

“30.2. The chief electoral officer may make recommendations and issue directives to the returning officer regarding the performance of the latter’s duties.

“30.3. The chief electoral officer may, on request, provide the returning officer with any assistance he may need to perform his duties.

“30.4. The chief electoral officer may, of his own initiative or at the request of a person, inquire into the application of this chapter, Chapters V to VII, Chapter X and Chapter XI.

“30.5. The chief electoral officer may refuse to make or to pursue an inquiry where he considers the request frivolous, vexatious or made in bad faith, or unnecessary in the circumstances.

“30.6. Where the chief electoral officer refuses to make or to pursue an inquiry at the request of a person, he must inform that person of his refusal and give the reasons therefor in writing.

“30.7. For his inquiries, the chief electoral officer or the person designated by him is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

Articles 307 to 309 of the Code of Civil Procedure (chapter C-25) apply to witnesses heard at an inquiry.

“30.8. If, during the election period within the meaning of section 206.1, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 30.4 does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.

The chief electoral officer shall first inform the Minister of Education of the decision he intends to make.

Within 30 days following polling day, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not in session, within 30 days of resumption.

“30.9. With respect to informing the public, the chief electoral officer may, in particular,

(1) give public access to the information, reports, returns or documents relating to a provision of this chapter, Chapters V to VII, Chapter X and Chapter XI;

(2) provide any person applying therefor with advice and information regarding the application of Chapter XI;

(3) maintain an information centre on Chapter XI;

(4) regularly hold information meetings and conferences for the benefit of the candidates, the school boards and the public;

(5) make any publicity he considers necessary.

“30.10. The chief electoral officer may entrust the exercise of any power or any function he indicates that is assigned to him under this Act to such person as he may designate.”

12. Section 35 of the said Act is amended by replacing “or” in the second line of the first paragraph by “of this Act, section 645 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or section 567 of”.

13. Section 38 of the said Act is amended

(1) by replacing “75” in the first line of the first paragraph by “44”;

(2) by replacing “30 September” in the first line of the second paragraph by “1 September”.

14. Section 39 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“39. Not later than 45 days before polling day, the chief electoral officer shall transmit to the returning officer the list of school electors containing, for each sector, the list of electors domiciled in the territory concerned by the election, and an extract of the permanent list of electors containing, for each electoral division, the list of electors having their domicile in the territory of the school board and indicating whether an elector may exercise his right to vote at a French language or English language school board, and whether the first or the second paragraph of section 11.1 applies to the elector.

At the time of a by-election, the returning officer shall request, in writing, that the chief electoral officer transmit to him the documents referred to in the first paragraph.”

15. Sections 39.1 and 40 of the said Act are replaced by the following section:

“40. The list of electors of all sectors of an electoral division shall constitute the list of electors of that electoral division, and the list of electors of all the electoral divisions shall constitute the list of electors of the school board.”

16. Section 41 of the said Act is amended by replacing “45” in the first line by “33”.

17. Section 42 of the said Act is repealed.

18. Section 43 of the said Act is amended

(1) by replacing “fortieth day preceding” in the first line of the first paragraph by “twenty-sixth day before”;

(2) by striking out “or if the notice prescribed in section 42 has not been given,” in the second and third lines of the first paragraph.

19. Subdivision 2 of Division II of Chapter V of the said Act is replaced by the following :

“§2. — Cases where revision is required

“44. Where a poll must be held, the list of electors of the school board or, as the case may be, of the electoral division must be revised.

Where no poll is to be held, the list may be revised by decision of the returning officer.

Where the holding of a poll ceases to be necessary following the end of the period for filing nomination papers, the returning officer shall decide whether the revision is to be continued or interrupted. If the revision is interrupted, the returning officer shall give public notice thereof as soon as practicable. The notice shall be transmitted to the permanent board of revisors established under section 40.12.1 of the Election Act (chapter E-3.3).

“§3.— Boards of revisors

“45. The returning officer shall establish a board of revisors.

The returning officer may establish several boards of revisors and apportion and coordinate their work.

“46. The returning officer shall determine the place where each board of revisors will sit.

The place must, except in exceptional circumstances, be accessible to handicapped persons.

“47. Each board of revisors shall be composed of three revisors appointed by the returning officer.

The returning officer may be a member of a board of revisors.

“48. The returning officer shall appoint the chair and vice-chair of the board of revisors from among its members.

The returning officer shall be the chair of the board of revisors of which he is a member.

“49. The returning officer may appoint a secretary to the board of revisors, whose chief duties shall be to draw up notices of hearings and summonses, to assist the board in the performance of its work and to record all decisions of the board.

“50. The returning officer may appoint any revising officer he considers necessary, whose chief duties shall be to serve notices of hearings and summonses and to gather, at the request of the board of revisors, any information relevant to the making of a decision.

“§4. — *Revision period*

“51. Not later than 25 days before polling day, the returning officer shall give a public notice setting forth

- (1) the fact that the list of electors of the electoral division will be revised ;
- (2) the requirements to be met by a person to be an elector and to be entitled to have his name entered on the list ;
- (3) the place, days and times fixed for examining the list and making applications for entry, striking off or correction ;
- (4) the fact that proof of identity must be provided upon making an application.

Where the notice is given before the end of the period for filing nomination papers, it may indicate that the list will be revised only if the holding of a poll makes revision mandatory.

The returning officer shall send a copy of the notice to the permanent board of revisors established under section 40.12.1 of the Election Act (chapter E-3.3) and to each candidate.

“52. Not later than 25 days before polling day, the returning officer shall send to each address for which the name of an elector is entered on the list of electors to be revised or to each elector whose name is entered on that list, a notice that reproduces the particulars concerning the electors domiciled at that address whose names are entered on the list of electors, except their date of birth.

The notice shall be sent with the information concerning the dates and procedure for revision and shall indicate in particular that an application for revision may be made to the returning officer or, as the case may be, to a person designated for that purpose under section 58.2. In addition, it shall indicate the places, dates and times of the advance poll and of the poll.

“53. The chief electoral officer shall send to each address for which no electors' names are entered on the permanent list of electors, a notice indicating that no electors' names are entered for that address.

The chief electoral officer shall inform the returning officer of the addresses to which such a notice has been sent.

“54. The board of revisors shall sit on the days and at the times fixed by the returning officer, subject to the first paragraph of section 55, during the period beginning 24 days and ending 15 days before polling day.

The chair of the board of revisors may, after consulting with the returning officer, add hours and days of sittings of the board of revisors. The chair shall notify the candidates of his decision.

“55. The returning officer shall ensure that the board of revisors holds sittings for the purpose of receiving applications on at least two days, including during the evening of the seventeenth day before polling day.

According to whether the returning officer decides that the board is to hold sittings for that purpose in the morning, in the afternoon or in the evening, the board shall sit from at least 10:00 a.m. to 1:00 p.m., from 2:30 p.m. to 5:30 p.m. or from 7:00 p.m. to 10:00 p.m., respectively.

“§5. — Revision process

“56. Before the beginning of the work of a board of revisors, the returning officer shall provide two copies of the list of school electors to be revised, one for the use of the board of revisors and the other for deposit for examination by the public at the place where the board is sitting.

No mention of the date of birth or sex of electors or of the particular provided for in section 11.2 shall be made on the copy deposited for examination.

The returning officer shall also provide a copy of the extract of the permanent list of electors referred to in the first paragraph of section 39.

“57. An elector who finds that his name is not entered on the list of electors although it should be must, if he wishes to exercise the right to vote, apply in person to the competent board of revisors to have his name entered on the list.

An elector who finds that his name is entered on the list of electors although it should not be must apply in person to the competent board of revisors to have his name struck off the list.

An elector who finds that his name is entered on the list of electors although he does not wish to have it entered on the list must apply in person to the competent board of revisors to have his name struck off the list. The elector may request that his name be struck off only for the purposes of a school poll.

An elector who finds that his name is entered on the list of electors for the wrong domicile must apply in person to the competent board of revisors to have the erroneous entry struck off the list and, if he wishes to exercise the right to vote, to have his name entered correctly on the list.

Where two boards of revisors of a school board are competent to each receive one of the applications referred to in the fourth paragraph, the board before which the first application is made becomes competent to hear the other application. The board of revisors that disposes of the applications shall notify the returning officer of its decision concerning the part of the list that is not within its competence, and the returning officer shall send the notice to the other board of revisors.

“58. If an elector whose name is entered on the part of the list of electors corresponding to an electoral division finds that the name of a person who is not entitled to be entered on that part of the list has been entered thereon, he may apply in person to the competent board of revisors to have the name of that person struck off the list.

“58.1. An elector must apply in person to the competent board of revisors to have an error in the entry of his name, address, sex, date of birth or, as the case may be, the particular provided for in section 11.2, corrected.

“58.2. From the twenty-fourth to the seventeenth day before polling day, an application under any of sections 57 to 58.1 may also be made, in accordance with sections 58.3 and 58.4, to the returning officer or to a person who may be designated for that purpose by the returning officer.

During that period, the notice provided for in section 18 may be addressed to the returning officer or to a person who may be designated for that purpose by the returning officer, or be presented to a board of revisors of the English language school board.

The returning officer shall forward the applications and notices received by the returning officer or a designated person to the competent board of revisors not later than 10:00 p.m. on the seventeenth day before polling day. The returning officer shall also forward to the board from the first day on which it sits, the notices provided for in section 18 that he has received.

“58.3. An application for entry, striking off or correction may be made by the spouse, including the de facto spouse, or by a relative of the person entitled to make the application, or by a person who is cohabiting with the person.

For the purposes of the first paragraph, “relative” means a father, mother, grandfather, grandmother, father-in-law or stepfather, mother-in-law or stepmother, brother, sister, brother-in-law, sister-in-law, son, daughter, son-in-law, daughter-in-law, grandson or granddaughter.

“58.4. Every application to the competent board of revisors must be made under oath.

The board may require the person making an application to submit to it any proof necessary for the making of a decision. However, in the case of an

application to have the name of a person domiciled in the territory of the school board entered, the board shall require from the person making the application the former address of the domicile of the person in respect of whom the application is being made as well as two documents, one showing the name and date of birth of the person in respect of whom the application is being made and the other showing the name of that person and the address of the person's domicile.

“58.5. The board of revisors shall examine the applications made to it as soon as they are received, and shall dispose of them immediately in all cases where it is possible to do so.

“58.6. The board of revisors or any member it authorizes for the purpose may make an inquiry to ascertain whether a person whose name is entered on the list of electors or who is applying to have his name entered thereon is so entitled. The person and any witnesses summoned may be assisted by an advocate.

“58.7. Where the decision of the board of revisors concerning an application for entry or striking off entails entering or striking off a name for which no application has been made, the board of its own initiative may enter the name or strike it off.

Where a correction is made or a name is entered on or struck off a part of the list that is not within the competence of the board, the board shall give notice of its decision to the returning officer who shall transmit the notice to the competent board.

“58.8. Before striking off or refusing to enter the name of a person, the board of revisors shall give one clear day's advance notice to the person.

The notice shall be transmitted to the address entered on the list of electors or to any place where the board or the revising officer has reason to believe that the person may be reached.

However, the board is not required to give notice where

- (1) the person is present before the board;
- (2) the board is satisfied with the proof made to it that the person in respect of whom the application for striking off is made is under curatorship or is deceased;
- (3) the person has met with and confirmed to a revising officer that he is not entitled to have his name entered on the list of electors.

“58.9. The board of revisors, on its own initiative or on an application, may revoke or review a decision to strike off or refuse to enter a person's name

(1) where a new fact is discovered which, had it been known in time, could have warranted a different decision;

(2) where the person concerned, owing to reasons considered sufficient, was unable to present observations.

“58.10. In every case where the board of revisors makes a decision in the absence of the person concerned by the application or filing the application, the board shall immediately notify the elector in writing of its decision, unless the elector is under curatorship.

“58.11. Two revisors constitute a quorum of the board of revisors.

“58.12. Every question submitted to the board of revisors shall be decided by a majority vote.

In the event of a tie-vote, the chair or, in his absence, the vice-chair shall have a casting vote.

“58.13. The board of revisors shall transmit its decisions to the appropriate returning officer in accordance with the returning officer’s directives.

The board of revisors shall also transmit its decisions to the returning officer of a school board whose territory wholly or partly coincides with the territory of the school board whose list of electors has been submitted to it for revision.

The returning officer shall incorporate the changes into the list or prepare an abstract of changes, including the changes referred to in the second paragraph.

“58.14. The returning officer shall communicate to the chief electoral officer the changes made to the list that concern the persons domiciled in the territory of the school board, in the manner determined by the chief electoral officer.

The returning officer shall also communicate to the chief electoral officer, if the change entails entering the name of a person who has changed his domicile, the former address of the domicile of that person and, if the change entails striking off the name of a person who requests that the striking off apply only for the purposes of a school poll, the request made by that person.

“58.15. As soon as practicable after receiving the decisions of the board of revisors, the returning officer shall transmit, free of charge, to each candidate, a copy of the revised list or of an abstract of the changes made to the list submitted to be revised without those candidates having to request the copies.

“58.16. The abstract of changes forms part of the list of electors until the changes are incorporated into the list.”

20. Subdivision 3 of Division II of Chapter V of the said Act becomes subdivision 6.

21. Section 59 of the said Act is replaced by the following section :

“**59.** The list of electors comes into force upon completion or interruption of the revision or, where the list is not revised, upon the expiry of the period prescribed in section 62 for filing nomination papers.

The returning officer shall indicate at the end of the list of electors the day on which it comes into force.”

22. Section 60 of the said Act is amended by replacing “a free” in the second line by “free of charge and in the form requested, a”.

23. Section 61 of the said Act is repealed.

24. The said Act is amended by inserting the following section after section 61 :

“**61.1.** The list of electors shall remain in force until a new list which replaces it comes into force.”

25. Section 62 of the said Act is amended

(1) by replacing “on or before the fourteenth day preceding polling day between 10:00 a.m. and 5:00 p.m. or, as the case may be, during the nomination period fixed by the council of commissioners” in the second, third and fourth lines of the first paragraph by “on the opening days and hours of the office, at any time from the thirty-third day to 5:00 p.m. on the twenty-eighth day before polling day”;

(2) by adding “for the purposes of this division” at the end of the second paragraph;

(3) by striking out the third paragraph.

26. Section 65 of the said Act is amended by replacing “between the seventy-fifth day and the twenty-fifth day preceding” in the first and second lines of the first paragraph by “at any time from the forty-fourth to the twenty-eighth day before”.

27. Section 69 of the said Act is amended by replacing “, address and occupation” in the first and second lines by “and address”.

28. Section 71 of the said Act is amended by replacing “by ten” in the first and second lines of the first paragraph by “by at least ten”.

29. Section 72 of the said Act is amended by replacing “school board” at the end of the first paragraph by “electoral division”.

30. Section 75 of the said Act is amended by replacing “ils soient” in the second line of the French text by “il soit”.

31. Section 77 of the said Act is repealed.

32. Section 78 of the said Act is amended by replacing “Notwithstanding section 10 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), only a” in the first, second and third lines by “Every”.

33. Section 79 of the said Act is replaced by the following section :

“79. If, at the end of the period for filing nomination papers, the returning officer has accepted only one nomination paper for an office or if only one candidate for that office remains, he shall declare that candidate elected.

In other cases, a poll must be held to determine which candidate will be elected to such office.

Where, as a result of a withdrawal after the end of the period referred to in the first paragraph but before the close of the poll, there remains only one candidate for an office, the returning officer shall declare that candidate elected.”

34. Section 80 of the said Act is repealed.

35. Section 83 of the said Act is repealed.

36. Section 84 of the said Act is replaced by the following sections :

“84. Subject to section 84.2, the returning officer shall recommence election proceedings to fill an office on the council of commissioners, where

(1) no person is nominated as a candidate for the office before the end of the period prescribed for filing nomination papers or all the persons nominated have withdrawn before the end of the period ;

(2) every candidate for the office withdraws after the end of the period referred to in paragraph 1 but before the close of the poll ;

(3) a candidate for the office dies after the end of the period referred to in paragraph 1 but before the close of the poll ;

(4) all the ballot papers placed in the ballot box in favour of the candidates for the office have been rejected during the counting of the votes or, as the case may be, during the recount.

“34.1. Within 30 days of ascertaining a situation justifying the recommencement, the returning officer shall fix the date of the poll on a Sunday in any of the four following months. Where that is the case, he shall notify the council of commissioners as soon as practicable of the date fixed for the poll.

Notice of the election must be given not later than 37 days before polling day.

The persons entitled to have their names entered on the list of electors or to be candidates are the same as in the original election.

The list of electors in force shall be used and no new list need be prepared. The list shall be deposited as soon as practicable after publication of the notice of election. No revision of the list is required if the revision was completed for the purposes of the original election.

“34.2. Election proceedings may be recommenced only once.

Where a situation arises justifying the recommencement of the proceedings a second time, the returning officer shall notify the Minister of Education, who may then appoint an eligible person to the office concerned or order that the proceedings be recommenced according to the rules he determines. The person appointed by the Minister is deemed to have been elected and declared elected on the day of his appointment.”

37. Section 85 of the said Act is amended by replacing “place and time when advance polling stations” in subparagraph 2 of the first paragraph and “place and time when polling stations” in subparagraph 3 of that paragraph by “address and hours at or during which advance polling places” and “address and hours at or during which polling places”, respectively.

38. Section 86 of the said Act is replaced by the following sections:

“36. The notice of poll shall be published not later than 15 days before polling day.

“36.1. The returning officer may cause a reminder to be addressed to every person whose name is entered on the list of electors and who is entitled to vote at the poll.

The reminder shall contain all the particulars contained in the notice of poll or only those relating to the candidates for whom the addressee is entitled to vote and to the voting place where he may exercise that right on polling day.”

39. Section 87 of the said Act is amended

(1) by striking out “, seven days before polling day,” in the first line;

(2) by adding the following paragraphs :

“The returning officer shall establish at least one advance polling station for each electoral division in which a poll is to be held.

If the returning officer establishes several advance polling stations, he shall determine which sector is attached to each station.

The returning officer shall notify each candidate of his decision as soon as practicable.”

40. The said Act is amended by inserting the following section after section 88 :

“88.1. Advance polling stations must be accessible to handicapped persons.”

41. Section 89 of the said Act is amended by replacing “9:00 a.m. to 7:00” in the first line by “12:00 noon to 8:00”.

42. Sections 91 and 92 of the said Act are repealed.

43. The said Act is amended by inserting the following sections after section 93 :

“93.1. The poll clerk shall prepare the list of the electors who have voted in advance at the polling station and transmit it, as soon as practicable, to the returning officer or to the person designated by the latter. The returning officer shall transmit a copy of the list to each candidate not later than three days before polling day.

“93.2. From 7:00 p.m. on polling day, the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the votes cast in an advance polling station, in the presence of those representatives who wish to attend.

The counting shall be effected at the place determined by the returning officer, in accordance with the rules applicable to the counting of the votes cast on polling day, with the necessary modifications.

If the deputy returning officer or poll clerk who acted in the advance polling station is unable to act, the returning officer shall appoint a substitute for the purposes of this section.”

44. The heading of subdivision 3 of Division IV of Chapter V of the said Act is replaced by the following heading :

“§3. — *Polling stations and poll officers*”.

45. The said Act is amended by inserting the following section after the heading of subdivision 3 of Division IV of Chapter V :

“**93.3.** The returning officer shall establish as many polling stations as he considers necessary for each sector and determine which electors of the sector are entitled to vote at each polling station.

The returning officer shall notify each candidate of his decision as soon as practicable.”

46. Section 94 of the said Act is amended by replacing the first two paragraphs by the following paragraphs :

“**94.** The polling stations of a sector must be situated in one place of convenient access, and, except in exceptional circumstances, must be accessible to handicapped persons.

However, where a special circumstance justifies it, the returning officer may establish the polling stations in more than one place.

In addition, if the returning officer is unable to establish a polling station in a place accessible to handicapped persons, he must obtain the authorization of the chief electoral officer before establishing it in a place not so accessible.”

47. Section 98 of the said Act is replaced by the following sections :

“**98.** The returning officer may appoint an officer in charge of information and order for each place where a polling station is situated.

“**98.1.** The officer in charge of information and order shall, in particular,

(1) receive the electors when they enter the polling place and direct them to the polling station where they may exercise their right to vote ;

(2) ensure access to the polling stations and maintain orderly movement in the polling place ;

(3) see to it that only the number of electors allowed by law are admitted to a polling station at the same time ;

(4) see to it that only the electors who are on the premises of a polling station at the time scheduled for closing and who have not been able to vote before that time are allowed to exercise their right to vote after that time ;

(5) see to it that only the persons authorized are present on the premises of a polling station ;

(6) inform the returning officer of any situation requiring his intervention.”

48. Section 103 of the said Act is replaced by the following sections :

“**103.** Where several candidates for the same office have the same name, the ballot papers used in the polling for that office shall indicate the address of each candidate under his name and, where applicable, above the indication of his membership in a recognized ticket.

The order in which the particulars relating to each candidate for the same office who has the same name appear shall be determined by a drawing of lots carried out by the returning officer.

“**103.1.** The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the recognition of the ticket has been withdrawn or the name of the ticket appearing on the nomination paper is inaccurate.”

49. Section 104 of the said Act is replaced by the following section :

“**104.** The printer shall see that no ballot paper of the model ordered by the returning officer is furnished to any other person.”

50. Section 105 of the said Act is replaced by the following sections :

“**105.** Where the withdrawal of a candidate occurs when there is no time to take account of the withdrawal on the ballot papers to be used, the returning officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

The deputy returning officer shall inform every elector to whom he gives such a ballot paper of the candidate’s withdrawal.

Any vote cast in favour of the candidate, before or after his withdrawal, is null.

“**105.1.** Where the recognition of a ticket is withdrawn when there is no time to take account of the withdrawal on the ballot papers to be used, the returning officer shall cause the reference to the ticket to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

“**105.2.** The returning officer shall obtain a ballot box for each polling station.

“**105.3.** Each ballot box must be made of durable material with a slit or narrow opening on the top so constructed that the ballot papers may be introduced therein through the opening but cannot be withdrawn therefrom unless the box is opened.

“105.4. The returning officer, on behalf of the school board, may enter into any contract to procure the materials required for the poll.”

51. Section 106 of the said Act is amended by replacing “the list of electors of the polling station” in the third and fourth lines by “a copy of the part of the list of electors used for the advance poll and comprising the electors who are entitled to vote at the polling station”.

52. Section 113 of the said Act is amended by adding the following paragraph at the end :

“Only the deputy returning officer, the poll clerk and the representatives assigned to the polling station may be present at the station, together with the returning officer, the election clerk and the assistant returning officer. The officer in charge of information and order may be present at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 124 may be present for the time required to enable the elector to exercise his right to vote.”

53. Section 115 of the said Act is amended by replacing “list of electors used at the polling station” in the second line by “part of the list of electors referred to in section 106”.

54. Section 117 of the said Act is amended

(1) by inserting “the poll clerk,” after “returning officer,” in the second line of the first paragraph ;

(2) by inserting “or the poll clerk” after “returning officer” in the third line of the first paragraph ;

(3) by replacing “I swear” in the fourth line of the first paragraph by “I declare under oath”;

(4) by replacing “and an entry thereof shall be made” in the second paragraph by “. An indication of the oath or the refusal shall be entered”.

55. Section 118 of the said Act is replaced by the following section :

“118. An elector whose name, address or, as the case may be, date of birth differs slightly from that entered on the list of electors shall nevertheless be admitted to vote, after declaring under oath that the erroneous entry was intended to refer to him. An indication thereof shall be entered in the poll book.”

56. Section 119 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The elector shall mark the ballot paper in one of the circles with the pencil given to him by the deputy returning officer at the same time as the ballot paper.”

57. Section 122 of the said Act is amended by adding the following paragraphs at the end :

“Notwithstanding the foregoing, the deputy returning officer shall not cancel a ballot paper which does not bear any initials where all of the following conditions are met :

(1) the ballot paper presented by the elector is, on its face and without being unfolded, the ballot paper given to him by the deputy returning officer ;

(2) the deputy returning officer signs a written declaration supported by an oath attesting that he inadvertently omitted or forgot to affix his initials to the ballot paper.

The deputy returning officer shall then, in full view of the persons present, affix his initials to the reverse of the ballot paper and allow it to be placed in the ballot box. An indication thereof shall be entered in the poll book.”

58. Section 124 of the said Act is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs :

“(1) by a person who is the elector’s spouse or a relative within the meaning of section 58.3 ;

“(2) by another person, in the presence of the deputy returning officer or the poll clerk. That person shall declare under oath that he has not assisted another elector during the poll.”

59. The said Act is amended by inserting the following sections after section 124 :

“124.1. The deputy returning officer shall provide a visually handicapped person who so requests with a template to enable him to vote without assistance. The deputy returning officer shall adjust the template and the ballot paper, give them to the person and indicate to him the order in which the candidates appear on the ballot paper and the particulars entered under their names, where such is the case.

The deputy returning officer shall, upon request, assist the elector in walking to and back from the polling booth, in folding the marked ballot paper, in detaching the stub and in placing the ballot paper in the ballot box.

“124.2. A deaf or mute elector may be assisted, for the purpose of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.”

60. Section 127 of the said Act is repealed.

61. Section 129 of the said Act is amended by adding the following paragraph at the end:

“For the purposes of the first paragraph, the premises of a polling station extend as far as the end of the waiting line of electors entitled to vote at the polling station, as it stands at the time of closing of the poll.”

62. Section 130 of the said Act is amended by adding the following paragraph at the end:

“Where several polling stations are situated at the same place, the counting of votes shall begin only after the poll is closed at all the polling stations.”

63. Section 131 of the said Act is amended by adding the following paragraph at the end:

“(3) the names of the persons who have performed duties as election officers or representatives assigned to the polling station.”

64. Section 133 of the said Act is amended

(1) by striking out “as provided in section 119” in the second line of the first paragraph;

(2) by adding the following subparagraph after subparagraph 6 of the second paragraph:

“(7) has been marked otherwise than with the pencil given to the elector by the deputy returning officer.”

65. Section 135 of the said Act is amended by adding “or that the circle is not completely filled” at the end of the second paragraph.

66. Section 137 of the said Act is amended by replacing “the poll” in the second line of the first paragraph by “votes”.

67. Section 138 of the said Act is amended by replacing “the poll” in the fourth line of the first paragraph by “votes”.

68. Section 141 of the said Act is amended by replacing “the poll” in the first and second lines by “votes”.

69. Section 142 of the said Act is amended by replacing “the poll” in the first line of the first and second paragraphs by “votes”.

70. Section 150 of the said Act is amended by replacing “the poll” in the second line of the second paragraph by “votes”.

71. Section 155 of the said Act is amended by replacing “the poll” in the second line of the first paragraph by “votes”.

72. Section 159 of the said Act is amended

(1) by striking out “or under section 83” in the fourth line;

(2) by inserting “and to the permanent board of revisors established under section 40.12.1 of the Election Act (chapter E-3.3)” after “each candidate” in the fifth line.

73. Section 160 of the said Act is amended by replacing “a new election is held” in the first line of the second paragraph by “the date of the declaration of election of the candidate elected at a new election”.

74. The said Act is amended by inserting the following section after section 160:

“160.1. During the period beginning at 4:30 p.m. 28 days before polling day in a general election and ending when the majority of the candidates elected to the office of commissioner for seats open for nominations at that election have been declared elected, the council of commissioners or the executive committee shall not sit unless a fortuitous event necessitating its intervention occurs, or to comply with an obligation imposed by law. Deliberations during such a sitting shall pertain only to such event.

If the majority of the candidates elected to the office of commissioner for seats open for nominations at the election have not been declared elected before the fifth day following polling day, the provisions of the first paragraph cease to apply from the beginning of that day.”

75. Section 195 of the said Act is amended by replacing “4” in the second line by “4.1”.

76. Section 199 of the said Act is amended

(1) by replacing “12 months or less” in the first line of the first paragraph by “between 12 and 4 months”

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

“If 4 months or less remain before the end of the term of office of the commissioner in whose seat a vacancy has occurred, the council of commissioners may fill the vacancy in the manner provided in the first paragraph.”

77. Section 200 of the said Act is amended by replacing “on the Sunday following the seventy-fifth day after the notice” in the fourth line of the second paragraph by “on a Sunday in the four months following the notice”.

78. The said Act is amended by inserting the following sections after section 200 :

“200.1. Where a by-election is required to be held owing to a vacancy in the office of a commissioner who remained in office in accordance with any of sections 150 to 152 of the Education Act (chapter I-13.3), the by-election shall be held

(1) in the part of the territory that has been annexed where that territory constituted or included the whole of an electoral division represented by the commissioner, in the case of a commissioner referred to in section 150 of that Act;

(2) in the part of the territory corresponding to the part of the electoral division represented by the commissioner in which the greatest number of electors were resident before the annexation, in the case of a commissioner referred to in section 151 of that Act;

(3) in the part of the territory corresponding to the electoral division represented by the commissioner the whole of which has been integrated, or, where the division represented by the commissioner has not been integrated in its entirety, in the part of the territory corresponding to the part of that division in which the greatest number of electors were resident at the time of integration, in the case of a commissioner referred to in section 152 of that Act.

“200.2. The director general of the school board shall notify the Minister of Education in writing if the council lacks a quorum by reason of vacancies.

In that case, the Minister may make the appointments necessary to attain the quorum.

The persons appointed by the Minister are deemed to have been elected and are declared elected on the day of their appointment.”

79. The said Act is amended by inserting the following section after section 203 :

“203.1. Every employer shall, upon written request, grant leave without pay to an employee who is a member of the council of commissioners of a school board.

The request may be made at any time after the date the employee is declared elected, even before the employee becomes a member of the council.

Notwithstanding the foregoing, no employer may be required pursuant to the first paragraph to grant leave without pay to an employee for a total period of more than eight years or two terms, whichever is longer.”

80. The said Act is amended by replacing Chapter XI by the following chapter:

“CHAPTER XI

“FINANCING OF CANDIDATES AND CONTROL OF ELECTION EXPENSES

“DIVISION I

“DEFINITIONS

“206.1. In this chapter,

“election period” means the period beginning 44 days before polling day or, in the case of a by-election, on the day following the publication of the notice of election and ending on polling day at the time of closing of the polling stations;

“financial institution” means a chartered bank, a bank governed by the Quebec Savings Banks Act (Revised Statutes of Canada, 1970, chapter B-4), a trust company or a financial services cooperative within the meaning of the Act respecting financial services cooperatives (2000, chapter 29);

“fiscal year” means the calendar year.

In this chapter, the word “candidate” includes any person who subsequently becomes a candidate or has indicated an intention to become a candidate.

“DIVISION II

“CHIEF ELECTORAL OFFICER

“206.2. The chief electoral officer shall see to the carrying out of this chapter.

The chief electoral officer may conduct studies on the financing of candidates and their election expenses.

“206.3. The chief electoral officer shall, in particular,

- (1) authorize candidates;
- (2) verify that the candidates are complying with this chapter;
- (3) give directives on the carrying out of this chapter;
- (4) receive and examine the reports and returns transmitted to him.

“206.4. The chief electoral officer may delegate to the returning officer of the school board, the exercise of any power or function he indicates as regards the authorization of a candidate.

The returning officer may delegate in writing the exercise of any power or function referred to in the first paragraph to employees of the school board. The returning officer shall so advise the chief electoral officer.

“206.5. For the purposes of the carrying out of this chapter, the director general of a school board is under the authority of the chief electoral officer.

Section 30.1 applies, with the necessary modifications, to the director general of the school board.

“DIVISION III

“AUTHORIZATION

“206.6. Every candidate wishing to solicit or collect contributions, to incur expenses or to contract loans shall obtain an authorization from the chief electoral officer in accordance with this division.

An elector who undertakes to run as a candidate in the next general election may file an application for authorization from 1 January of the year in which the general election is to be held.

An elector who undertakes to run as a candidate in a by-election may file an application for authorization from the date on which the seat becomes vacant.

“206.7. The application for authorization of such an elector must be made in writing and contain the following information :

- (1) the name, domiciliary address and telephone number of the candidate ;
- (2) the name of the school board where he intends to be a candidate for election to the council of commissioners ;
- (3) the address where the books and accounts pertaining to the funds he will receive as a candidate, the expenses he will incur and the loans he will contract are to be kept ;
- (4) the names, domiciliary addresses and signatures of at least ten electors of the school board for which the application for authorization is filed declaring that they support the application for authorization, where it is filed before the filing of the nomination paper.

The chief electoral officer may take such measures as he considers expedient to verify the accuracy of the information furnished in support of an application for authorization.

The authorization is valid only in respect of the school board mentioned in the application.

“206.8. The authorization granted to a candidate entitles him to solicit and collect contributions until polling day.

After polling day, the authorization granted to the candidate entitles him to solicit and collect contributions only for the purpose of paying the debts arising from his election expenses.

Where a candidate withdraws or is declared elected before polling day, his authorization entitles him, after the withdrawal or declaration of election, to solicit and collect contributions solely for the purpose of paying the debts arising from his election expenses incurred before the withdrawal or declaration of election.

“206.9. The authorization granted to a candidate expires on 31 December of the year following the year of the election unless it is withdrawn before then.

The authorization of a candidate who was elected and who has not discharged all the debts arising from his election expenses by that date expires on the date the financial report establishing that all the debts have been discharged is filed.

“206.10. The chief electoral officer may, upon the written application of a candidate, withdraw the candidate’s authorization.

The application must be accompanied with a closing financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the application. In addition, the application must be accompanied with the financial report for the preceding fiscal year where it has not been filed with the director general of the school board.

Notwithstanding the foregoing, the chief electoral officer shall not withdraw the authorization of a candidate who has not paid all the debts arising from his election expenses.

The chief electoral officer may also withdraw the authorization of a candidate who contravenes Division IV or V.

“206.11. The chief electoral officer shall withdraw the authorization of a candidate who dies.

The chief electoral officer shall withdraw the authorization of any person who undertook to run as a candidate and has not filed a nomination paper at the expiry of the prescribed time.

“206.12. Where the authorization of a candidate is withdrawn, the sums and assets remaining from those he obtained as a candidate shall be remitted to the chief electoral officer by the persons holding them not later than 10 days after he is notified of the withdrawal.

“206.13. A candidate whose authorization has been withdrawn shall transmit to the chief electoral officer, within 60 days after the withdrawal of authorization,

(1) a financial report for the period running from the date of authorization or, as the case may be, from the end of the period covered by the preceding financial report to the date of the withdrawal of authorization ;

(2) the preceding financial report, where it has not been filed with the director general of the school board ;

(3) a list of his creditors including their names, addresses and the amounts due to each.

In addition, the candidate shall, at the request of the chief electoral officer, remit to him any book, account or document relating to his financial business.

“206.14. The chief electoral officer shall liquidate the assets of the authorized candidate. He shall pay, *pro rata*, the debts of the candidate out of the sums remitted to him and the proceeds of the liquidation. The balance shall be remitted to the director general of the school board to be deposited into the general fund of the school board.

“206.15. Where the chief electoral officer intends to refuse or withdraw his authorization, he shall give the candidate the reasons for his decision and an opportunity to be heard.

Every summons is made by registered or certified mail or by any other means considered valid by the chief electoral officer.

The first and second paragraphs do not apply where the chief electoral officer is bound to withdraw the authorization or where the withdrawal of authorization is made at the request of the candidate.

“206.16. As soon as practicable after granting or withdrawing his authorization, the chief electoral officer shall make that information available to the public and notify the director general of the school board.

The chief electoral officer shall also publish a notice to that effect in a newspaper having general circulation in the territory of the school board.

“DIVISION IV**“CONTRIBUTIONS, EXPENSES AND LOANS**

“206.17. The following are contributions :

- (1) any gift of money to an authorized candidate ;
- (2) any service rendered or goods furnished to an authorized candidate free of charge and for election purposes ;
- (3) any money, goods or services furnished by the authorized candidate himself for the purposes of his election, except money used to pay an expense referred to in section 206.37.

Where goods or services are furnished for election purposes to an authorized candidate at a price lower than their value, the difference constitutes a contribution.

For the purposes of this section, goods or services furnished by a trader dealing in similar goods or services shall be assessed at the lowest price at which he offers his goods or services to the public at the time they are furnished to the authorized candidate ; goods or services furnished by a person other than a trader dealing in similar goods or services shall be assessed at the lowest retail price at which they are offered to the public in the ordinary course of business, according to the market conditions prevailing in the area at the time they are furnished to the authorized candidate.

“206.18. The following are not contributions :

- (1) the work performed by individuals, voluntarily and not for consideration, and the fruit of that work ;
- (2) an anonymous donation collected at a meeting or rally held for electoral purposes ;
- (3) an amount paid under any Act, including a reimbursement under section 207
- (4) a loan granted for election purposes, by an elector of the school board or a financial institution having an office in Québec, at the rate of interest current on the market at the time it is granted ;
- (5) suretyship contracted by an elector of the school board ;
- (6) at the option of the authorized candidate, applied equally to all the participants, an entrance fee to an electoral activity or rally, where the fee is not over \$60 per day, up to one admission per person ;

(7) time or space made available free of charge, during the election period, in accordance with section 206.46.

“206.19. Only an elector of a school board may make a contribution to a candidate in the territory of that school board.

An elector may make a contribution only in favour of a candidate holding an authorization that is valid for the school board.

“206.20. Every contribution must be made by the elector himself and, except in the case of a service, out of his own property.

“206.21. The total amount of contributions by the same elector for the same fiscal year shall not exceed \$1,000 to each of the authorized candidates, up to a maximum of \$3,000 per elector for the same school board.

“206.22. Contributions shall not be solicited except by the authorized candidate himself or through persons the authorized candidate designates in writing for that purpose. The person who receives a contribution shall issue a receipt to the contributor.

“206.23. Every contribution of money of over \$100 must be made by cheque or other order of payment signed by the elector and drawn on the elector's account in a financial institution having an office in Québec and be made payable to the order of the authorized candidate.

“206.24. On being cashed, a contribution is deemed paid by the person who made it and received by the authorized candidate for whom it is intended.

“206.25. The authorized candidate shall deposit, in a Québec branch of a financial institution, the funds obtained by the authorized candidate in such capacity.

“206.26. Every contribution made contrary to this chapter shall, not later than 30 days after the fact is known, be returned to the contributor; where the contributor cannot be found, the contribution or the amount at which it is evaluated shall be remitted to the director general of the school board to be deposited into the general fund of the school board.

“206.27. An authorized candidate who, during political meetings or rallies held in the period covered by a financial report, collected a total amount of anonymous donations exceeding 20% of the total amount of contributions he collected in that period shall, within 30 days after the filing of the financial report, remit to the director general of the school board an amount equal to the amount by which the donations exceed that percentage.

The director general shall deposit the amount into the general fund of the school board.

“206.28. No person other than an authorized candidate may incur or authorize election expenses.

“206.29. Every loan made by an authorized candidate for election purposes shall be evidenced in a writing setting out the name and address of the lender, the date, amount, term and rate of interest of the loan and the terms and conditions of repayment of the principal and payment of the interest.

Where an elector becomes surety for a loan, the contract of suretyship shall set out the name and address of the elector and the amount for which he becomes surety.

“206.30. The total of the following amounts shall not, for a given elector, exceed \$10,000:

(1) the outstanding principal of any loan granted by the elector to one or more authorized candidates; and

(2) any sum for which the elector remains surety in connection with loans contracted by one or more authorized candidates.

“206.31. An authorized candidate must, at least once a year, pay the interest due on the loans he has contracted.

“206.32. No sums of money other than those collected in accordance with this chapter may be used to repay the principal of or pay the interest on a loan which has been paid into an electoral fund referred to in section 206.39 or which has been used by an authorized candidate to pay election expenses.

“DIVISION V

“ELECTION EXPENSES

“206.33. For the purposes of sections 206.35 and 206.41 to 206.44, the expression “election expense” includes expenses referred to in paragraph 8 of section 206.36 and the expression “authorized candidate” includes a private intervenor within the meaning of Division VIII, if the private intervenor is an elector, and a representative of such an intervenor if the private intervenor is a group of electors.

“206.34. The cost of any goods or services used during an election period to

(1) promote or oppose, directly or indirectly, the election of a candidate,

(2) propagate or oppose the program of a candidate,

(3) approve or disapprove courses of action advocated or opposed by a candidate, or

- (4) approve or disapprove any act done or proposed by a candidate,
is an election expense.

“206.35. Where goods or services are used both during and before an election period, the part of their cost that constitutes an election expense shall be established according to a method based on the frequency of use during the election period compared to the frequency of use before and during the election period.

“206.36. The following are not election expenses :

(1) the cost of publishing articles, editorials, news, reports or letters to the editor in a newspaper, periodical or other publication, provided that they are published in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward, that the newspaper, periodical or other publication is not established for the purposes of or with a view to the election and that the circulation and frequency of publication are as what obtains outside the election period ;

(2) the cost of broadcasting by a radio or television station of a program of public affairs, news or commentary, provided that the program is broadcast in the same manner and under the same rules as outside the election period, without payment, reward or promise of payment or reward ;

(3) the transportation costs of any person other than an authorized candidate, paid out of his own money, if the costs are not reimbursed to him ;

(4) the cost of the food and beverages served at an electoral activity where the cost is included in the entrance fee paid by participants ;

(5) the reasonable costs incurred for the publication of explanatory commentaries on this Act, provided the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose an authorized candidate ;

(6) interest accrued from the beginning of the election period to the day occurring 90 days after polling day, on any loan lawfully granted to an authorized candidate for election expenses, unless the authorized candidate has paid the interest and declared it as an election expense in his return of election expenses ;

(7) the expenses incurred for the holding of meetings, the total of which does not exceed \$200 for the entire election period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of an authorized candidate ;

(8) the publicity expenses, the total of which does not exceed \$300 for the entire election period, incurred by a private intervenor authorized in accordance

with Division VIII, without directly promoting or opposing a candidate, to publicize or obtain support for the intervenor's views on a matter of public interest or to advocate abstention or the spoiling of ballots.

“206.37. The reasonable costs incurred by an authorized candidate for transportation and other personal expenses are not election expenses provided they are not reimbursed to him and do not include the cost of any form of publicity.

“206.38. During an election period, no person other than an authorized candidate may incur or authorize election expenses.

“206.39. In no case may an authorized candidate pay the cost of any election expense otherwise than out of an election fund.

Any election expense referred to in section 206.35 that has been paid is deemed to have been paid out of an election fund.

“206.40. No sums of money other than those collected in accordance with this chapter by an authorized candidate may be paid by him into his election fund or be used by the candidate to pay any election expense referred to in section 206.35.

“206.41. No goods or services all or part of the cost of which constitutes an election expense referred to in section 206.35 may be used during an election period except by an authorized candidate.

“206.42. No person may accept or execute an order for election expenses not given or authorized by an authorized candidate.

“206.43. No person may claim or accept, for goods or services all or part of the cost of which constitutes an election expense, a price different from the regular price for similar goods or services outside the election period, or refuse to be paid for them.

Nothing in the first paragraph prevents any person from performing any work under paragraph 1 of section 206.18.

“206.44. Any advertising copy, object or material relating to an election shall bear the name of the printer or manufacturer and the name of the authorized candidate who caused it to be printed or manufactured.

Any advertisement relating to an election published in a newspaper or other publication must mention the name of the authorized candidate who caused it to be published.

In the case of an advertisement relating to an election broadcast on radio or television or circulated by means of any other information medium or

technology, the name of the authorized candidate must be mentioned at the beginning or at the end of the advertisement.

Any goods or services all or part of the cost of which constitutes an election expense shall be deemed to relate to an election.

“206.45. Where, pursuant to section 206.33, a writing, object, material, advertisement or publicity referred to in section 206.44 must mention the name and title of the private intervenor referred to in Division VIII of this chapter or of the representative of the private intervenor, the writing, object, material, advertisement or publicity must also indicate the authorization number issued under section 209.13.

Where the cost of the writing, object, material, advertisement or publicity referred to in section 206.44 exceeds \$300, only the name and title of the authorized candidate may be indicated as the person having caused the writing, object, material, advertisement or publicity to be produced, published or broadcast.

“206.46. During an election period, a radio, television or cable broadcaster or the owner of a newspaper, periodical or other publication may, without its constituting an election expense, make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to candidates, provided he offers such service equitably as to quality and quantity to all the candidates for the same office.

The chief electoral officer shall verify the legality of services rendered under this section.

“206.47. The amount of election expenses incurred by an authorized candidate during an election must not exceed \$2,700, increased by \$0.42 per person entered on the list of electors of the electoral division.

The number of persons entered on the list for the purpose of calculating the amounts shall be the number established on the basis of the unrevised list or the revised list, whichever is higher.

The Government may adjust the amounts provided for in the first paragraph according to the formula the Government determines. The Government shall publish the results of the adjustment in the *Gazette officielle du Québec*.

“206.48. Every payment of election expenses must be justified by an invoice showing the name and address of the supplier, the date the goods or services were supplied and the amount of the expense.

Every payment of election expenses amounting to \$100 or more must be justified by an itemized invoice. An itemized invoice must provide, in addition to the information required under the first paragraph, all the particulars

required for verifying each item of goods or services and the rate or unit price used for computing the amount.

“206.49. Every person to whom an amount is due for election expenses shall present his claim to the authorized candidate within 60 days after polling day.

No claim presented after the expiry of the prescribed time may be paid by the candidate. The claim shall in that case be presented to the director general of the school board within 120 days after the expiry of the prescribed time, failing which the claim is prescribed.

“206.50. Before filing his return of election expenses, the authorized candidate shall pay every claim received within 60 days after polling day, except any claim he contests.

“206.51. The director general of the school board shall pay, out of the sums remitted to him with the return of election expenses pursuant to section 209.5 and according to the rules provided in sections 206.52 and 206.53, every claim received within 120 days after the expiry of the time prescribed for presenting claims to the candidate.

“206.52. The director general of the school board shall pay in full every claim the amount of which is equal to or less than the amount set aside for the claim by the candidate.

Any excess amount shall be deposited into the general fund of the school board after the one hundred and eightieth day after polling day.

“206.53. Where no amount has been set aside for a claim or where the amount set aside is less than the amount of the claim, the director general of the school board shall advise the authorized candidate and forward the invoice to him as soon as practicable.

The candidate may in that case contest all or part of the claim.

Where the authorized candidate does not contest the claim, or contests it in part, the authorized candidate shall, if necessary, forward to the director general an additional cheque made to the order of the school board to enable him to pay the claim or the uncontested part thereof.

The director general shall pay the claim or the uncontested part thereof as soon as practicable after he is advised of the decision of the candidate or, where such is the case, after he receives the additional cheque.

“206.54. Any amount set aside for a claim that is not presented to the director general of the school board within the prescribed time shall be deposited into the general fund of the school board.

“206.55. In no case may an authorized candidate pay a contested claim or the contested part of a claim except in execution of a judgment of a competent court obtained by the creditor after a hearing of the case and not upon an acquiescence in the demand or an agreement of settlement.

Notwithstanding the foregoing, where no candidate objects, the director general of the school board may authorize the candidate to pay a contested claim or the contested part of the claim if the refusal or failure to pay results from an error made in good faith. Where the claim arises from an election expense attributable to an authorized candidate, the payment thereof may be contested only by a candidate for the same office.

“206.56. Every authorized candidate is required as of 31 December of the year following that of polling day, to have paid, in accordance with this subdivision, all debts arising from his election expenses.

“DIVISION VI

“REIMBURSEMENT OF ELECTION EXPENSES

“207. Every authorized candidate who has been elected or has obtained at least 15% of the votes cast at the election for the office concerned is entitled to a reimbursement by the director general of the school board out of the school board’s general fund of his election expenses reported in the return of election expenses and incurred and paid in accordance with Division V of this chapter.

An authorized candidate at an election where proceedings are recommenced by reason of the death of a candidate is also entitled to a reimbursement.

The amount of the reimbursement shall be fixed in accordance with the rules determined by government regulation.

However, the amount of the reimbursement shall not exceed the total of the amount of the debts arising from the election expenses of the authorized candidate and the amount of his personal contribution.

“208. No reimbursement shall be made to an authorized candidate until he has filed the report and return provided for in sections 209 and 209.4.

“DIVISION VII

“REPORTS AND RETURNS OF CANDIDATES

“209. Every authorized candidate at an election for the office of member of the council of commissioners shall, within 90 days after polling day, transmit to the director general of the school board a financial report, in the form prescribed by the chief electoral officer, containing a list of the electors who made certain election contributions to that authorized candidate.

The list shall indicate the full name and address of each elector who made one or more contributions amounting to more than \$100 to the authorized candidate, and indicate the amount contributed by each elector.

“209.1. The report mentioned in section 209 shall also indicate

(1) the total amount of anonymous donations collected at election meetings or rallies and the nature, place and date of the meetings or rallies ;

(2) the number and total amount of contributions of \$100 or less ;

(3) the number and total amount of entrance fees of \$60 or less collected at an election activity or rally, and the nature, place and date of the activity or rally ;

(4) the number and total amount of contributions of over \$100 ;

(5) the name and full address of each elector who became surety for a loan of the authorized candidate and the amount for which he became surety ;

(6) an itemized statement of the amounts borrowed for election purposes from an elector or a financial institution having an office in Québec and, in respect of each loan, the date of the loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments of principal and payments of interest ;

(7) the financial institution where the funds collected are deposited and the account number used ;

(8) the total value of the goods and services furnished to the authorized candidate free of charge and for electoral purposes, taking account of the second and third paragraphs of section 206.17.

“209.2. The financial report must cover the period ending the day before the filing. The report must be accompanied with a copy of every receipt issued for contributions received during the period covered by the report.

“209.3. If, on the day he files a financial report provided for in section 209, an authorized candidate still has debts arising from his election expenses or is in possession of sums of money or goods obtained by the authorized candidate in his capacity as such, the authorized candidate shall file a financial report with the director general of the school board not later than 1 April of the year immediately following each fiscal year in which the authorized candidate remained authorized after the filing of his first financial report.

Notwithstanding the foregoing, the authorized candidate is not required to file any further financial reports after the filing of a financial report establishing that all the debts referred to in the first paragraph have been paid.

The report, other than that provided for in section 209, establishing that all debts arising from the authorized candidate's election expenses have been paid must cover the period beginning at the end of the period covered by the preceding report and ending on the day all debts are paid.

“209.4. The authorized candidate must, within 90 days after polling day, file a return of election expenses, in the form prescribed by the chief electoral officer, with the director general of the school board at the same time as he files his financial report.

The return must include a statement by the candidate attesting the accuracy of the return.

The return must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, and a list thereof.

The return must also mention any claim the authorized candidate is contesting among those he received within 60 days after polling day.

“209.5. The return of election expenses must be accompanied with an itemized statement setting forth the names and addresses of the creditors who omitted to file their claims within 60 days after polling day, and, for each such claim, the amount of the debt, the nature of the goods or services furnished and the date on which they were furnished.

The statement must be accompanied with a cheque for the total amount of such claims made payable to the order of the school board.

The first and second paragraphs do not apply to claims the authorized candidate intends to contest.

“209.6. Any balance of the sums held by an authorized candidate in his election fund on 31 December of the year following that of polling day, shall be remitted to the director general of the school board to be deposited into the general fund of the school board. The goods held by the authorized candidate on that date belong to the school board and shall be remitted to the school board.

“209.7. The director general of the school board shall, as soon as practicable, transmit to the chief electoral officer a copy of the reports, returns and other documents required by this chapter and not already in his possession, except receipts issued for contributions of \$100 or less.

“209.8. After the expiry of two years following the receipt of invoices and other vouchers, the director general of the school board may, on request, return them to the authorized candidate. Failing such a request, the director general may destroy them.

“DIVISION VIII**“EXPENSES OF PRIVATE INTERVENORS**

“209.9. Only an elector or a group not endowed with legal personality and composed in the majority of natural persons who are qualified electors may apply for authorization as a private intervenor.

“209.10. An elector who applies for authorization must

(1) indicate his name, date of birth, domiciliary address and telephone number;

(2) declare that he is a qualified elector;

(3) declare that he does not intend to directly promote or oppose any candidate;

(4) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which he intends to express his views;

(5) declare that he is not acting directly or indirectly on behalf of any candidate;

(6) declare that, to his knowledge, he does not belong to a group that has obtained an authorization as a private intervenor for a similar purpose or whose application for authorization is pending.

The application for authorization must be supported by the elector's oath and include an undertaking by the elector to comply with all applicable legal provisions.

“209.11. A group that applies for authorization must

(1) indicate its name, address, telephone number, date of formation and objects;

(2) indicate the name, domiciliary address and telephone number of its leaders;

(3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors;

(4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group;

(5) declare that the group does not intend to directly promote or oppose any candidate;

(6) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which the group intends to express its views ;

(7) declare that the group is not acting directly or indirectly on behalf of any candidate ;

(8) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.

The application for authorization must be made by the elector designated in the application to act as the representative of the group, be supported by the representative's oath and include an undertaking by the representative to comply with all applicable legal provisions.

“209.12. An application for authorization must be filed with the chief electoral officer of the school board of which the applicant is an elector.

The application must be filed at any time from the forty-fourth to the twentieth day before polling day.

“209.13. The returning officer shall, if the application is in conformity with the requirements of this division, issue the authorization and an authorization number without delay.

Before rejecting an application, the returning officer must allow the elector to present observations or make any necessary corrections. A decision to reject an application must be in writing and contain reasons.

“209.14. Not later than the fifteenth day before polling day, the returning officer shall transmit to each candidate a list of the authorizations that have been granted.

The list shall indicate the name of each private intervenor, the name of the private intervenor's representative, if any, and the number and date of the authorization. The list shall also indicate if the private intervenor intends to express views on a matter of public interest or to advocate abstention or the spoiling of ballots.

“209.15. An elector or a group of electors may only obtain one authorization during an election period. The authorization is only valid for that period.

The representative of a group of electors may only act for that group.

“209.16. The representative of a group of electors who resigns shall notify the leader of the group and the returning officer in writing.

Within five days of resigning, the representative shall submit a report of the expenses incurred, with vouchers, to the leader of the group.

“209.17. If the representative of a group of electors dies, resigns, is dismissed or is unable to act, the leader of the group shall appoint another representative and shall notify the returning officer in writing forthwith.

“209.18. A private intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose a candidate.

“209.19. A private intervenor may not incur an expense jointly with any person or incur an expense individually but in agreement, collusion or association with any person.

“209.20. A private intervenor who is an elector must defray the cost of any expense out of his own funds.

A private intervenor that is a group of electors must defray the cost of any election expense out of the funds of the members of the group who are electors.

A private intervenor must pay any expense by cheque or order of payment drawn on the private intervenor's account in a bank, trust company or financial services cooperative having an office in Québec. The cheque or order of payment must be signed by the private intervenor if the private intervenor is an elector, or by the representative if the private intervenor is a group of electors.

“209.21. In the case of a private intervenor that is a group of electors, only the representative of the group may incur expenses on behalf of the private intervenor.

The representative of a private intervenor is bound by the provisions of sections 209.18 to 209.20 and must ensure that they are complied with.

“209.22. A private intervenor who is an elector or the representative of a private intervenor may not pay an expense of \$25 or more without a voucher in the form of an itemized invoice.

The invoice must indicate the goods or services furnished and their rate or unit price.

“209.23. A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the returning officer a report of all the private intervenor's expenses, in the prescribed form.

The report must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.

“209.24. Sections 209.7, 209.8 and 209.30 apply to the report referred to in section 209.23, with the necessary modifications.

“209.25. The chief electoral officer may, on his own initiative or on an application, withdraw the authorization of a private intervenor

(1) if the chief electoral officer ascertains that the application for authorization contains false or inaccurate information ;

(2) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor no longer qualifies for such authorization ;

(3) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor has contravened any applicable provision of this Act.

Before withdrawing the authorization, the chief electoral officer must allow the private intervenor to present observations or make any necessary corrections. The decision to withdraw the authorization must be in writing and contain reasons.

“209.26. Any person whose application for authorization is rejected and any private intervenor whose authorization is withdrawn may, by way of a motion, appeal the decision before a judge of the Court of Québec.

The motion must be served beforehand on the returning officer or the chief electoral officer, as the case may be.

The appeal shall be heard and decided by preference. The appeal does not suspend execution of the decision unless the court decides otherwise.

The decision of the judge is final.

“DIVISION IX

“SANCTIONS

“209.27. A candidate who is elected and whose financial report or return of election expenses is not filed within the prescribed time loses the right to attend, as a member, the sittings of the council of commissioners from the tenth day after the expiry of the prescribed time until the report or return is filed, subject to section 209.29.

“209.28. The loss of the right to attend the sittings of the council of commissioners entails the loss of the right to attend, as a member, the sittings of

(1) any committee or commission of the school board ;

(2) any other board, committee or commission of which the person is a member by reason of the fact that he is a member of the council of commissioners.

“209.29. A judge may, by order, on a motion made before the person loses the right to attend the sittings of the council of commissioners, allow him to continue to do so for an additional period of not more than 30 days.

“209.30. On proof that the candidate’s failure to file the report or return is due to the absence, death or illness of the candidate or to any other reasonable cause, the judge may make any order he considers justified to enable the applicant to obtain all the information and documents required to prepare the report or return and grant such extension of time as the circumstances may require.

Failure to comply with an order made under the first paragraph is punishable in the same manner as failure to appear to testify before the court.

“209.31. Where an error is found in a report or return that has been filed, the candidate may correct it at any time within the period prescribed for filing the report or return.

After the period prescribed for filing, the candidate must obtain leave from the chief electoral officer to correct the error on establishing that it was made through inadvertence. Any opposition to the application for correction shall be submitted to the chief electoral officer.

If there is no opposition to the application or the chief electoral officer considers that the opposition is not justified, the chief electoral officer shall allow the correction. Otherwise, the candidate shall apply for leave to the judge having jurisdiction.

“209.32. The judge having jurisdiction to rule on a motion under sections 209.29 to 209.31 is a judge of the Court of Québec of the judicial district where all or part of the territory of the school board is situated.

No motion made under any of sections 209.29 to 209.31 may be heard unless a notice of at least three clear days is given by the applicant to the director general of the school board and to every candidate for the office concerned at the last election.

“209.33. A candidate who is elected and who, on 31 December of the year following that of polling day, has not paid all debts arising from his election expenses, loses the right to attend, as a member, the sittings of the council of commissioners from that date and until he has paid all such debts and filed a financial report establishing that he has done so.

The loss of the right to attend the sittings of the council of commissioners entails the loss of the right to attend, as a member, the sittings of the boards, committees and commissions referred to in section 209.28.

“209.34. If at the expiry of the prescribed time the director general of the school board has not received the report or return, he shall, as soon as practicable, notify in writing the person who may lose the right to attend sittings of the council of commissioners of such failure and of the effects thereof.

If on 31 December of the year following that of polling day, the director general of the school board has not received the elected candidate’s financial report establishing that all debts arising from election expenses have been paid, he shall, as soon as practicable, notify in writing that council member of such failure and of the effects thereof.

“209.35. As soon as practicable after a person has lost the right to attend the sittings of the council of commissioners, the director general of the school board shall notify the council and any other board or committee whose sittings he is no longer entitled to attend.

The director general shall also notify them as soon as practicable where the person recovers the right to attend the sittings of the council of commissioners.

“209.36. A person who loses the right to attend the sittings of the council of commissioners consequently loses the right to receive the remuneration or allowance provided for the period during which he is not authorized to attend.”

81. Section 211 of the said Act is amended by replacing “at least one newspaper having general circulation in the” in the first paragraph by “one or more newspapers having general circulation in the”.

82. Section 212 of the said Act is amended by inserting the following paragraph after paragraph 4:

“(4.1) makes an application to have his name entered on the list of electors with the knowledge that he is not entitled to have it entered thereon;”.

83. The said Act is amended by inserting the following section after section 212:

“212.1. The following persons are guilty of an offence:

(1) every member of a board of revisors who does not allow the making of an application to amend the list of electors, which is made to him according to law;

(2) every member of a board of revisors who prevents the board of revisors from examining or deciding an application to amend the list submitted to it;

(3) every member of a board of revisors who takes part in a decision to strike off the name of a person from the list or to refuse to enter a name on the

list with the knowledge that one clear day's notice as prescribed in section 58.8 has not been given to him."

84. Section 213 of the said Act is amended

(1) by inserting "whose name is entered on the list of electors for the electoral division for which the nomination is filed" after "elector" in paragraph 2

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

"(5) affixes a name that is not his own as a supporting signature on a nomination paper ;

"(6) in his capacity as a candidate or mandatory, collects supporting signatures and falsely declares that he knows the persons whose names appear on the nomination paper, that they have signed in his presence or that they are electors of the electoral division ;

"(7) collects supporting signatures without being a candidate or mandatory ;

"(8) being a returning officer, accepts a nomination paper that does not meet the requirements or is not accompanied with all the required documents."

85. Section 214 of the said Act is amended by striking out "or 127" in paragraph 2.

86. Section 215 of the said Act is amended by replacing "statement of the poll" in paragraph 1 by "statement of votes".

87. The said Act is amended by inserting the following sections after section 219 :

"219.1. The following persons are guilty of an offence :

(1) every election officer other than an employee of a school board who engages in partisan work after having made his oath of office ;

(2) every employee of a school board who engages in partisan work prohibited by section 171.

"219.2. Every candidate who

(1) incurs or authorizes election expenses exceeding the maximum fixed by section 206.47,

(2) files a false report, return or statement,

(3) produces a false or falsified invoice, receipt or other voucher,

(4) allows an election expense to be incurred or paid otherwise than as allowed under this Act, or

(5) after filing the report or return required under sections 209 and 209.4, pays a claim otherwise than as permitted by section 206.55,

is guilty of an offence.

Every elector referred to in section 209.10 or in the last paragraph of section 209.11 who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or voucher is also guilty of an offence.

“219.3. Every person who

(1) attempts to incur an election expense otherwise than as permitted by this Act,

(2) makes a false invoice, receipt or voucher, or

(3) falsifies an invoice, receipt or voucher,

is guilty of an offence.

“219.4. The following persons are guilty of an offence :

(1) every unauthorized candidate who solicits or collects contributions, incurs expenses or contracts loans ;

(2) every unauthorized candidate who allows contributions to be solicited or collected, expenses to be incurred or loans to be contracted in his name ;

(3) every person who solicits or collects contributions, incurs expenses or contracts a loan for an unauthorized candidate ;

(4) every person who makes a contribution to a person with the knowledge that he is not an authorized candidate or a person designated by the latter in writing to solicit and collect contributions.

“219.5. Every authorized candidate who has not, before filing his return of election expenses, paid all the claims received for such expenses, except any claim he contests, at the latest 60 days after polling day is guilty of an offence.

“219.6. Every director general of a school board who

(1) reimburses an authorized candidate for election expenses otherwise than in circumstances described in section 207, or

(2) reimburses an authorized candidate for election expenses before the candidate's return of election expenses has been filed with him,

is guilty of an offence.

“219.7. Every authorized candidate who, after polling day, after the candidate withdraws or after the candidate is declared elected before polling day, as the case may be,

(1) solicits or collects or allows the soliciting or collecting of a contribution for a purpose other than the payment of debts resulting from election expenses then incurred,

(2) disposes or allows a person to dispose, contrary to section 209.6, of the sums or goods remaining in his possession from those obtained by the candidate in his capacity as such,

(3) incurs or allows a person to incur an additional expense other than an expense necessary for the payment of debts resulting from election expenses then incurred, or

(4) contracts or allows a person to contract a new loan other than a loan necessary for the payment of debts resulting from election expenses then incurred,

is guilty of an offence.

“219.8. The following persons are guilty of an offence :

(1) every authorized candidate or person designated by an authorized candidate to solicit and collect contributions who collects a contribution with the knowledge that

(a) the person making the contribution is not an elector of the school board ;

(b) the contribution is not being made by the elector himself ;

(c) the contribution is not being made out of the elector's own property, unless it consists in the furnishing of services ;

(d) the contribution causes the elector to exceed the maximum prescribed in section 206.21 ;

(2) every person who knowingly makes a contribution referred to in paragraph 1.

“219.9. Every candidate or person designated by a candidate to solicit and collect contributions who

- (1) collects contributions without issuing a receipt to the contributor,
 - (2) collects a contribution of money exceeding \$100 made otherwise than by cheque or other order of payment, or
 - (3) collects a contribution made by cheque or by other order of payment that is not signed by the elector or not made payable to the order of the authorized candidate or that he knows not to be drawn on an account of the elector in a financial institution having an office in Québec,
- is guilty of an offence.

“219.10. Every radio, television or cable broadcaster or owner of a newspaper, periodical or other publication who makes air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to an authorized candidate during an election period without offering such service equitably as to quality and quantity to the other candidates for the same office, is guilty of an offence.

A person referred to in the first paragraph who circulates an advertisement in favour of an authorized candidate or causes it to be circulated free of charge by means of any other information medium or technology than those referred to in that paragraph without offering such service equitably as to quality and quantity to the other candidates for the same office, is also guilty of an offence.

“219.11. Every candidate who

- (1) contracts a loan that is not recorded in a writing containing the particulars required by the first paragraph of section 206.29,
 - (2) fails, where he obtains that an elector becomes surety for a loan, to verify that the contract of suretyship contains the particulars required by the second paragraph of section 206.29,
 - (3) contracts a loan with an elector or makes a contract of suretyship with the elector knowing that by so doing, the maximum amount specified in section 206.30 in respect of the elector will be exceeded,
 - (4) fails to pay the yearly interest payable on the loans he has contracted, or
 - (5) uses sums of money other than those collected in accordance with Chapter XI to repay the principal of or pay the interest on a loan which has been paid into the electoral fund provided for in section 206.39 or which has been used by him to pay election expenses,
- is guilty of an offence.

Every elector is guilty of an offence who grants a loan or makes a contract of suretyship knowing that by so doing, the maximum amount specified in section 206.30 will be exceeded.

“219.12. The following persons are guilty of an offence :

(1) every authorized candidate who pays into his election fund sums of money other than those collected in accordance with Chapter XI ;

(2) every authorized candidate who uses, to pay an election expense referred to in section 206.35, sums of money other than those collected in accordance with Chapter XI ;

(3) every authorized candidate who pays any election expenses otherwise than out of his election fund.

“219.13. Every person who uses, during the election period, goods or services all or part of the cost of which constitutes an election expense referred to in section 206.35, without being a candidate, is guilty of an offence.

For the purposes of the first paragraph, the expression “election expense” includes expenses referred to in paragraph 8 of section 206.36 and the word “candidate” includes a private intervenor within the meaning of Division VIII of Chapter XI, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

“219.14. Every person who

(1) accepts or executes an order for election expenses with the knowledge that it is not given or authorized by an authorized candidate,

(2) claims or accepts, for goods or services all or part of the cost of which constitutes an election expense, a price he knows to be different from the regular price for similar goods or services outside the election period, or

(3) refuses to be paid for goods or services all or part of the cost of which constitutes an election expense, unless the service provided consists in work referred to in paragraph 1 of section 206.18,

is guilty of an offence.

For the purposes of this section, the expression “election expenses” includes expenses referred to in paragraph 8 of section 206.36 and the expression “candidate” includes a private intervenor within the meaning of Division VIII of Chapter XI, if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

“219.15. The following persons are guilty of an offence :

- (1) a printer or manufacturer who does not mention on any advertising copy, object or material that the printer or manufacturer knows to be related to an election, the name of the printer or manufacturer and the name of the authorized candidate who caused it to be printed or manufactured ;
- (2) the owner of a newspaper or other publication who allows the publication of an advertisement that the owner knows to be related to an election without the name of the authorized candidate who caused it to be published being mentioned in the advertisement ;
- (3) a radio or television broadcaster who allows the broadcasting of an advertisement that the broadcaster knows to be related to an election without the name of the authorized candidate who caused it to be broadcast being mentioned at the beginning or at the end of the advertisement ;
- (4) a person who circulates or allows the circulation of an advertisement that the person knows to be related to an election by means of any information medium or technology other than those referred to in subparagraphs 1 to 3 without the name of the authorized candidate being mentioned at the beginning or at the end of the advertisement.

For the purposes of this section, the word “candidate” includes a private intervenor within the meaning of Division VIII of Chapter XI if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

“219.16. Every person who contravenes any of the provisions of sections 206.45, 209.15 and 209.17 to 209.22 is guilty of an offence.

“219.17. Every person authorized to incur election expenses who pays such an expense without the payment being justified by an invoice containing the particulars provided for in section 206.48 is guilty of an offence.

“219.18. Every private intervenor within the meaning of Division VIII of Chapter XI, if the private intervenor is an elector, or representative of such an intervenor if the private intervenor is a group of electors, who fails to file the report prescribed in section 209.23 within the time fixed in that section is guilty of an offence.

“219.19. Every person who attends a sitting of a board, committee or commission as a member thereof, with the knowledge that he has lost the right to do so under this Act, is guilty of an offence.”

88. Section 220 of the said Act is amended by inserting “section 212.1,” after “under” in the first line.

89. Section 221 of the said Act is amended by inserting “to 8” after “4” in the second line.

90. The said Act is amended by inserting the following sections after section 221 :

“**221.1.** Every person who is guilty of an offence under any of sections 219.1 to 219.18 is liable to a fine of \$1,000 to \$10,000 in the case of a natural person or, in the case of a legal person, to a fine of \$3,000 to \$30,000.

Where a person is convicted of an offence under paragraph 2 of section 219.8, a judge may, on an application by the prosecutor attached to the statement of offence, in addition to imposing any other penalty, impose an additional fine equal to the amount of the illegal contribution for which the person was convicted, even if the maximum fine under the first paragraph has been imposed on the person.

“**221.2.** Every person who fails to file a report or return required by Chapter XI is liable to a fine of \$50 for each day of delay.

“**221.3.** Every person who is guilty of an offence under section 219.19 is liable to a fine of \$50 to \$500 for each sitting attended without right.”

91. Section 223.1 of the said Act is amended

- (1) by replacing “4” in the first line by “4.1”;
- (2) by replacing “and 219” in the third line by “, 219, 219.2 and 219.3”;
- (3) by adding the following paragraph at the end:

“Notwithstanding the foregoing, in the case of an offence under subparagraph 1 of the first paragraph of section 219.2, the judge may rule that the alleged offence is not a corrupt electoral practice if

- (1) the election expenses exceed the maximum amount allowed either with the permission of the director general of the school board granted pursuant to section 206.55 or following a court decision on the contestation of a claim;
- (2) the refusal or failure to pay the contested claim arises from an error made in good faith.”

92. Section 223.2 of the said Act is amended by replacing “from the judgment” in the second line by “from the day on which the judgment convicting the person becomes res judicata”.

93. The said Act is amended by inserting the following sections after section 223.2 :

“223.3. The chief electoral officer may institute penal proceedings for an offence under this chapter.

“223.4. Penal proceedings for an offence under this chapter shall be prescribed one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.”

94. Section 280 of the said Act is repealed.

95. Section 282 of the said Act is amended by replacing the fifth paragraph by the following paragraphs :

“Personal information required on a document prescribed in this Act is public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

Notwithstanding the foregoing, personal information appearing on a list of electors, on an application made before a board of revisors, or on receipts for contributions of \$100 or less to a candidate and not required to appear in the financial report of the candidate is not public information.

The information referred to in the sixth paragraph shall be transmitted in accordance with this Act, and sections 59 and 66 to 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information shall not apply to any such transmission. The school board and the chief electoral officer are not required to file the information in the personal information file provided for in the said Act.

Division II of Chapter II of the said Act does not apply to a document prescribed in this Act.”

96. The said Act is amended by inserting the following sections after section 282.1 :

“282.2. A school board may, in accordance with an agreement made with the chief electoral officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into ; in such case, the agreement shall provide for a period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

“282.3. After polling during which a test mentioned in section 282.2 is carried out, the school board shall send a report assessing the test to the Minister of Education and the chief electoral officer.

“282.4 The chief electoral officer and the Commission de la représentation shall, on or before 30 September of each year, submit a report of their respective activities under this Act for the preceding fiscal year to the President of the National Assembly.

The report shall be tabled in the National Assembly within 30 days of receipt or, if the Assembly is not in session, within 30 days of resumption.”

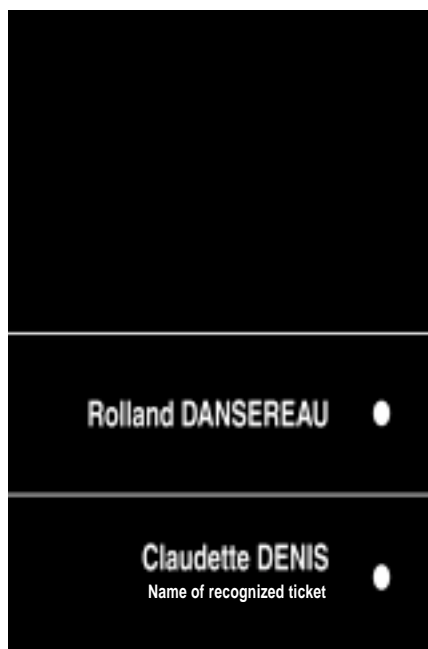
97. Schedule I to the said Act is replaced by the following schedule :

“SCHEDULE I

(Section 99)

BALLOT PAPER

OBVERSE



REVERSE

98. The heading of Schedule III to the said Act is replaced by the following heading :

“STATEMENT OF VOTES”.

99. Section 40.3 of the Election Act (R.S.Q., chapter E-3.3) is amended by adding “and the sectors” at the end of paragraph 3.

100. Section 40.4 of the said Act is amended by inserting “or school” after “municipal” in the second line of the second paragraph.

101. Section 40.10 of the said Act is amended by inserting “or school” after “municipal” in the second line.

102. Section 40.12.23 of the said Act is amended by replacing “42” in the first line of the first paragraph by “51”.

103. Section 345 of the Education Act (R.S.Q., chapter I-13.3) is amended

(1) by replacing “election officers” in the fourth line of the first paragraph by “election officers, the revision of the list of electors”;

(2) by replacing the second and third paragraphs by the following paragraph :

“The returning officer for the referendum shall make a written request asking the chief electoral officer to transmit a list of the electors entered on the permanent list of electors who are entitled to be entered on the list of school electors to be used for the referendum. The request shall be made as determined by the chief electoral officer. It shall specify the date of reference, describe the territory involved and specify the date on which and the form in which the list is to be transmitted.”

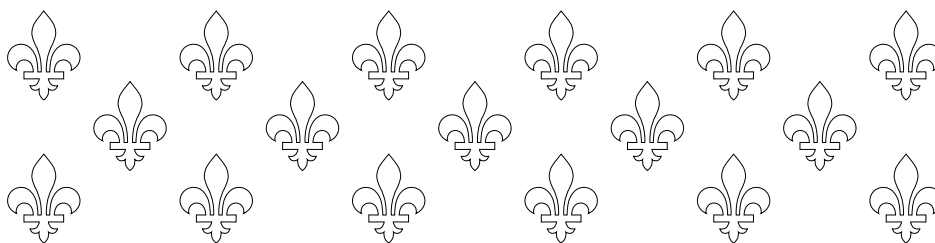
104. Section 347 of the said Act is amended by replacing “45” in the second line by “30”.

105. Until the date of coming into force of section 114 of the Labour Code (R.S.Q., chapter C-27), enacted by section 63 of chapter 26 of the statutes of 2001, the reference to the Commission des relations du travail established by the Labour Code in the second paragraph of section 30.1 of the Act respecting school elections, enacted by section 11, shall be read as a reference to the labour commissioner general or the Labour Court, according to their respective jurisdictions.

106. Notwithstanding section 200 of the Act respecting school elections, the returning officer of the Commission scolaire de la Baie-James is not required to fill the office of commissioner of an electoral division in which no elector is domiciled and which will cease to exist following the division into electoral divisions for the poll of 16 November 2003.

Furthermore, notwithstanding section 80 of that Act, the Minister of Education is not required to fill such office.

107. This Act comes into force on 17 November 2002, except section 1, which comes into force on 17 November 2003, and section 106, which comes into force on 8 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 72

(2002, chapter 11)

**An Act to amend the Environment
Quality Act and other legislative
provisions with regard to land
protection and rehabilitation**

Introduced 14 December 2001

Passage in principle 19 March 2002

Passage 29 May 2002

Assented to 8 June 2002

**Québec Official Publisher
2002**

EXPLANATORY NOTES

This bill replaces Division IV.2.1 of Chapter I of the Environment Quality Act. The purpose of the bill is to establish new rules to promote the protection of lands and their rehabilitation in the event of contamination.

The bill clarifies the conditions on which a person or municipality may be required to rehabilitate contaminated land and confers on the Minister of the Environment various powers to make orders including an order to require that a land characterization study be performed or that land be rehabilitated.

The bill recognizes that leaving contaminants in the land is a possible method of rehabilitation provided that certain environmental protection measures are taken. Publicity measures are prescribed to inform third persons of restrictions that apply to future use of the land.

The bill imposes certain obligations on enterprises in industrial or commercial sectors designated by regulation that apply when the enterprises permanently cease activities, for the purpose of identifying and remedying any contamination that may exist on the land on which the enterprises are established.

The bill subjects any change in the use of land that is contaminated as a result of certain industrial or commercial activities to the implementation of rehabilitation and publicity measures, including a public information meeting. Municipalities must draw up a list of contaminated lands situated in their territory and may not issue a building or subdivision permit unless a certificate of an expert states that the project is consistent with the provisions of the land rehabilitation plan.

The bill authorizes the Government to determine by regulation the cases where, the conditions on which and the time limits within which persons engaging in certain designated activities will be required to monitor groundwater quality at the hydraulic downstream of the land.

Lastly, the bill introduces new regulatory powers as regards the treatment, recovery, reclamation and elimination of contaminated soils.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting land use planning and development (R.S.Q., chapter A-19.1)
- Environment Quality Act (R.S.Q., chapter Q-2).

Bill 72

AN ACT TO AMEND THE ENVIRONMENT QUALITY ACT AND OTHER LEGISLATIVE PROVISIONS WITH REGARD TO LAND PROTECTION AND REHABILITATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 19.7 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by inserting “, land rehabilitation plan” after “project” in the second line and by inserting “, a rehabilitation plan” after “authorization” in the fourth line.

2. Division IV.2.1 of Chapter I of the said Act is replaced by the following division :

“DIVISION IV.2.1

“LAND PROTECTION AND REHABILITATION

“**31.42.** For the purposes of this division, “land” includes the groundwater and surface water present.

“§1. — *General powers of the Minister relating to land characterization and rehabilitation*

“**31.43.** Where it appears to the Minister that contaminants are present in the land in a concentration exceeding the limit values prescribed by a regulation made under section 31.69, or that the contaminants, even though they are not determined in the regulation, are likely to adversely affect the life, health, safety, welfare or comfort of human beings, other living species or the environment in general, or to be detrimental to property, the Minister may order any person or municipality that,

— even before the coming into force of this section, had emitted, deposited, released or discharged all or part of the contaminants or had allowed the contaminants to be emitted, deposited, released or discharged ; or

— after the coming into force of this section, has or has had custody of the land as owner or lessee or in any other capacity,

to submit for the Minister’s approval within the time specified a rehabilitation plan setting out the measures that will be implemented to protect human

beings, the other living species and the environment in general, including property, together with an implementation schedule.

Such an order may not be made against a person or municipality that has or has had custody of the land as owner or lessee or in any other capacity, where

(1) it is established that the person or municipality was unaware of and had no reason to suspect the presence of contaminants in the land, having regard to the circumstances, practices and duty of care ;

(2) it is established that, once becoming aware of the presence of contaminants in the land, the person or municipality acted in conformity with the law, as to the custody of the land, in particular as regards the duty of care and diligence ; or

(3) it is established that the presence of contaminants in the land results from outside migration from a source attributable to a third person.

“31.44. An order under section 31.43 must require a notice of contamination containing the information set out in section 31.58, with the necessary modifications, to be registered without delay in the land register.

The order must be notified to the owner of the land and to every holder of a real right registered in the land register.

“31.45. The rehabilitation plan submitted under section 31.43 may provide that contaminants in a concentration exceeding the regulatory limit values are to be left in the land, on the condition, however, that a toxicological and ecotoxicological risk assessment and groundwater impact assessment be submitted with the plan.

In such case, the plan must contain a statement of the land use restrictions that will apply, in particular the resulting charges and obligations.

“31.46. Approval of the rehabilitation plan may be subject to conditions. Subject to the provisions of the second paragraph, the Minister may amend the rehabilitation plan or implementation schedule submitted, or order that a new plan or schedule be submitted within the time specified.

The Minister shall notify all documents submitted for the Minister’s approval to any land owner not subject to the order, with a notice indicating the time within which the owner may present observations. If the rehabilitation plan provides for land use restrictions, the Minister shall not approve it unless the owner has given consent in writing to the plan and the consent document accompanies the plan submitted for approval. Furthermore, an amendment made by the Minister to a rehabilitation plan may take effect only if the owner has consented in writing to the amendment.

“31.47. If the rehabilitation plan approved by the Minister provides for land use restrictions, the person or municipality having submitted the plan shall, as soon as possible following the approval, apply for registration in the land register of a notice of use restriction containing, in addition to the description of the land,

- (1) the name and address of the applicant for registration ;
- (2) a description of the work or works required under the rehabilitation plan and a statement of the land use restrictions including the resulting charges and obligations ; and
- (3) an indication of the place where the rehabilitation plan may be consulted.

In addition, the applicant must immediately transmit to the Minister and to the owner of the land a duplicate of the notice bearing a registration certificate or a copy of the notice certified by the land registrar. On receipt of the document, the Minister shall transmit a copy to the municipality in which the land is situated ; if the land is situated in a territory referred to in section 133 or 168 that is not constituted as a municipality, the document is transmitted to the body designated by the Minister.

Registration of the notice renders the rehabilitation plan effective against third persons and any subsequent acquirer of the land is bound by the charges and obligations provided for in the rehabilitation plan as regards land use restrictions.

“31.48. As soon as the work or works made necessary by the implementation of a rehabilitation plan approved by the Minister have been completed, the person or municipality required to carry out the work or works shall transmit to the Minister a certificate of an expert referred to in section 31.65 stating that they were carried out in accordance with the plan.

“31.49. Where the Minister has reason to believe that contaminants referred to in section 31.43 may be present in land, the Minister may order any person or municipality that, in the Minister’s opinion, could be subject to an order under that section, to perform a characterization study on the conditions and within the time specified.

The Minister’s order must be notified to the owner of the land and to every holder of a real right registered in the land register.

“31.50. An order under section 31.43 or 31.49 is without prejudice to civil remedies available to the person or municipality subject to the order for the total or partial recovery of the costs incurred to comply with the order or of any increase in the value of the land as a result of the rehabilitation.

“§2. — Special provisions relating to certain industrial or commercial activities

“31.51. A person who permanently ceases an industrial or commercial activity of a category designated by regulation of the Government is required to perform a characterization study of the land on which the activity was carried on within six months of the cessation or within such additional time as the Minister may grant, subject to the conditions fixed by the Minister, with a view to the resumption of activity. Upon completion, the study must be transmitted to the Minister and to the owner of the land.

If the characterization study reveals the presence of contaminants in a concentration exceeding the regulatory limit values, the person who carried on the activity concerned is required to transmit for the Minister's approval, as soon as possible after being informed of the presence of the contaminants, a rehabilitation plan setting out the measures that will be implemented to protect human beings, the other living species and the environment in general, including property, together with an implementation schedule and, where applicable, a plan for the dismantling of the installations on the land.

The provisions of sections 31.45 to 31.48 apply in such a case, with the necessary modifications.

“31.52. A person who, as owner or lessee or in any other capacity, has the custody of land in which contaminants resulting from an industrial or commercial activity of a category designated by regulation of the Government are found in a concentration exceeding the regulatory limit values is required, on being informed of the presence of the contaminants at the limits of the land or of a serious risk of off-site contamination which could compromise a use of water, to give immediate notice thereof in writing to the owner of the neighbouring land concerned. A copy of the notice must also be transmitted to the Minister.

The person who has the custody of land referred to in the first paragraph is also required to notify the Minister on being informed of any serious risk of off-site contamination.

“§3. — Change in land use

“31.53. Any person intending to change the use of land on the site of an industrial or commercial activity of a category designated by regulation of the Government is required to first perform a site characterization study unless such a study is already available and a certificate of an expert referred to in section 31.65 states that the study meets the requirements of the guide prepared by the Minister under section 31.66 and is still current.

The characterization study, once completed, and the certificate, if any, must be transmitted to the Minister and to the owner of the land unless the documents have previously been so transmitted.

The carrying on of an activity different from the activity previously carried on, whether it is a new industrial or commercial activity of a category designated by regulation of the Government or any other activity, in particular an industrial, commercial, institutional, agricultural or residential activity, constitutes a change in the use of the land within the meaning of this section.

“31.54. Any change in the use of land referred to in section 31.53 is subject to the Minister’s approval of a rehabilitation plan if contaminants are present in the land in a concentration exceeding the regulatory limit values.

The rehabilitation plan must be transmitted to the Minister, together with an implementation schedule, and set out the measures that will be implemented to protect human beings, the other living species and the environment in general, including property. The plan must also indicate any measures intended to render the projected land use consistent with the condition of the land.

“31.55. The rehabilitation plan referred to in section 31.54 may provide that contaminants in a concentration exceeding the regulatory limit values are to be left in the land, on the condition, however, that a toxicological and ecotoxicological risk assessment and groundwater impact assessment be submitted with the plan.

In such a case, the person submitting the plan must inform the public by means of a notice published in a newspaper circulated in the municipality in which the land is situated and containing

- (1) a description of the land and the name and address of the owner;
- (2) a summary of the land use change proposal, the characterization study, the toxicological and ecotoxicological risk assessment and groundwater impact assessment and the proposed rehabilitation plan;
- (3) the date, time and place in the municipality where a public information meeting is to be held, which may not take place until ten days have elapsed after publication of the notice; and
- (4) a statement that the full text of each document referred to in subparagraph 2 may be examined at the office of the municipality.

A report of the observations made at the public meeting and a copy of the public notice published in the newspaper must accompany the rehabilitation plan submitted for approval. The report may also be examined at the office of the municipality.

“31.56. The provisions of sections 31.45 to 31.48 apply, with the necessary modifications, to the rehabilitation plan.

“§4. — *Voluntary land rehabilitation*

“**31.57.** Any person intending to rehabilitate all or any part of contaminated land on a voluntary basis without being required to do so under a provision of this division and to leave contaminants in the land in a concentration exceeding the regulatory limit values shall, before any work is undertaken, submit for the Minister’s approval a rehabilitation plan setting out the measures that will be implemented to protect human beings, the other living species and the environment in general, including property, together with an implementation schedule and a toxicological and ecotoxicological risk assessment and groundwater impact assessment. A characterization study must also be submitted with the rehabilitation plan.

The provisions of sections 31.45 to 31.48 apply in such a case, with the necessary modifications.

“§5. — *Contamination and decontamination notices*

“**31.58.** Where a characterization study performed pursuant to this Act reveals the presence in land of contaminants in a concentration exceeding the regulatory limit values, the person or municipality who had the study performed shall apply for registration in the land register of a notice of contamination on being informed of the presence of such contaminants.

The notice of contamination must contain, in addition to a description of the land,

- (1) the name and address of the applicant for registration of the notice and of the owner of the land ;
- (2) the name of the municipality in which the land is situated and the land use authorized by the zoning by-laws ; and
- (3) a summary of the characterization study, certified by an expert referred to in section 31.65, stating among other things the nature of the contaminants present in the land.

In addition, the person or municipality must transmit to the Minister and to the owner of the land a duplicate of the notice bearing a registration certificate or a copy of the notice certified by the land registrar. On receipt of the document, the Minister shall transmit a copy to the municipality in which the land is situated ; if the land is situated in a territory referred to in section 133 or 168 that is not constituted as a municipality, the document is transmitted to the body designated by the Minister.

“31.59. A person or municipality having registered a notice of contamination under section 31.58 or the owner of the land concerned may apply for registration in the land register of a notice of decontamination if decontamination work has been carried out and a subsequent characterization study has shown that no contaminants are present, or that contaminants are present in a concentration not exceeding the regulatory limit values.

The provisions of the second and third paragraphs of section 31.58 apply, with the necessary modifications, to the notice of decontamination. The notice must also mention any land use restrictions registered in the land register that have been rendered unnecessary as a result of the decontamination.

The characterization study mentioned in the first paragraph shall be made available to the Minister.

“§6. — General provisions

“31.60. The Minister may amend any rehabilitation plan approved pursuant to the provisions of this division on the request of the person or municipality required to implement the plan.

The request to amend the plan must be notified to any land owner not required to implement the plan, with a notice indicating the time within which the owner may present observations to the Minister. If the rehabilitation plan to be amended provides for land use restrictions, it may not be amended unless the owner has given consent in writing to the amendments and the consent document has been transmitted to the Minister with the request for amendment.

In addition, if an amendment to a rehabilitation plan is such that it modifies land use restrictions, the person or municipality requesting the amendment must immediately apply for registration of the amendment in the land register by means of a notice setting out the modifications. As of the registration of the notice, the amended rehabilitation plan is effective against third persons and any subsequent acquirer of the land is bound by the charges and obligations provided for in the rehabilitation plan as regards land use restrictions.

The provisions of the last paragraph of section 31.58 apply, with the necessary modifications, to the notice.

“31.61. The Minister may require any person or municipality required to transmit a characterization study, a toxicological and ecotoxicological risk assessment and groundwater impact assessment or a land rehabilitation plan to the Minister, or any person or municipality requesting an amendment to an approved rehabilitation plan, to furnish any additional information, document, study or expert evaluation the Minister considers necessary to determine the nature and extent of the contamination involved, the risk and impacts for the environment or for human beings, and the effectiveness of the rehabilitation or protection measures.

“31.62. If a person or municipality fails to perform a characterization study or furnish any additional information, document, study or expert evaluation required under this division, or fails to apply for registration in the land register, the Minister may take any measure necessary to remedy the default.

The same applies if a person or municipality fails to transmit or amend a land rehabilitation plan required under this division, or fails to carry out a land rehabilitation or decontamination plan as approved and according to the implementation schedule, or to comply with the conditions of the plan once it has been carried out. In such a case, the Minister may take any measure the Minister considers appropriate to decontaminate the land or to ensure the plan is implemented.

The Minister may, in the same manner as for any debt due to the State, recover from the person or municipality in default the direct and indirect costs incurred by reason of measures taken pursuant to this section.

Every amount due to the State under this section is secured by a legal hypothec on the movable and immovable property of the person in default.

“31.63. The person who, as owner or lessee or in any other capacity, has the custody of the land shall give free access to the land at any reasonable time to any person required under this division to perform a characterization study or a toxicological and ecotoxicological risk assessment and groundwater impact assessment or to implement a rehabilitation plan, subject, however, to that person restoring the premises to their former state and compensating the owner or custodian of the land, as the case may be, for any damage.

“31.64. Work or works that are necessary to implement a land rehabilitation plan approved by the Minister under this division are exempt from the application of section 22.

“31.65. The Minister shall draw up and maintain a list of experts authorized to furnish the certificates required under this division and sections 120 and 121 of the Act respecting land use planning and development (chapter A-19.1). The list shall be made available to the public in the manner determined by the Minister.

The conditions to be met for entry on the list, including the fees payable, shall be determined by the Minister after consultation with groups or organizations which in the Minister's opinion are comprised of persons having qualifications susceptible of satisfying those conditions. Once determined, the conditions must be published in the *Gazette officielle du Québec*.

“31.66. The Minister shall prepare a guide setting out the objectives and elements to consider in performing a site characterization study, in particular as regards the assessment of soil quality and the impacts that contaminants present in the land may have on the groundwater and surface water.

For that purpose, the Minister may consult any government department, group, body or person interested in the matter.

The guide shall be made available to the public in the manner determined by the Minister.

“31.67. Every site characterization study performed under this division must be certified by an expert referred to in section 31.65.

In certifying a study, the expert shall attest that the study was performed in accordance with the guide prepared by the Minister and the requirements, if any, fixed by the Minister pursuant to section 31.49.

“31.68. Every municipality shall, on the basis of the notices registered in the land register pursuant to sections 31.44, 31.47, 31.58 and 31.59, prepare and maintain a list of contaminated lands situated in its territory ; that obligation shall also apply, with the necessary modifications, to every body which, under the second paragraph of section 31.47 or the third paragraph of section 31.58, receives from the Minister a copy of a document referred to in those provisions. The information contained in the list is public information.

The issue of building and subdivision permits by the municipality that concern land entered on the list is subject to the conditions set out in sections 120 and 121 of the Act respecting land use planning and development.

“§7. — Regulatory powers

“31.69. The Government may make regulations to

(1) prescribe the concentration limit values for the contaminants it determines, in excess of which those contaminants, when present in land, may give rise to implementation of the characterization, rehabilitation or publicity measures provided for in this division. The limit values may vary in particular on the basis of land use ;

(2) determine the categories of the industrial or commercial activities referred to in sections 31.51, 31.52 and 31.53 ;

(3) prescribe the cases where, the conditions on which and the time limits within which a person carrying on an industrial or commercial activity in a specified category will be required to monitor groundwater quality at the hydraulic downstream of the land and to transmit the results of the monitoring to the Minister ;

(4) fix the fees payable for the processing of the file of an applicant for an approval under this division or for an amendment to a rehabilitation plan, and the terms and conditions of payment ; and

(5) regulate, in all or part of the territory of Québec, the treatment, recovery, reclamation and elimination of contaminated soils not subject to the provisions of Division VII of this chapter and of any materials containing such soils. The regulations may, in particular,

(a) classify contaminated soils and materials containing contaminated soils into categories, in particular according to the origin, nature and concentration of the contaminants, and the facilities that treat, recover, reclaim or eliminate such soils and materials ;

(b) prescribe or prohibit, in respect of one or more categories of contaminated soils or materials containing contaminated soils, any mode of treatment, recovery, reclamation or elimination ;

(c) determine the conditions or prohibitions applicable to the establishment, operation and closure of any facility that treats, recovers, reclaims or eliminates contaminated soils or materials containing contaminated soils ;

(d) authorize the Minister to determine, for the classes of elimination facilities specified in the regulation, the parameters to be measured and the substances to be analysed according to the composition of the contaminated soils or materials containing contaminated soils received for elimination, and prescribe the limit values to be respected for such parameters or substances. The values may be in addition to the values prescribed by regulation ;

(e) prescribe the conditions or prohibitions applicable to facilities that eliminate contaminated soils or materials containing contaminated soils after they are closed, including the conditions or prohibitions relating to maintenance and supervision, prescribe the period of time during which the conditions or prohibitions are to apply, and determine who will be required to ensure that they are complied with ; and

(f) require, as a condition for the operation of any facility that eliminates contaminated soils or materials containing contaminated soils, determined by the regulation, that financial guarantees be set up as provided in section 56 for residual materials elimination facilities, and that section shall then apply with the necessary modifications.”

3. Section 53.2 of the said Act is amended by replacing “paragraph *a* of section 31.52” by “paragraph 1 of section 31.69”.

4. Section 96 of the said Act is amended by striking out “other than the approval referred to in the third paragraph of section 31.44” and “notifies a notice under section 31.46,” in the second paragraph and by inserting “approves, with amendments, a rehabilitation plan submitted to the Minister under Division IV.2.1, refuses an amendment requested under section 31.60,” after “refuses to renew a permit,” in that paragraph.

5. Section 106.1 of the said Act is amended

(1) by striking out “, the fifth paragraph of section 31.42, the third paragraph of section 31.49 or the third paragraph of section 31.51” in the first paragraph;

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

“Every person commits an offence and is liable to the same penalties who

(a) fails to transmit to the Minister a rehabilitation plan required under section 31.51, 31.54 or 31.57 or an attestation required under section 31.48;

(b) fails to comply with a rehabilitation plan approved by the Minister under the provisions of Division IV.2.1;

(c) fails to perform a characterization study required under section 31.51 or 31.53;

(d) fails to apply for registration in the land register as required under the provisions of Division IV.2.1; or

(e) contravenes any provision of section 31.52 or 31.63.”

6. Section 107 of the said Act is amended

(1) by inserting “, expert evaluations” after “research findings” in the first paragraph and by striking out “furnish a document referred to in the first paragraph of section 31.49 or the first paragraph of section 31.51,” in that paragraph;

(2) by striking out the second paragraph.

7. Section 109 of the said Act is amended by striking out the second paragraph.

8. Section 115.1 of the said Act is amended

(1) by inserting the following paragraph after the first paragraph:

“The Minister may also, where the measures the Minister takes under the first paragraph concern the presence of land contaminants, require registration in the land register of a notice of use restriction, a notice of contamination or a notice of decontamination, as the case may be, respectively referred to in sections 31.47, 31.58 and 31.59, which apply with the necessary modifications.”;

(2) by inserting “or registration in the land register” after “measures” in the second line of the last paragraph.

9. Section 118.1 of the said Act is amended by striking out “, 31.44, 31.46”.

10. Section 118.3.2 of the said Act is amended by replacing “31.42, 31.43” in paragraph 1 by “31.43, 31.49”.

11. Section 118.5 of the said Act is amended by replacing subparagraphs *m* and *n* of the first paragraph by the following subparagraphs:

“(m) all characterization studies, all toxicological and ecotoxicological risk assessments and groundwater impact assessments and all rehabilitation plans required under Division IV.2.1;

“(n) all attestations transmitted pursuant to section 31.48;”.

12. Section 126 of the said Act is amended by striking out the second paragraph.

13. Section 120 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by adding the following paragraph:

“In addition, where the land in respect of which the building permit application is made is entered on the list of contaminated lands drawn up by the municipality pursuant to section 31.68 of the Environment Quality Act (chapter Q-2) and is the subject of a rehabilitation plan approved by the Minister of the Environment under Division IV.2.1 of Chapter I of that Act, the permit shall be issued only if the application is accompanied with the attestation of an expert referred to in section 31.65 of that Act establishing that the project for which the permit application is made is consistent with the provisions of the rehabilitation plan.”

14. Section 121 of the said Act is amended by adding the following paragraph:

“In addition, where the land in respect of which the subdivision permit application is made is entered on the list of contaminated lands drawn up by the municipality pursuant to section 31.68 of the Environment Quality Act (chapter Q-2) and is the subject of a rehabilitation plan approved by the Minister of the Environment under Division IV.2.1 of Chapter I of that Act, the permit shall be issued only if the application is accompanied with the attestation of an expert referred to in section 31.65 of that Act establishing that the proposed operation for which the permit application is made is consistent with the provisions of the rehabilitation plan.”

15. Section 227 of the said Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(3) a use of land or a structure inconsistent with the provisions of a land rehabilitation plan approved by the Minister of the Environment under Division IV.2.1 of Chapter I of the Environment Quality Act (chapter Q-2).”;

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

“It may also order, at the expense of the owner, the carrying out of the works required to bring the use of the land or the structure into conformity with the provisions of the land rehabilitation plan referred to in subparagraph 3 of the first paragraph, or if there is no other useful remedy, the demolition of the structure or the restoration of the land.”

16. Section 227.1 of the said Act is amended by adding “, or where the use of land or a structure is inconsistent with the provisions of a land rehabilitation plan approved under Division IV.2.1 of Chapter I of the Environment Quality Act (chapter Q-2)” at the end.

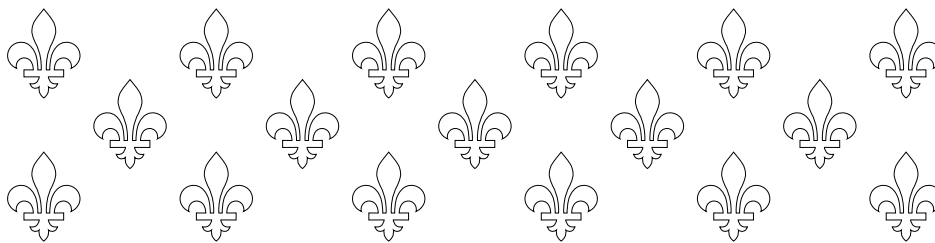
17. Section 228 of the said Act is amended by replacing “or an agreement made under section 145.21” in the fourth line of the first paragraph by “, an agreement made under section 145.21 or a land rehabilitation plan approved by the Minister of the Environment under Division IV.2.1 of Chapter I of the Environment Quality Act (chapter Q-2)”.

18. An owner of contaminated land who, before the coming into force of this Act, entered into an agreement with the Minister of the Environment to provide for the rehabilitation of the land must, where the agreement provides for land use restrictions, apply as soon as possible following the coming into force of this Act for registration in the land register of the notice required under section 31.47 of the Environment Quality Act, which applies with the necessary modifications.

The agreement shall be considered, for the purposes of the new Division IV.2.1 of Chapter I of the Environment Quality Act, to be a rehabilitation plan approved by the Minister of the Environment.

19. Until the list of experts referred to in section 31.65 of the Environment Quality Act has been made public, the attestations required by the provisions of Division IV.2.1 of Chapter I of that Act and sections 120 and 121 of the Act respecting land use planning and development shall be issued by the public servants in the Ministère de l’Environnement designated by the Minister of the Environment.

20. The provisions of this Act come into force on 1 March 2003 or any earlier date to be fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 79

(2002, chapter 12)

An Act to amend the Education Act for Cree, Inuit and Naskapi Native Persons

Introduced 28 March 2002

Passage in principle 2 May 2002

Passage 5 June 2002

Assented to 8 June 2002

**Québec Official Publisher
2002**

EXPLANATORY NOTE

This bill amends the Education Act for Cree, Inuit and Naskapi Native Persons mainly to empower the commissioners of the Kativik School Board to determine the term of office of the members of the executive committee.

LEGISLATION AMENDED BY THIS BILL:

- Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14).

Bill 79

AN ACT TO AMEND THE EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

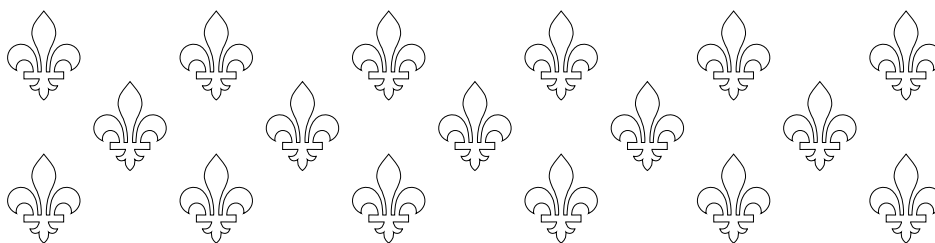
1. Section 612 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is amended

(1) by striking out “annually” in the first line of subparagraph *a* of the first paragraph;

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

“Subject to the foregoing, the council of commissioners shall determine the procedure for the designation and replacement of the members of the executive committee and their term of office.”

2. This Act comes into force on 8 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 83

(2002, chapter 13)

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

Introduced 30 April 2002

Passage in principle 9 May 2002

Passage 6 June 2002

Assented to 8 June 2002

**Québec Official Publisher
2002**

EXPLANATORY NOTES

This bill amends the Act respecting financial assistance for education expenses to establish a loans program for part-time studies in vocational training at the secondary level and for part-time studies at the postsecondary level.

The bill provides that financial assistance in the form of a loan is available to persons whose annual financial resources are below the eligibility threshold determined by regulation. The bill also provides that interest on loans is to be borne by the Minister of Education throughout the borrower's studies.

Lastly, the bill provides for amendments to the loans and bursaries program to enable certain persons who pursue studies on a part-time basis, owing to their family situation, to benefit from the financial assistance program.

Bill 83

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Act respecting financial assistance for education expenses (R.S.Q., chapter A-13.3) is amended by replacing paragraph 2 by the following paragraph :

“(2) the loans program for part-time studies in vocational training at the secondary level and for part-time studies at the postsecondary level.”

2. Section 3 of the said Act is amended

(1) by striking out the second sentence ;

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

“Eligibility for the loans and bursaries program and the amount of financial assistance are determined according to the amounts established as the contribution of the student and, where applicable, the amounts established as the contribution of the student’s parents, sponsor or spouse.

Eligibility for the loans program is determined according to the income of the student and, where applicable, the income of the student’s parents, sponsor or spouse whereas the amount of financial assistance is determined according to the allowable expenses of the student.”

3. Section 8 of the said Act is repealed.

4. Section 10 of the said Act is amended by adding the following paragraph at the end :

“A student who is in any of the situations determined by regulation is also deemed to pursue, on a full-time basis, a course of study recognized by the Minister.”

5. Division II of Chapter III of the said Act is replaced by the following division :

“DIVISION II**“LOANS PROGRAM FOR PART-TIME STUDIES IN VOCATIONAL TRAINING AT THE SECONDARY LEVEL AND FOR PART-TIME STUDIES AT THE POSTSECONDARY LEVEL**

“32. For the purposes of this division and subject to the regulations, “part-time” means, in a trimester,

- (1) at the secondary level, 76 to 179 hours or 6 to 11 credits;
- (2) at the college level, 2 or 3 courses or 76 to 179 periods;
- (3) at the university level, 6 to 11 credits.

“33. Every person shall be eligible for a loan provided that, on the date of the application,

- (1) the person is a Canadian citizen or a permanent resident within the meaning of the Immigration Act;
- (2) the person resides in Québec within the meaning of the regulation;
- (3) the person has been admitted to an educational institution designated by the Minister for the granting of loans, in order to take, on a part-time basis, courses forming part of a course of study recognized by the Minister;
- (4) the person is within the period of eligibility for a loan as established by regulation;
- (5) the amount of the person’s annual financial resources is less than the amount determined by regulation;
- (6) the person has not reached the maximum level of indebtedness determined by regulation.

“34. The student’s financial resources shall be established by adding, according to the terms and conditions determined by regulation, the actual income of the student and, where applicable, that of the student’s parents, sponsor or spouse.

However, the actual income of the parents or sponsor is not included if the student is not, pursuant to section 4, deemed to receive a contribution from his or her parents or sponsor.

“35. The amount of a loan shall be computed by adding the amounts allocated for the categories of allowable expenses determined by regulation.

The amount obtained shall not exceed the balance of financial assistance that may be granted to the student in the form of a loan.

“36. The Minister shall issue, to a student who is entitled to it and who is enrolled, a loan certificate authorizing the student to contract a loan with a financial institution recognized by the Minister. The modalities of presentation of the certificate and payment of the loan shall be determined by regulation.

Section 17 applies to a student who is a minor.

“36.1. Sections 23 to 31 apply, with the necessary modifications, where the borrower obtains a loan pursuant to this division.

“36.2. Where the borrower becomes a full-time student within the meaning of section 9, the Minister shall pay to the financial institution that has granted an authorized loan, interest on the balance of the loan as if the loan had been granted under a loans and bursaries program.”

6. Section 44 of the said Act, amended by section 4 of chapter 18 of the statutes of 2001, is again amended by replacing “1 to 4” in the third line of the first paragraph by “1 to 3”.

7. Section 56 of the said Act is amended

(1) by replacing “secondaires ou postsecondaires” in the French text of subparagraphs 1 and 2 of the first paragraph by “secondaire ou postsecondaire”;

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) establish the list of educational institutions at the secondary or postsecondary level that are designated by the Minister for the granting of loans for the purposes of the loans program for part-time studies in vocational training at the secondary level and for part-time studies at the postsecondary level;”;

(3) by replacing “, loans only or bursaries only” in the fourth and fifth lines of the second paragraph by “or for the granting of loans”.

8. Section 57 of the said Act, amended by section 1 of chapter 10 and by section 5 of chapter 18 of the statutes of 2001, is again amended

(1) by inserting “and for each financial assistance program, unless otherwise indicated” after “regulation” in the first line;

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

“(1) for the purpose of computing the amount of financial assistance which may be paid under a loans and bursaries program, determine, for each form of assistance, the conditions and rules for establishing the contribution of the student and that of the student’s parents, sponsor or spouse;”;

(3) by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) determine, for the loans and bursaries program, the situations in which a student is deemed to pursue a course of study on a full-time basis;”;

(4) by inserting the following subparagraphs after subparagraph 3.1 of the first paragraph:

“(3.2) determine, for the loans program, the amount of annual financial resources that may not be exceeded by a person in order to be eligible for a loan, and determine in which cases and on what conditions the amount is increased or reduced;

“(3.3) determine, for the purpose of establishing the student’s financial resources as regards the loans program, the actual income of the student and that of the student’s parents, sponsor or spouse;”;

(5) by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(5.1) amend, for each level of education or for certain courses of study, the definition of “part-time” in section 32;”;

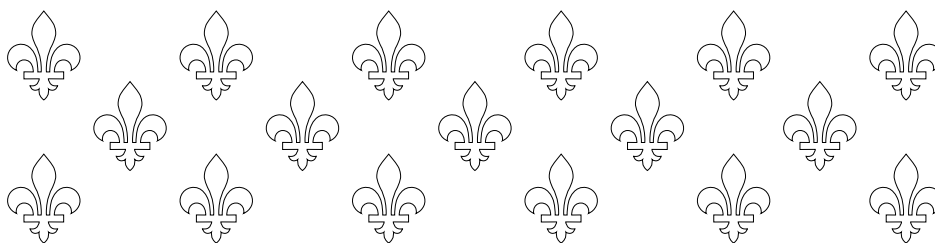
(6) by replacing subparagraph 7 of the first paragraph by the following subparagraph:

“(7) for the purpose of computing the amount of financial assistance which may be paid, establish, for each form of assistance, the list of allowable expenses and determine, according to the classification of the educational institution attended, the maximum amounts allocated;”;

(7) by replacing “, 22 and 36” in subparagraph 19 of the first paragraph by “and 22”;

(8) by replacing “rules according to which he” in the third line of subparagraph 20 of the first paragraph by “special rules and conditions that apply where the student”.

9. This Act comes into force on 8 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 87

(2002, chapter 14)

**An Act to amend the Act respecting
Société Innovatech du sud du Québec
and the Act respecting Société
Innovatech Régions ressources**

Introduced 30 April 2002**Passage in principle 15 May 2002****Passage 6 June 2002****Assented to 8 June 2002**

**Québec Official Publisher
2002**

EXPLANATORY NOTE

This bill increases to \$100,000,000 the capital of Société Innovatech du sud du Québec and that of Société Innovatech Régions ressources and increases to \$100,000,000 the amount which the Minister of Finance may invest in shares of each Société.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting Société Innovatech du sud du Québec (R.S.Q., chapter S-17.2.2)
- Act respecting Société Innovatech Régions ressources (R.S.Q., chapter S-17.5).

Bill 87

AN ACT TO AMEND THE ACT RESPECTING SOCIÉTÉ INNOVATECH DU SUD DU QUÉBEC AND THE ACT RESPECTING SOCIÉTÉ INNOVATECH RÉGIONS RESSOURCES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING SOCIÉTÉ INNOVATECH DU SUD DU QUÉBEC

1. Section 25 of the Act respecting Société Innovatech du sud du Québec (R.S.Q., chapter S-17.2.2) is amended by replacing “\$50,000,000” and “500,000” by “\$100,000,000” and “1,000,000”, respectively.

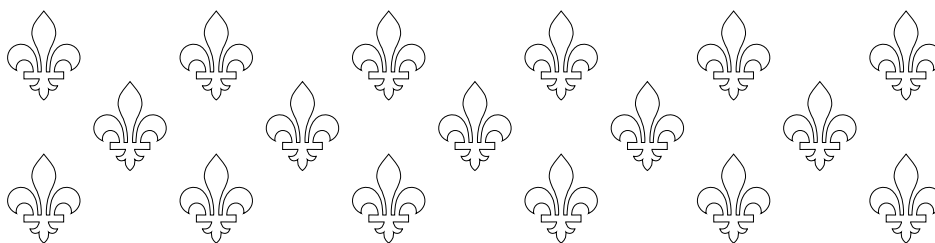
2. Section 27 of the said Act is amended by replacing “\$50,000,000” and “500,000” in the first paragraph by “\$100,000,000” and “1,000,000”, respectively.

ACT RESPECTING SOCIÉTÉ INNOVATECH RÉGIONS RESSOURCES

3. Section 25 of the Act respecting Société Innovatech Régions ressources (R.S.Q., chapter S-17.5) is amended by replacing “\$50,000,000” and “500,000” by “\$100,000,000” and “1,000,000”, respectively.

4. Section 27 of the said Act is amended by replacing “\$50,000,000” and “500,000” in the first paragraph by “\$100,000,000” and “1,000,000”, respectively.

5. This Act comes into force on 8 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 91

(2002, chapter 15)

**An Act respecting the extension of
certain collective agreements of the
public and parapublic sectors**

Introduced 7 May 2002

Passage in principle 21 May 2002

Passage 6 June 2002

Assented to 8 June 2002

**Québec Official Publisher
2002**

EXPLANATORY NOTE

This bill provides for certain terms and conditions arising from the extension of collective agreements of the public and parapublic sectors.

Bill 91

AN ACT RESPECTING THE EXTENSION OF CERTAIN COLLECTIVE AGREEMENTS OF THE PUBLIC AND PARAPUBLIC SECTORS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. In this Act, “collective agreement” means an agreement the negotiation of which is governed by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2).

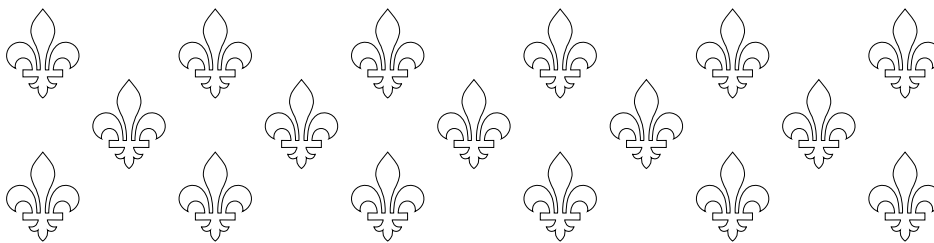
2. The parties to a collective agreement expiring on 30 June 2002 may, by an agreement reached before 1 July 2002, defer the date of expiration to 30 June 2003 and agree on any amendments they consider appropriate.

In the case of a school board, a college or an institution referred to in the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, such an agreement may be made by the parties that are authorized to negotiate and agree on clauses at the national level under that Act, regardless of any other consent or approval that could be required under a collective agreement.

3. Where the date of expiration of a collective agreement has been deferred pursuant to section 2, the periods provided for in paragraph *d* of section 22 and in sections 73, 111.3 and 111.4 of the Labour Code (R.S.Q., chapter C-27) shall be determined on the basis of the original date of expiration of the collective agreement.

4. Where an association of employees bound by a collective agreement whose date of expiration has been deferred is a new association certified following the filing of an application in accordance with section 111.3 of the Labour Code, the standard collective agreement of the group of associations of employees of which the new association is a member or to which it belongs or is affiliated shall apply, notwithstanding that section, from 1 July 2002 or, if the final decision concerning certification is made after 1 June 2002, from the thirtieth day after the decision.

5. This Act comes into force on 8 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 94

(2002, chapter 16)

An Act respecting Ville de Montréal

Introduced 8 May 2002

Passage in principle 23 May 2002

Passage 6 June 2002

Assented to 8 June 2002

**Québec Official Publisher
2002**

EXPLANATORY NOTES

This bill establishes, for Ville de Montréal, a temporary public consultation process for land planning matters that is to remain in place until the Office de consultation publique de Montréal instituted by the city's charter is fully able to exercise its functions. During that period, until 1 September 2002, the public consultation procedure provided for in the Act respecting land use planning and development will apply.

As regards certain projects, the bill provides that the draft by-law will, until 1 September 2002, be adopted by the council of the borough in which the project is to be carried out rather than by the city council. In such a case, the by-law itself, at the time it is adopted by the city council, will not need to be the subject of the notice of motion required under the Cities and Towns Act.

Bill 94

AN ACT RESPECTING VILLE DE MONTRÉAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The public consultation on a draft by-law to amend the city's planning program and the public consultation on a draft by-law referred to in section 89 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), replaced by section 265 of chapter 25 of the statutes of 2001, shall be held in accordance with sections 109.2 to 109.4 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

The first paragraph applies notwithstanding subparagraph 2 of the first paragraph of section 83 and the second and third paragraphs of section 89.1 of the Charter of Ville de Montréal, enacted by section 265 of chapter 25 of the statutes of 2001 and amended by section 11 of Order in Council 1308-2001 dated 1 November 2001.

2. The city council may, in respect of a draft by-law to amend the planning program, delegate to the borough council the responsibilities set out in sections 109.2 to 109.4 of the Act respecting land use planning and development.

However, in the case of a draft by-law to amend the planning program for the purpose of allowing a project listed in the schedule to be carried out, the draft by-law shall, notwithstanding the Charter of Ville de Montréal, be adopted by the borough council in which the project is to be carried out, and the responsibilities set out in sections 109.2 to 109.4 of the Act respecting land use planning and development shall be exercised by the borough council; in such a case, the subsequent adoption by the city council of a by-law whose content is substantially the same as that of the draft by-law adopted by the borough council need not be the subject of the notice of motion required under the Cities and Towns Act (R.S.Q., chapter C-19).

3. Sections 1 and 2 have effect from 8 April 2002; they cease to have effect on 1 September 2002, even in respect of a draft by-law adopted on or before that date but that has not yet been the subject of the public meeting provided for in section 109.2 of the Act respecting land use planning and development.

However, the exemption provided for in the second paragraph of section 2 concerning the notice of motion shall continue to apply to a by-law adopted by the city council having a content that is substantially the same as that of a draft by-law adopted by a borough council pursuant to that paragraph.

4. This Act comes into force on 8 June 2002.

SCHEDULE
(Section 2)

List of the projects referred to in the second paragraph of section 2

1. Ville-Marie Borough :

- Construction of 3-storey buildings, 28 dwellings (Habitation Laurendeau): area situated east of Parthenais street, between Larivière and de Rouen streets.
- Construction of three 4 to 8-storey buildings, 208 dwellings (Projet Decores): area situated on the islet bounded by René-Lévesque boulevard, Amherst street, Saint-Timothée street and De La Gauchetière street.

2. Rosemont/Petite-Patrie Borough :

- Demolition of the Saint-Étienne church and construction of dwellings: area situated between Christophe-Colomb avenue and De La Roche street, south of de Bellechasse street.
- Demolition of St. Luke's Church and construction of 30 dwellings: area situated north of Holt street, between 7th Avenue and 8th Avenue.
- Occupancy for industrial purposes of an existing industrial building (former Litho printing house): area situated on the east side of 12th Avenue, south of Masson street.

3. Sud-Ouest Borough :

- Construction of an industrial building (Unilight Limited lighting company): area situated on the west boundary of Turcot yard, bordering on Pullman street.

4. Villeray/Saint-Michel/Parc-Extension Borough :

- Construction of the École nationale de cirque and of a residential building for the circus artists and conversion of a building for shop purposes: area situated on the islet bounded by 2nd Avenue, Jean-Rivard street, 9th Avenue and Jarry street.

5. Saint-Laurent Borough :

- Construction of a 40 dwelling building: area situated southeast of the intersection of Henri-Bourassa boulevard and Félix-Leclerc avenue.
- Construction of an Aldo company warehouse: area situated on Béguin street north of Poirier boulevard.

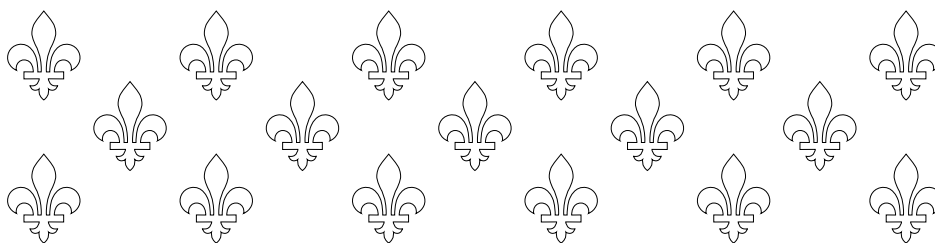
– Occupancy for office purposes of existing buildings on the Bombardier company site : area situated northeast of the intersection of Thimens boulevard and Alexis-Nihon boulevard.

6. L'Île-Bizard/Sainte-Geneviève/Sainte-Anne-de-Bellevue Borough :

– Occupancy for parking purposes, Prillo store : area situated north of Gouin boulevard, east of Saint-Joseph street.

7. Verdun Borough :

– Construction of three 6 to 12-storey residential buildings containing 292 dwellings with shops and support services : area situated near the intersection of chemin du Golf and L'Île-des-Sœurs boulevard.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 95

(2002, chapter 17)

**An Act to amend the Act respecting
childcare centres and childcare services
and the Act respecting the Ministère de
la Famille et de l'Enfance**

Introduced 8 May 2002

Passage in principle 15 May 2002

Passage 6 June 2002

Assented to 8 June 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill amends the Act respecting childcare centres and childcare services to provide that the Minister may not issue a permit if there exists any impediment to its issue, that is, if the applicant or, in the case of a legal person, one of its directors has exhibited behaviour that poses a threat to the security of children or is charged with or has been convicted of an indictable or criminal offence connected with the aptitudes and conduct required to provide proper childcare. Police forces will be under an obligation to furnish any information required to ascertain the existence of an impediment to the issue of a permit. In addition, permit holders will be required to furnish information or documents determined by regulation concerning any new director and sanctions will be attached to failure to establish that no such impediment exists.

The bill provides that a permit holder must, if so required, file with the Minister a certificate establishing compliance with the standards prescribed by the Act and the regulations. The Government shall determine the standards in respect of which a certificate must be filed.

The bill confers powers on the Minister and on inspectors as regards the safety of outdoor play areas and play equipment; the Minister may order corrective work and an inspector may, among other things, prohibit access to premises and affix seals.

The bill empowers the Minister in certain cases to dispense a holder of a childcare centre permit or an applicant for such a permit from providing childcare in a facility or from coordinating, overseeing and monitoring home childcare.

The bill provides that a school board holding a day care centre permit may continue to hold such permit, and determines the obligations incumbent upon the school board in such a case.

With respect to financing, the bill empowers the Minister to suspend or cancel, in certain cases, the payment of a grant to an applicant for a childcare centre permit or to a home childcare provider. The bill does away with the obligation to file budget estimates and requires permit holders that cease to operate and former permit holders to submit a financial report if they have received grants.

The bill clarifies a provision concerning applications for the review of decisions concerning reduced contributions and authorizes the Government to fix the maximum number of children that may be received by all the home childcare providers recognized by the holder of a childcare centre permit.

In addition, the bill provides that a permit holder or a home childcare provider whose decision is contested before the Administrative Tribunal of Québec is a party to the proceeding and must produce the documents relating to the matter within the prescribed time.

Lastly, the bill includes provisions for concordance as well as penal provisions.

Bill 95

AN ACT TO AMEND THE ACT RESPECTING CHILDCARE CENTRES AND CHILDCARE SERVICES AND THE ACT RESPECTING THE MINISTÈRE DE LA FAMILLE ET DE L'ENFANCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 11.2 of the Act respecting childcare centres and childcare services (R.S.Q., chapter C-8.2) is replaced by the following section:

“11.2. A permit holder must also comply with the standards established by this Act and the regulations. In addition, the permit holder must, if so required, file with the Minister a certificate establishing compliance with such standards.

The Government may make regulations determining the standards in respect of which a certificate is required, the form and contents of the certificate and the time when it must be filed.”

2. Section 12 of the said Act is amended by adding the following sentence at the end of the second paragraph: “Notwithstanding section 5, the same applies to a day care centre permit in force on 7 June 2002 the renewal of which was obtained by a school board pursuant to section 159 of the Act respecting the Ministère de la Famille et de l'Enfance (chapter M-17.2).”

3. Section 13 of the said Act is amended by inserting “or a school board” after “municipality” in the first paragraph.

4. Section 13.1 of the said Act is amended by replacing “, its fiscal year as permit holder shall end on the same date as its fiscal year as a municipality” by “or a school board, its fiscal year as a permit holder shall end on the same date as its fiscal year as a municipality or a school board”.

5. Section 13.2 of the said Act is amended

(1) by adding “and, in the case of a school board, not later than 30 September each year” at the end of the first paragraph;

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

“The first and second paragraphs also apply to a person that has ceased to operate or whose permit has been revoked or has not been renewed. The person must, in addition, submit a financial report to the Minister covering the period, if any, extending from the beginning of the following fiscal year to the date of cessation of operations or the date of expiry of the permit ; the second paragraph applies to such a report and the report must be submitted not later than three months after cessation of operations or notification of the Minister’s decision to revoke or not renew the permit.”

6. Section 13.3 of the said Act is repealed.

7. Section 13.4 of the said Act is amended by adding “and, in the case of a school board, not later than 30 September each year” at the end of the first paragraph.

8. Section 14 of the said Act is amended by adding “and provide, in respect of the new director, the information and documents required by regulation” at the end of the second paragraph.

9. Section 18.1 of the said Act is amended

(1) by replacing paragraphs 2 to 5 by the following paragraphs :

“(2) the applicant or, in the case of a legal person, a director of the applicant exhibits or has exhibited behaviour that could reasonably pose a threat for the physical and moral security of the children to whom the applicant proposes to provide childcare in a childcare centre, a day care centre, a nursery school or a stop over centre ;

“(3) the applicant or, in the case of a legal person, a director of the applicant is charged with or has been convicted of an indictable or criminal offence which is connected with the aptitudes and conduct required to operate a childcare centre, a day care centre, a nursery school or a stop over centre ;

“(4) the applicant or a director of the applicant was convicted of an offence under section 3 or 4 in the two years preceding the application ;

“(5) the applicant or a director of the applicant held a permit that was revoked or not renewed under paragraph 3, 4 or 5 of section 19 in the three years preceding the application ;” ;

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

“Police forces in Québec are required to provide any information required by regulation that is needed to ascertain the existence of an impediment under subparagraph 2 or 3. The investigation must be in regard to any sexual misconduct, failure to provide necessities of life, criminal operation of a motor vehicle, violent behaviour, criminal negligence, fraud, theft, arson and drug or narcotic-related offence.”

10. The said Act is amended by inserting the following section after section 18.1

“18.2. For the purpose of assessing the elements mentioned in subparagraphs 2 and 3 of the first paragraph of section 18.1 the Minister shall establish an advisory committee composed of persons who have expertise, experience and a marked interest in child protection.”

11. Section 19 of the said Act is amended by inserting the following paragraph after paragraph 2:

“(2.1) the permit holder has failed to establish, in accordance with this Act and the regulations, that no impediment exists under subparagraph 2 or 3 of the first paragraph of section 18.1;”.

12. Section 34.1 of the said Act is amended by inserting “or a school board” after “municipality” in subparagraph 3 of the first paragraph.

13. The said Act is amended by inserting the following sections after section 35:

“35.1. If a permit holder fails to comply with the safety standards prescribed by regulation for outdoor play spaces, outdoor play areas or play equipment in an outdoor play area, an inspector may issue a notice to the permit holder listing the deficiencies discovered and specifying the time within which they must be corrected.

If the permit holder fails to comply with the notice, the Minister may, at the permit holder’s expense, order such work as is necessary to ensure the safety of all or part of an outdoor play space, an outdoor play area or play equipment in an outdoor play area, or prohibit access thereto until the permit holder complies with this Act and the regulations.

“35.2. If an inspector discovers that the state of an outdoor play space, an outdoor play area or play equipment in an outdoor play area is a hazard for the children, the inspector shall order the immediate evacuation of all or any part thereof.

The permit holder may present observations to the Minister within the time specified in the evacuation order.

The Minister may suspend or cancel the inspector’s decision.

“35.3. An inspector may affix a seal to the play equipment, or part of the play equipment, access to which is prohibited under section 35.1 or 35.2.

“35.4. No person may break a seal affixed by an inspector.

“35.5. The Minister shall authorize access to the premises and the removal of seals, if any, when the Minister is satisfied that the premises are no longer a hazard for the children according to the standards prescribed by regulation.”

14. Section 36 of the said Act is amended by replacing “sections 34.1 and 35” in the first paragraph by “this division”.

15. Section 36.1 of the said Act is amended by adding the following subparagraph after subparagraph 3 of the first paragraph:

“(4) to advise a home childcare provider recognized by the holder of a childcare centre permit of the provider’s non-compliance with the provisions of Division IV of Chapter II or the regulations thereunder.”

16. Section 41.3 of the said Act is amended by replacing “the contribution or” by “the parent’s eligibility for the contribution or”.

17. The said Act is amended by inserting the following section after section 45:

“45.0.1. A permit holder or a home childcare provider whose decision is contested before the Administrative Tribunal of Québec pursuant to section 42 or 44 is a party to the proceeding within the meaning of section 101 of the Act respecting administrative justice (chapter J-3) and must, among other things, send the documents and information referred to in the first paragraph of section 114 of that Act to the secretary of the Tribunal within 30 days of receipt of a copy of the motion.”

18. Section 73 of the said Act is amended

(1) by inserting the following paragraphs after paragraph 1:

“(1.1) determining the information and documents to be provided by a permit holder following a change of director;

“(1.2) requiring permit holders to send updated information and documents on request;”;

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

“(2) establishing standards for the arrangement, equipment, furnishing, maintenance, heating and lighting of the premises where childcare is provided, making an outdoor play space mandatory, delimiting areas within the outdoor play space for specific uses and establishing standards for the arrangement, equipment, maintenance and safety of the play space or play areas;”;

(3) by replacing “prescribed outdoor play area” in paragraph 5 by “mandatory outdoor play space”;

(4) by inserting the following paragraph after paragraph 5 :

“(5.1) determining the maximum number of children that may be received by all the home childcare providers recognized by the holder of a childcare centre permit;”;

(5) by inserting “or a school board” after “municipality” in paragraph 10;

(6) by striking out “, the budget estimates” after “financial report” in paragraph 10.1;

(7) by inserting the following paragraph after paragraph 19

“(19.1) determining, for the purposes of section 11.2, the standards in respect of which a permit holder must file a certificate, the form and contents of the certificate and the time when it must be filed;”.

19. The said Act is amended by inserting the following section after section 73.1 :

“73.1.1. The Minister may, by way of exception, dispense an applicant or a permit holder from providing childcare in a facility or from coordinating, overseeing and monitoring home childcare if the Minister considers that such form of childcare does not correspond to the needs and priorities determined by the Minister, if places giving entitlement to grants are not available in sufficient number to allow for a diversification of childcare services or if the applicant or permit holder proves to the Minister that it would hardly be feasible.”

20. Section 74 of the said Act is amended by replacing “or the second paragraph of section 8” by “or the second paragraph of section 8 or permit holder that gives access to an outdoor play space, outdoor play area or play equipment access to which is prohibited under section 35.1 or 35.2”.

21. Section 74.4 of the said Act is amended by inserting “or a school board” after “municipality”.

22. Section 74.5 of the said Act is amended

(1) by replacing “the report referred to in section 13.2 or, except in the case of a municipality, the budget estimates referred to in section 13.3, or records false or inaccurate information in the report referred to in section 13.2” in the first paragraph by “the report referred to in section 13.2 within the prescribed time or records false or inaccurate information in the report”;

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

“Every person subject to the third paragraph of section 13.2 that fails to submit a report required under that section within the prescribed time or

records false or inaccurate information in such a report is liable to a fine of \$500 to \$5,000 and, in the case of a second or subsequent offence, to a fine of \$1,000 to \$10,000.”;

(3) by inserting “within the prescribed time” after “section 13.4” in the second paragraph.

23. Section 74.8 of the said Act is amended by inserting “or 35.4 or person other than a permit holder that gives access to an outdoor play space, outdoor play area or play equipment access to which is prohibited under section 35.1 or 35.2” after “35”.

24. Section 76.1 of the said Act is amended

(1) by replacing “13 and 22” in the second paragraph by “13, 22 and 36.1”;

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

“The Minister may cancel or suspend, in whole or in part, the payment of grants to an applicant for a childcare centre permit if the applicant acts or has acted contrary to the rules of sound management applicable to an organization receiving grants out of public funds, if the applicant is using grants under section 41.6 for purposes other than those for which the grants were made or if there has been malfeasance or breach of trust on the part of the applicant.”

25. Section 157 of the Act respecting the Ministère de la Famille et de l’Enfance (R.S.Q., chapter M-17.2) is amended by inserting “unless, pursuant to section 73.1.1 of the Act respecting childcare centres and childcare services, the Minister dispenses the person from providing childcare in a facility or from coordinating, overseeing and monitoring home childcare” after “revocation of the permit” in the second paragraph.

26. Section 159 of the said Act is repealed.

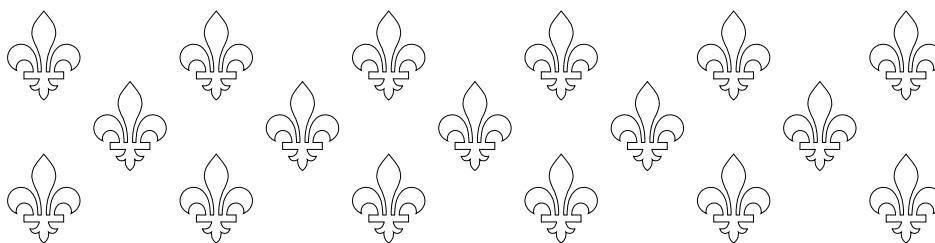
27. Section 160 of the said Act is amended by inserting “unless, pursuant to section 73.1.1 of the Act respecting childcare centres and childcare services, the Minister dispenses the person from providing childcare in a facility or from coordinating, overseeing and monitoring home childcare” after “revocation of the permit” in subparagraph 4 of the first paragraph.

28. Section 171 of the said Act is amended by inserting “unless, pursuant to section 73.1.1 of the Act respecting childcare centres and childcare services, the Minister dispenses the permit holder from providing childcare in a facility or from coordinating, overseeing and monitoring home childcare” after “revocation of the permit” in the second paragraph.

29. Section 172 of the said Act is amended by inserting “unless, pursuant to section 73.1.1 of the Act respecting childcare centres and childcare services,

the Minister dispenses the applicant from providing childcare in a facility or from coordinating, overseeing and monitoring home childcare” after “revocation of the permit” in the second paragraph.

30. This Act comes into force on 8 June 2002, except the provisions of sections 1, 8 to 11, 13, 14, paragraphs 1 to 3 and 7 of section 18 and sections 20 and 23 which will come into force on the date or dates to be determined by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 103
(2002, chapter 18)

An Act to impose restrictions on pig farming

Introduced 7 May 2002
Passage in principle 14 May 2002
Passage 5 June 2002
Assented to 8 June 2002

**Québec Official Publisher
2002**

EXPLANATORY NOTES

The object of this bill is to suspend, between 1 May and 15 June 2002, the issuance of certificates of authorization required under the Environment Quality Act with respect to pig farming.

The bill provides that the Government will enact new measures before 15 June 2002 to replace the Regulation respecting the reduction of pollution from agricultural sources.

Lastly, the bill provides that as of the date of coming into force of the new measures, applications for authorization pending on that date that relate to the raising of pigs will be subject to the provisions of the new regulation.

Bill 103

AN ACT TO IMPOSE RESTRICTIONS ON PIG FARMING

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Between 1 May and 15 June 2002, no certificate of authorization shall be issued by the Minister of the Environment as regards the establishment of a new livestock site for pigs or an increase in the number of pigs in a livestock site over the number previously authorized under the Environment Quality Act (R.S.Q., chapter Q-2).

For the purposes of this Act, “pigs” includes sows and piglets.

2. The Government shall make, not later than 15 June 2002, a regulation to replace the Regulation respecting the reduction of pollution from agricultural sources enacted by Order in Council 742-97 dated 4 June 1997 (1997, G.O. 2, 2607).

The making of the regulation is not subject to the publication requirements and date of coming into force set out in section 124 of the Environment Quality Act and sections 8 and 17 of the Regulations Act (R.S.Q., chapter R-18.1).

3. From the date of coming into force of the regulation provided for in section 2, every application for a certificate of authorization in relation to a project referred to in section 1 and pending on that date is subject to the provisions of the new regulation.

4. The Minister of the Environment is responsible for the administration of this Act.

5. Section 1 has effect from 1 May 2002.

6. This Act comes into force on 8 June 2002.

Regulations and other acts

Gouvernement du Québec

O.C. 711-2002, 12 June 2002

An Act respecting the Ministère de l'Environnement
(R.S.Q., c. M-15.2.1)

Rules for the signing of certain documents

Rules for the signing of certain documents of the
Ministère de l'Environnement

WHEREAS, under the second paragraph of section 7 of the Act respecting the Ministère de l'Environnement (R.S.Q., c. M-15.2.1), no deed, document or writing is binding on the Minister or may be attributed to him unless it is signed by him, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only so far as determined by the Government;

WHEREAS, under the first paragraph of section 8 of the same Act, the Government may, on the conditions it determines, allow the signature of the Minister or Deputy Minister to be affixed by means of an automatic device to the documents it determines;

WHEREAS following the enactment of various legislative provisions and following administrative reorganizations in the Ministère de l'Environnement, it is expedient to make new rules for the signing of documents of the Department;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water and Minister of the Environment:

THAT the Rules for the signing of certain documents of the Ministère de l'Environnement, attached to this Order in Council, be made;

THAT this Order in Council replace Order in Council 677-95 dated 17 May 1995;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE

RULES FOR THE SIGNING OF CERTAIN DOCUMENTS OF THE MINISTÈRE DE L'ENVIRONNEMENT

1. Subject to the other conditions of validity that may be prescribed by law, the documents listed hereinafter that are signed by the officers or holders of positions at the Ministère de l'Environnement and authorized to sign them under these provisions are binding on the Minister and may be attributed to him or her as though the Minister signed them personally.

The same applies where those documents are signed by a person authorized in writing to temporarily replace such an officer or holder of a position.

2. The assistant deputy ministers, directors general, the secretary general and director general of the Direction générale des services à la gestion, directors and regional directors and assistant directors are authorized to sign any document respecting

(1) the issue and renewal of any certificate, authorization, permit, approval and permission referred to in sections 22, 32, 32.1, 32.2, 32.7, 32.9, 33, 45.4, 48, 53.7, 53.8, 54, 55, 65, the first paragraph of section 70.8, sections 70.11, 70.12 and 116.2 of the Environment Quality Act (R.S.Q., c. Q-2) and in any regulation made under paragraph *d* of section 87 or paragraph *a* of section 92 of that Act;

(2) the transfer of any certificate of authorization provided for in the second paragraph of section 24 and of any permit provided for in section 70.17 of that Act;

(3) the nature, the scope and the extent of the environmental impact assessment statement that the proponent must prepare under section 31.2 of that Act;

(4) the transfer of any permit provided for in section 32.4 of that Act;

(5) the information and analysis required under subparagraph 6 of the first paragraph of section 31.23 and sections 68.1, 70.5 and 70.6, under the second paragraph of section 70.8 and under section 70.10 of that Act;

(6) the notices of the Minister provided for in sections 31.15.1, 31.15.2, 31.18, 31.21.1, subparagraph 3 of the third paragraph of section 31.25 and sections 53.17, 53.20 and 53.21 of that Act;

(7) the decisions of the Minister provided for in section 31.19 of that Act;

(8) the issue of a depollution attestation provided for in sections 31.22 and 31.28 of that Act;

(9) the measures to be taken to clean, collect or contain contaminants that are or that are likely to be emitted, deposited, discharged or ejected into the environment or to prevent their being emitted, deposited, discharged or ejected into the environment, in accordance with the provisions of the first paragraph of section 115.1 of that Act;

(10) the issue of any authorization provided for in section 18 of the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);

(11) the issue and renewal of any permit provided for in section 2 of the Act respecting the sale and distribution of beer and soft drinks in non-returnable containers (R.S.Q., c. V-5.001);

(12) the issue of any permit, certificate or attestation provided for in sections 34, 40, 50 and 125 of the Pesticides Act (R.S.Q., c. P-9.3) and their renewal or transfer provided for in sections 39, 43 and 55 of that Act;

(13) the alienation, lease, occupation or limits of the water property in the domain of the State and the establishment of servitudes or acts of sufferance on the water property in the domain of the State, in accordance with the Watercourses Act (R.S.Q., c. R-13);

(14) the issue of any authorization granted under section 6 or 7 of the Ecological Reserves Act (R.S.Q., c. R-26.1);

(15) any information or document required for the purposes of section 3 of the Act respecting nature reserves on private land (2001, c. 14), the registration of an agreement or its amendments entered into for the purposes of sections 6 to 9, the application for cancellation of a registration provided for in section 12 and the publication of the notices provided for in sections 5 and 12 of that Act;

(16) the notice of taking of possession provided for in section 62 of the Act respecting the lands in the public domain (R.S.Q., c. T-8.1);

(17) the amendment or revocation of any of the documents indicated in this section, where the amendment or revocation has been requested by the holder; and

(18) the refusal to issue any of the documents indicated in this section.

3. The director general of the Centre d'expertise hydrique du Québec is authorized to sign any document respecting

(1) authorizations and approvals provided for in sections 5, 9 and 17 of the Dam Safety Act (R.S.Q., c. S-3.1.01);

(2) information, documents, studies, expert opinions and reports required for the purposes of sections 7 and 33 of that Act;

(3) the Minister's intention to classify a dam and the classification of a dam provided for in section 14 of that Act;

(4) the establishment and updating of the register of dams provided for in section 31 of that Act; and

(5) the orders given for the purposes of section 33 of that Act.

4. Assistant deputy ministers, directors general and the secretary general and director general of the Direction générale des services à la gestion are authorized to sign any agreement.

Directors, regional directors and assistant directors are authorized to sign agreements of a local or regional nature or of a technical nature, except agreements conferring upon a municipality the application of all or part of an Act under the jurisdiction of the Minister.

This section applies neither to the amendments made to an agreement entered into for the purposes of section 8 of the Act respecting natural reserves on private land nor to the decision of the Minister made for the purposes of section 10 of that Act to withdraw the recognition of a private property as a nature reserve.

5. Assistant deputy ministers, directors general and the secretary general and director general of the Direction générale des services à la gestion are authorized to sign loan contracts, sponsorship contracts and credit agreements.

6. Assistant deputy ministers, directors general, the secretary general and director general of the Direction générale des services à la gestion, directors, regional directors and assistant directors are authorized to sign

(1) contracts for the acquisition or leasing of immovable property;

(2) contracts for the purchase or leasing of movable property;

(3) services contracts;

(4) construction contracts;

(5) concession or authorization contracts;

(6) contracts relating to a servitude;

(7) research contracts;

(8) documents relating to grants, except for the document awarding the grant; and

(9) the certificates that the Minister may issue in accordance with the Taxation Act (R.S.Q., c. I-3).

7. Service heads, division heads and project managers are authorized to sign

(1) services contracts;

(2) contracts for the purchase or leasing of movable property; and

(3) construction contracts.

8. The Minister's signature may be affixed by means of an automatic device on

(1) any certificate attesting to the capacity of a person to act as an inspector of plant life under section 28 of the Act respecting threatened or vulnerable species, to act as an inspector under section 79 of the Pesticides Act, to act under section 84 of the Watercourses Act, to act under sections 119, 119.1, 120 and 120.1 of the Environment Quality Act or to act as an inspector under section 12 of the Ecological Reserves Act;

(2) any document authorizing a person to be in an ecological reserve or to carry out therein an activity authorized by the Minister under section 6 or 7 of the Ecological Reserves Act;

(3) acknowledgements of receipt and form letters from the department; and

(4) letters by which the Minister communicates with various agencies governed by the laws and regulations that the Minister is responsible for administering, other than letters relating to a financial commitment.

9. Assistant deputy ministers, directors general, the secretary general and general director of the Direction générale des services à la gestion, the director for institutional matters, regional directors and assistant directors are authorized to certify documents and copies of documents originating from the department or forming part of its records.

5097

Gouvernement du Québec

O.C. 728-2002, 12 June 2002

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Selection of foreign nationals — Amendments

Regulation to amend the Regulation respecting the selection of foreign nationals

WHEREAS, under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Minister shall issue a selection certificate to a foreign national wishing to settle permanently in Québec who meets the conditions and criteria of selection determined by regulation;

WHEREAS, under section 3.1.1 of the Act, the Minister allows a person or group of persons who meets the statutory conditions to subscribe to an undertaking where an undertaking is required in the cases determined by regulation;

WHEREAS, under section 3.2 of the Act, the Minister shall issue a certificate of acceptance to a foreign national seeking temporary admission to Québec to work, study or receive medical treatment;

WHEREAS the Immigration and Refugee Protection Act (S.C. 2001, c. 27) comes into force on 28 June 2002 as well as the Immigration and Refugee Protection Regulations the first version of which was published in two sets on 15 December 2001 and 9 March 2002;

WHEREAS the new federal legislation brings changes to fundamental concepts of immigration law, among others: definition of dependants (in particular, the addition of *de facto* spouse), certain essential characteristics of immigration classes (family, independants, cases of distress), certain features relating to the subscription of undertakings (in particular, an undertaking that may apply to a *de facto* spouse or conjugal partner) and certain requirements for temporary stays (in particular regarding a foreign student and a temporary worker);

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation may be made without having been published in the *Gazette officielle du Québec* as required under 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 18 of that Act, a regulation may come into force between the date of its publication and the date applicable under section 17 where the authority that has made 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 respectively the absence of publication of the draft Regulation and the coming into force of the regulation between the date of its publication and the date applicable under section 17 shall be published with the regulation;

WHEREAS the urgency of the situation is due to the fact that, since Québec has entered a Canada-Québec agreement relating to immigration and temporary admission of aliens so that its regulations do not hinder the full application of the agreement, its regulations regarding the selection of foreign nationals must be amended so that they will be consistent with the federal legislation and regulations;

WHEREAS the urgency of the situation is also due to the fact that the current Regulation respecting the selection of foreign nationals could be in part inconsistent with certain provisions of the federal regulations that come into force on 28 June 2002 and have priority under section 95 of the Constitution Act, 1867 (R.S.C., 1985, App. II, No. 5);

WHEREAS the Government is of the opinion that these reasons justify that the regulation be made without a 45-day prior publication and that it come into force on 28 June 2002;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Population, Regions and Native Affairs and Minister of Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting the selection of foreign nationals, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the selection of foreign nationals*

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2, ss. 3.1, 3.1.1., 3.2 and 3.3)

1. Section 1 of the Regulation respecting the selection of foreign nationals is amended

(1) by adding the following after paragraph *a* of subsection 1:

“(a.1) “*de facto spouse*” means a person at least 16 years of age who is in one of the following situations:

i. the person has been cohabiting for at least one year with an opposite-sex or same-sex partner who is at least 16 years of age; or

ii. the person has had a conjugal relationship for at least one year with such a person but, since the person is being persecuted or the object of a certain form of penal control, cannot live with that person;”;

(2) by substituting the following for paragraph *d* of subsection 1:

“(d) “*child*”: with respect to any person, the child of whom that person is the biological father or mother and was not adopted by a person other than the spouse or *de facto spouse* of one of the parents, or the adopted child of whom that person is either of the adoptive parents;”;

(3) by substituting the following for paragraph *d.1* of subsection 1:

“(d.1) “*dependent child*”: a child who is in one of the following situations:

i. the child is under 22 years of age and is unmarried or not a *de facto spouse*;

ii. since the date of the child's 22nd birthday or, if the child was already married or a *de facto spouse* before that date, since the date of the marriage or the date on which the child became a *de facto spouse*, the child has been registered in an accredited post-secondary educational institution, attends the institution and has been taking full-time general, theoretical or vocational training without interruption while depending on his parents' financial support for his essential needs; or

* For previous amendments to the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2), refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

iii. the child is at least 22 years of age and, since that age, depends on his parents' financial support for his essential needs because the child suffers from a physical or mental disability that makes him unable to provide for his needs;

(d.2) "*spouse*": a married person who is at least 16 years of age

i. who was not, at the time of the marriage, another person's spouse; and

ii. who is not the *de facto* spouse of another person, and has been living separately from the spouse for at least one year;"

(4) by substituting the words "(R.S.Q., c. I-0.2)" for the words "(R.S.Q., c. M-23.1; 1994, c. 15)" in paragraph *h* of subsection 1;

(5) by inserting the following after paragraph *h* of subsection 1:

"(h.1) "*Immigration and Refugee Protection Act*": Act Respecting Immigration to Canada and the Granting of Refugee Protection to Persons who are Displaced, Persecuted, or in Danger (S.C. 2001, c. 27);

(h.2) "*family member*": with respect to any person, a person who is

i. the spouse or *de facto* spouse; and

ii. the dependent child of that person or of the spouse or *de facto* spouse and, where applicable, the dependent child of that child;

(h.3) "*relative*": with respect to any person, the person that is connected to the other by blood relationship or by adoption;"

(6) by inserting the following after paragraph *i.1* of subsection 1:

"(i.2) "*parent*": with respect to a person, ascendant in the first degree; and

(i.3) "*conjugal partner*": in respect of a sponsor, a person at least 16 years of age residing outside Canada who has been in a conjugal relationship with an opposite-sex or same-sex sponsor, for at least one year;"

(7) by striking out paragraph *j* of subsection 1;

(8) by substituting the words "accompanying family member" for the words "accompanying dependant" in paragraph *k* of subsection 1;

(9) by inserting the following paragraph after paragraph *k.1* of subsection 1:

(k.2) Immigration and Refugee Protection Regulations (*enter SOR number and publication coordinates*); and

(10) by substituting the words "Immigration and Refugee Protection Act" for the words "Immigration Act (R.S.C., 1985, c. I-2)" in paragraph *l* of subsection 1.

2. Section 2 is amended

(1) by substituting the following for the first two sentences:

"The application for a selection certificate referred to in section 3.1 of the Act is filed with the Minister by a foreign national for himself and for his family members whether or not they accompany him; the application for a certificate of acceptance referred to in section 3.2 of the Act is filed with the Minister by a foreign national for himself and for his accompanying family members.

Notwithstanding the foregoing, the application for a selection certificate filed in Québec in a class referred to in sections 110 to 115 of the Immigration and Refugee Protection Regulations or in sections 25 and 97 of the Immigration and Refugee Protection Act may not consider the foreign national's family members who are not in Canada, except if they are already covered by an undertaking subscribed to under section 23."; and

(2) by substituting the words "by his spouse or *de facto* spouse" for the words "by his spouse".

3. Section 5 is amended by substituting the following for subparagraphs *a*, *b* of the second paragraph and by replacing subparagraph *c* of the second paragraph in the French text:

"(a) where the Minister responsible for the administration of the Immigration and Refugee Protection Act undertakes proceedings to provide for assessment of the case in Canada;

(b) where Convention refugee status is recognized in Canada by the court having jurisdiction and where that person is in Québec; and

(c) lorsqu'il s'agit d'une demande de certificat de sélection de la catégorie du regroupement familial."

4. Section 7 is amended by striking out the words "an assisted relative,".

5. Section 8 is amended

(1) by striking out the words “recognized as refugees while already in Canada” in the first paragraph; and

(2) by substituting the words “in paragraphs *b* and *c* of that section” for the words “in that paragraph who are abroad and nationals referred to in paragraph *b* of that section” in the first paragraph.

6. The following is substituted for the last paragraph of section 15:

“A selection certificate or a certificate of acceptance is valid until a foreign national is authorized to be present in Canada or to enter Canada under a temporary resident permit referred to in section 24 of the Immigration and Refugee Protection Act, even if the foreign national is inadmissible under the Act.”.

7. The following is substituted for paragraph *b* of section 17 in the French text:

“(b) catégorie du regroupement familial;”.

8. Section 18 is amended

(1) by substituting the following for paragraphs *a* and *b*:

“(a) is, within the meaning of the Immigration and Refugee Protection Act, a person whose Convention refugee status is recognized in Canada by the court having jurisdiction in Canada;

(b) is, within the Immigration and Refugee Protection Regulations,

- i. a member of the Convention refugees abroad class;
- ii. a member of the humanitarian-protected persons abroad class who is a member of the Country of Asylum class or a member of the Source Country class;”;

(2) by adding the following after subparagraph *i* of paragraph *c*:

“i.1. the foreign national is abroad with a relative who is the holder of a selection certificate, and their physical, mental or moral well-being would be seriously affected if they could not accompany or follow the foreign national to Québec;”.

9. Section 19 is amended

(1) by substituting the words “du regroupement familial” for the words “de la famille” in the part preceding paragraph *a* in the French text;

(2) by substituting the following for paragraph *a*:

“(a) his spouse, *de facto* spouse or conjugal partner;”;

(3) by substituting the words “18 years of age and unmarried or not a *de facto* spouse” for the words “19 years of age and unmarried” in paragraph *d*;

(4) by deleting paragraph *e*;

(5) by substituting the words “a spouse or *de facto* spouse” for the words “a spouse” in the part preceding subparagraph *i* of paragraph *g*;

(6) by substituting the following for subparagraph *i* of paragraph *g*:

“i. who is a Canadian citizen, an Indian or a permanent resident within the meaning of the Immigration and Refugee Protection Act;”;

(7) by adding the following second paragraph:

“The following people are excluded from that class because of their relationship with the resident of Québec:

(a) his spouse or *de facto* spouse or conjugal partner, if the resident has previously subscribed to an undertaking to the Minister or the Minister responsible for the administration of the Immigration and Refugee Protection Act in respect of another spouse or *de facto* spouse or conjugal partner and the term prescribed for that undertaking has not ended; and

(b) his spouse where

i. the resident or spouse was, at the time of their relationship, the spouse of a third party; or

ii. the resident lived separately from his spouse for at least one year and one of them is the *de facto* spouse or conjugal partner of another person.”.

10. Section 21 is amended

(1) by substituting the words “accompanying family members” for the words “accompanying dependants” in clause *i* of paragraph *b*; and

(2) by deleting paragraph *e*.

11. Section 22 is amended

(1) by substituting the following for paragraph *a*:

“(a) the application of a foreign national who belongs to the family class and, in respect of a Québec resident, is his or her spouse, *de facto* spouse or conjugal partner;”

(2) by striking out the words “or an assisted relative” in paragraph *c*; and

(3) by substituting the words “du regroupement familial” for the words “de la famille” in paragraph *g* in the French text.

12. The heading of Subdivision I of Division II is amended by substituting the words “du regroupement familial” for the words “de la famille” in the French text.

13. Section 23 is amended

(1) in the part preceding paragraph *a* by substituting

(a) the words “du regroupement familial” for the words “de la famille” in the French text; and

(b) the words “18 years of age” for the words “19 years of age”;

(2) by substituting the words “of a family member” for the words “of a dependant” in subparagraph *ii* of paragraph *a*;

(3) by striking out the words “in the case of a fiancé described in paragraph *e* of that section, that period is reduced to 3 years from the date of the marriage;” in subparagraph *ii* of paragraph *a*;

(4) by substituting, in paragraph *b*,

(a) the words “Immigration and Refugee Protection Act” for the words “Immigration Act” and by striking out “(L.R.C., (1985), c. I-2) in the French text;

(b) the words “section 145 of the Immigration and Refugee Protection Act “ for the words “Schedule VI to the 1978 Immigration Regulations”;

(5) by substituting the word “époux” for the word “conjoint” in the French text in paragraph *b.1*;

(6) by substituting the following for paragraph *b.2*:

“(b.2) a Canadian citizen residing abroad may subscribe to an undertaking on behalf of his spouse, *de facto* spouse, conjugal partner or dependent child who has no dependent children, if he demonstrates that he will reside in Québec when that person will have obtained permanent resident status;

(7) by substituting the words “Immigration and Refugee Protection Act” for the words “Immigration Act” and by striking out “(L.R.C., 1985, c. I-2)” in the French text in paragraph *b.3*;

(8) by substituting the words “his spouse, *de facto* spouse or conjugal partner” for the words “his spouse or fiancé” in paragraph *b.5*;

(9) by inserting the following after paragraph *b.5*:

“(b.6) the resident was not convicted in Canada of a sexual offence or an offence against a person provided for in the Criminal Code (R.S.C. 1985, c. C-46 and amendments), against a family member or relative of the resident, his spouse or *de facto* spouse, or against his conjugal partner, family member or relative; such condition shall disappear if he was subject to a verdict of acquittal as a final determination, to a rehabilitation in accordance with the Criminal Records Act (R.S.C., 1985, c. C-47 and amendments) or served his sentence at least five years prior to filing his application for an undertaking;

(b.7) the resident was not convicted outside Canada of an offence that would constitute an offence referred to in paragraph *b.6* if it were committed in Canada; such condition shall disappear if he was subject to a verdict of acquittal as a final determination, or served his sentence at least five years prior to filing his application for an undertaking and if he has established his rehabilitation;

(b.8) the resident is not a recipient of last resort financial assistance, except owing to his age or disability creating a severely and permanently or indefinitely limited capacity for employment, unless the resident is exempted from this condition under section 25 of the Immigration and Refugee Protection Act;” and

(10) by substituting the words “The resident’s spouse or *de facto* spouse” for the words “Any person married to the resident and with whom he lives or any person who, for the 12 months preceding the application for undertaking, cohabits with the resident and is publicly introduced as his spouse,” in the second paragraph.

14. The following is inserted after section 24.2:

“**24.3.** Where a sponsor subscribes to an undertaking in favour of a child referred to in paragraph *b* of section 19, who was adopted and of full age, the adoption, if made while the sponsor resided in Québec, shall comply with Québec legislation.”.

15. Section 25 is deleted.

16. Section 26 is amended by substituting the following for paragraphs *a* and *b*:

“(a) his spouse, *de facto* spouse or conjugal partner who has no dependent children;”;

(a.1) his spouse, *de facto* spouse or conjugal partner who has a dependent child who does not himself have dependent children; and

(b) his dependent child who has no dependent children;”.

17. Section 27 is amended

(1) by striking out the words “*a* or” in the part preceding paragraph *a* of the first paragraph and in the second paragraph of subsection 1;

(2) by adding, at the end of the second paragraph of subsection 1, the words “Such a certificate may be issued to a family member who follows the foreign national referred to in paragraph *a* or *b* of section 18 or the person to be protected referred to in section 97 of the Immigration and Refugee Protection Act and in subparagraph *iii* of paragraph *c* of section 18, if:

(a) the family member was included in the foreign national’s application or was added to the application before the foreign national left for Québec;

(b) the foreign national files his application abroad within one year following the day on which the foreign national settled in Québec and still resides in Québec; and

(c) the sponsor referred to in section 30 was notified of the application of the family member and still meets the requirements to subscribe to an undertaking, if the main foreign national is subject to an undertaking.”;

(3) by substituting the words “a family member of a person referred to in sections 25 and 97 of the Immigration and Refugee Protection Act or sections 110 to 115 of the Immigration and Refugee Protection Regulations” for the words “a dependant of a person referred to in section 11.2 of the Immigration Regulations of 1978” in the part preceding paragraph *a* of subsection 2;

(4) by substituting the word “époux” for the word “conjoint” in the French text in paragraph *b* of subsection 2; and

(5) by adding the following after subsection 2:

“(3) Upon receipt of an application for a selection certificate filed by a foreign national in Québec belong-

ing to the class of foreign nationals who are in a particularly distressful situation referred to in paragraph *a* of section 18, the Minister may issue a selection certificate to that foreign national.”.

18. Section 28 is amended by inserting after “27” the words “and of subparagraph 2*b* of section 40.1” in the part preceding paragraph *a*.

19. Section 29 is amended by substituting the words “subparagraph *a* of paragraph 1” for the words “paragraph *a*”.

20. Section 30 is amended

(1) by substituting the words “paragraph *a* of subsection 1 of section 27 and subparagraph *b* of paragraph 2 of section 40.1” for the words “paragraph *a* of section 27” in the part preceding paragraph *a*;

(2) by adding the words “in the cases referred to at the end of the second paragraph of subsection 1 of section 27, the undertaking referring to that person is only valid for the remainder of that undertaking that affects the main foreign national;” at the end of paragraph *a*;

(3) by substituting, in paragraph *b*,

(a) the words “and in subparagraph *b* of paragraph 2 of section 40.1” for the words “or in subparagraph *e* of the first paragraph of section 21”; and

(b) the words “referred to in section 145 of the Immigration and Refugee Protection Act “ for the words “contemplated in Schedule VI to the 1978 Immigration Regulations”;

(4) by substituting the words “Immigration and Refugee Protection Act” for the words “Immigration Act (R.S.C., 1985, c. I-2)” in paragraph *d*;

(5) by adding the following after paragraph *f*:

“(g) no person referred to in section 29 has been convicted in Canada of murder or any of the offences listed in Schedule I or II to the Corrections and Conditional Release Act (S.C., 1992, c. 20 and amendments), punishable on summary conviction or prosecuted by indictment; that condition shall disappear if it is subject to a verdict of acquittal as a final determination, a rehabilitation in accordance with the Criminal Records Act (R.S.C., 1985, c. C-47 and amendments) or if the person has served the sentence imposed under the Criminal Code (R.S.C., 1985, c. C-46 and amendments) at least 5 years before filing the application for an undertaking;

(h) no person referred to in section 29 was convicted outside Canada of an offence that, had it been committed in Canada, would constitute an offence referred to in paragraph g, unless a five-year term following the expiration of the sentence imposed under foreign law has elapsed before filing the application for an undertaking;

(i) no person referred to in section 29, during the five years preceding the filing of the application for an undertaking, was subject, in respect of his spouse or child, to compulsory execution of a court judgment awarding support payments, nor to a remedy, a proceeding or a measure for compulsory execution referred to in section 47 of the Act to facilitate the payment of support (R.S.Q., c. P-2.2) or a recovery measure referred to in section 48, 49, 50 or 53 of that Act; and

(j) no person referred to in section 29 is subject to a cancellation procedure under the Citizenship Act (R.S.C., 1985, c. C-29 and amendments).”.

21. Section 31 is amended by substituting the words “spouse or *de facto* spouse” for the words “spouse who is at least 16 years of age”.

22. Section 34.1 is amended by substituting the words “Immigration and Refugee Protection Act” for the words “Immigration Act (R.S.C., 1985, c. I-2)” in subparagraph d of the third paragraph.

23. Section 38 is amended by deleting the last paragraph.

24. Section 40.1 is amended

(1) by substituting the following for the part of paragraph 1 that precedes subparagraph a:

“(1) because that foreign national is a family member abroad of a person described in sections 110 to 115 of the Immigration and Refugee Protection Regulations or in sections 25 and 97 of the Immigration and Refugee Protection Act and that person is covered by an undertaking subscribed to on the form prescribed by the Minister.”;

(2) by substituting the words “spouse, *de facto* spouse or conjugal partner” for the word “spouse” in subparagraph b of paragraph 1; and

(3) by substituting the words “, g and h of section 30, where applicable, the second paragraph of section 23” for the words “or, where applicable, in the second paragraph of that section” in subparagraph a of paragraph 2.

25. Section 42 is amended

(1) by substituting, in the French text, the words “son époux ou son conjoint de fait” for the words “son conjoint ou la personne avec qui il vit maritalement” in the part preceding paragraph a; and

(2) by substituting the words “family members” for the words “dependant persons” in paragraphs a, b and c.

26. Section 43 is amended by substituting the words “family members” for the word “dependants”.

27. Section 44 is amended by substituting the words “family members” for the word “dependants”.

28. Section 45 is amended

(1) by substituting the words “family members” for the word “dependants” in the first paragraph and for the word “dependents” in the third paragraph;

(2) by substituting the words “two spouses or *de facto* spouses” for the words “2 spouses or 2 persons cohabiting” in the second paragraph;

(3) by substituting the words “a *de facto* spouse of a resident is the sponsor” for the words “a person cohabiting with a resident is the sponsor” in the third paragraph;

(4) by substituting the words “Immigration and Refugee Protection Act” for the words “Immigration Act (R.S.C., 1985, c. I-2)” in the last paragraph; and

(5) by striking out the words “or in paragraph e of section 21” in the last paragraph.

29. Section 46.1 is amended by substituting the words “the sponsor’s spouse or *de facto* spouse” for the words “the sponsor’s spouse or the person cohabiting with him” in the second paragraph.

30. Section 46.2 is amended

(1) by substituting the words “Immigration and Refugee Protection Act” for the words “Immigration Act (R.S.C., 1985, c. I-2)”; and

(2) by substituting the words “under a temporary resident permit issued in accordance with section 24” for the words “under a Minister’s permit issued in compliance with section 37”.

31. Section 46.3 is amended by substituting the words “under a temporary resident permit issued in accordance with section 24 of the Immigration and Refugee Protection Act” for the words “of a Minister’s permit contemplated in section 37 of the Immigration Act” in paragraph b.

32. Section 47 is amended

(1) by striking out the words “For the purposes of ensuring the effectiveness of the law in respect of education,” in the part preceding paragraph *a* of subsection 1;

(2) by substituting the words “family members” for the word “dependants” in clause *ii*, “dependants” in clause *iii* of paragraph *a* of subsection 1 and “dependant” in subsection 3; and

(3) by adding the words “If one of the conditions is not complied with, the Minister may refuse to examine and dismiss every application for a certificate of acceptance filed within six months after the Minister becomes aware of the non-compliance.” at the end of subsection 5.

33. Section 49 is amended

(1) by substituting the following for paragraph *b*:

“(b) the class of foreign nationals who wish to take a course lasting not more than six months;”;

(2) by deleting paragraph *c*;

(3) by substituting the words “family member” for the word “dependent” in paragraph *d*;

(4) by deleting paragraph *f*; and

(5) by substituting the following for paragraph *h*:

“(h) a minor child claiming refugee status in Canada or recognized as a refugee in Canada or the minor child of such a claimant or refugee, and a minor child accompanying one of his parents who comes to Québec mainly to work or study and holds a working or study permit issued under the Immigration and Refugee Protection Regulations.”.

34. Section 50 is amended

(1) by substituting the following for paragraph *b* of subsection 1:

“(b) his hiring in Québec will probably entail a positive or neutral economic impact on the labour market in Québec, by basing his assessment on the direct job creation or maintenance, the development or transfer of qualifications or knowledge, or the reduction of a manpower shortage in the profession or trade in question;”;

(2) by inserting the words “and not likely to be detrimental” before the words “to the settlement” and by substituting the word “nor” for the words “is not detrimental” in paragraph *c* of subsection 1;

(3) by substituting the following for the part preceding paragraph *a* of subsection 3:

“3. For the purposes of determining if the hiring in Québec of a foreign national will likely entail a positive or neutral economic impact on the labour market in Québec, the Minister must take into account that it might be a single job offer or an aggregate of job offers from an employer or a group of employers, and the following factors:”;

(4) by inserting the words “or has accepted to make” after the word “made” in paragraph *a* of subsection 3;

(5) by deleting subsection 3.1; and

(6) by adding the words “If the conditions indicated above have not been complied with, the Minister may refuse to examine and dismiss every application for a certificate of acceptance filed within six months after the Minister becomes aware of the non-compliance.” at the end of subsection 4.

35. Section 53 is amended in the first paragraph

(1) by deleting paragraphs *a* to *k*; and

(2) by substituting the following for subparagraph *m*:

“(m) to engage in temporary employment where his admission to Canada is not governed by the requirements concerning the determination of the positive or neutral economic impact for Canada according to Part 11 of the Immigration and Refugee Protection Regulations;”.

36. Section 55 is amended by deleting the second sentence.

37. Section 56 is amended

(1) by substituting the words “family member” for the word “dependent” in subparagraphs *a*, *b* and *c* of the first paragraph; and

(2) by striking out the words “or an assisted relative” in subparagraph *c* of the first paragraph.

38. Section 57 is amended by substituting the words “family member” for the word “dependant” in the last paragraph.

39. Schedule A is amended

(1) by substituting the words “spouse or *de facto* spouse” for the word “spouse” in Criterion 2.C.5.2, paragraph *a* of Criterion 2.C.5.2, the title of Criterion 2.C.6, Criterion 4.5, in paragraph *a* of Criterion 4.5 and in Factor 7; and

(2) by substituting the following for the heading “Has net assets of” in “Factor 10. Financial resources”:

“Has net assets obtained legally with, where applicable, his spouse or *de facto* spouse accompanying him, of:”.

40. A foreign national who, before 28 June 2002, filed abroad an application referred to in paragraphs *a* and *b* of section 18 of the Regulation respecting the selection of foreign nationals then in effect, may, if that application has not been refused, add to it, before leaving for Québec, his or her *de facto* spouse or any dependent child within the meaning of paragraph 3 of section 1 of this Regulation, who was not a dependent child according to paragraph *d.1* of subsection 1 of section 1 of the Regulation respecting the selection of foreign nationals in force before 28 June 2002.

41. A foreign national not referred to in section 40 of this Regulation, who filed an application before 28 June 2002, that has not been refused, is not bound to include, if he or she does not accompany one of them, his or her spouse or dependent child within the meaning of paragraph 3 of section 1 of this Regulation, who was not a dependent child according to paragraph *d.1* of subsection 1 of section 1 of the Regulation respecting the selection of foreign nationals in effect before 28 June 2002.

42. Any undertaking made before 28 June 2002 and subject to an addition within the scope of an application referred to in section 40 or 41 of this Regulation shall be further examined according to the Regulation respecting the selection of foreign nationals as amended on 28 June 2002.

43. An application for sponsorship processed in accordance with the Immigration Regulations of 1978 (SOR/ 78-172) by the Minister responsible for the administration of the Regulation shall be examined according to the Regulation respecting the selection of foreign nationals as it read before 28 June 2002.

44. The situations described, the decisions made, the contracts entered into and the documents issued under the Immigration Act (R.S.C. c. I-2), to which the Regulation respecting the selection of foreign nationals refers as it read before 28 June 2002, shall continue to have effect after the coming into force of this Regulation, if they were effective on that date.

45. This Regulation comes into force on 28 June 2002.

Gouvernement du Québec

O.C. 735-2002, 12 June 2002

An Act respecting transportation services by taxi (2001, c. 15)

Taxi owner's permit

— Specialized services provided by holders

Specialized services provided by holders of a taxi owner's permit

WHEREAS the Act respecting transportation services by taxi (2001, c. 15) was assented to on 21 June 2001;

WHEREAS, by Order in Council 689-2002 dated 5 June 2002, the Government fixed 30 June 2002 as the date of coming into force of section 12 of that Act;

WHEREAS, under the fourth paragraph of that section, the Government may identify the supramunicipal authorities as well as the categories of transportation services referred to in the first paragraph of that section that may be recognized for the specialization of the services provided by the holder of a taxi owner's permit;

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

THAT the following supramunicipal authorities be identified, as of 30 June 2002, for the purposes of the fourth paragraph of section 12 of the Act respecting transportation services by taxi (2001, c. 15):

— Ville de Montréal; and
— Ville de Québec;

THAT the following categories of transportation services may, as of 30 June 2002, be recognized for the specialization of the services provided by the holder of a taxi owner's permit:

— specialized limousine service;
— specialized “de grand luxe” limousine service; and
— specialized transportation service with personal attendants for beneficiaries of the health care system.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

5099

Gouvernement du Québec

O.C. 736-2002, 12 June 2002

An Act respecting transportation services by taxi
(2001, c. 15)

Taxi owner's permits per taxi servicing area

— Maximum number

— Certain conditions of operation

Maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation

WHEREAS the Act respecting transportation services by taxi (2001, c. 15) was assented to on 21 June 2001 ;

WHEREAS the Government, by Order in Council 556-2002 dated 7 May 2002, fixed 15 May 2002 as the date of coming into force of the third paragraph of section 10 of the Act ;

WHEREAS the Government, by Order in Council 689-2002 dated 5 June 2002, fixed 30 June 2002 as the date of coming into force of the first paragraph of section 10 of the Act ;

WHEREAS, under the first paragraph of that section, the Commission des transports du Québec shall issue the taxi owner's permits to be used in a servicing area after sending a notice to the Association professionnelle des chauffeurs de taxi du Québec and after taking into consideration, where applicable, the maximum number of taxi owner's permits it is authorized to issue and the conditions it must impose pursuant to an order made under the third paragraph of the section ;

WHEREAS, under the third paragraph of that section, the Government may, by order, for each servicing area it specifies, fix the maximum number of taxi owner's permits that may be issued by the Commission des transports du Québec according to the services specified by the Government and, where applicable, the conditions determined by the Government ;

WHEREAS a notice from the Minister of Transport addressed, inter alia, to all taxi owner's permit holders was published on 7 June 2002 in newspapers distributed throughout the territory of Québec stating the Minister's intention to propose to the Government that the maximum number of taxi owner's permits in each new servicing area established by the Commission des transports du Québec, by Resolution No. 1-2002 dated 3 June 2002, be generally maintained at the maximum number for the area or region it replaces ;

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

THAT the Commission des transports du Québec may not issue, for each area established and delimited under subparagraph 4 of the first paragraph of section 79 of the Act respecting transportation services by taxi (2001, c. 15), more taxi owner's permits than the maximum for each area indicated in the schedule attached to this Order in Council ;

THAT the Commission des transports du Québec establish as a condition when granting a holder of a taxi owner's permit authorization to specialize services in order to offer transportation with personal attendants for beneficiaries of the health care system that those services be offered only between 7:00 a.m. and 11:00 p.m. on business days, except where the contract between the taxi owner's permit holder and the public institution or the health and social services regional council expressly stipulates other schedules.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE

Administrative Number of the Commission des transports	Servicing Area	Taxi Owner's Permits
102001	A.1 Boucherville	17
102002	A.2 Longueuil	343
102003	A.3 Candiac-Laprairie	15
102004	A.4 Cowansville	14
102005	A.5 Est de Montréal	332
102006	A.6 Joliette	32
102007	A.7 Lachute	13
102008	A.8 Laval	213
102009	A.9 Matane	14
102010	A.10 Mont-Joli	10
102011	A.11 Montréal	3919
102012	A.12 Ouest de Montréal	271
102013	A.13 Rivière-du-Loup	15
102014	A.14 Saint-Eustache	38
102015	A.15 Saint-Jérôme	46
102016	A.16 Sorel	44
102017	A.17 Terrebonne	33
102018	A.18 Thetford Mines	8
102019	A.19 Victoriaville	28
102020	A.20 Alma	16
102021	A.21 Côte-Nord	23
102022	A.22 Beauharnois	7
102023	A.23 Beloeil	20
102024	A.24 Saint-Bruno	14

Administrative Number of the Commission des transports	Servicing Area	Taxi Owner's Permits	Administrative Number of the Commission des transports	Servicing Area	Taxi Owner's Permits
102025	A.25 Charlesbourg	38	200901	Price	2
102026	A.26 Châteauguay	50	200904	Sainte-Luce	2
102027	A.27 La Baie	11	201001	Le Bic	2
102028	A.28 Dolbeau-Mistassini	9	201103	Trois-Pistoles	3
102029	A.29 Drummondville	35	201206	Saint-Antoine	5
102030	A.30 Est de Québec	51	201207	Notre-Dame-des-Sept-Douleurs	2
102031	A.31 Gaspé	14	201302	Dégelis	5
102032	A.32 Repentigny	24	201303	Notre-Dame-du-Lac	2
102033	A.33 Granby	47	201304	Pohénégamook	5
102034	A.34 Hull	84	201305	Cabano	4
102035	A.35 Lévis	49	201401	La Pocatière	7
102036	A.36 Québec	437	201403	Saint-Pacôme	2
102037	A.37 Rimouski	46	201406	Saint-Pascal	4
102038	A.38 Sainte-Foy-Sillery	100	201407	Mont-Carmel	2
102039	A.39 Saint-Hyacinthe	36	201505	Saint-Irénée	2
102040	A.40 Trois-Rivières	78	201515	Saint-Siméon	2
102041	A.41 Saint-Jean	48	201516	La Malbaie	14
102042	A.42 Shawinigan	33	201601	Baie-Saint-Paul	7
102043	A.43 Sherbrooke	84	201603	Les Éboulements	2
102044	A.44 Valleyfield	36	201605	Saint-Hilarion	2
102045	A.45 Amos	14	201703	Saint-Aubert	2
102046	A.46 Chibougamau	11	201705	Saint-Jean-Port-Joli	3
102047	A.47 Matagami	3	201707	Saint-Roch-des-Aulnaies	2
102048	A.48 Rouyn-Noranda	47	201709	L'Islet	4
102049	A.49 Val-d'Or	35	201801	Cap-Saint-Ignace	3
102050	A.50 La Tuque	13	201802	Montmagny	12
102051	A.51 Ouest du Saguenay	30	201806	Saint-François-de-la-Rivière-du-Sud	3
102052	A.52 Saguenay	38	201902	Saint-Damien-de-Buckland	11
102053	A.53 Sept-Îles	31	201903	Saint-Malachie	2
102054	A.54 Sainte-Thérèse	36	201904	Sainte-Claire	3
102055	A.55 Gatineau	38	201905	Beaumont	7
102056	A.56 Le Gardeur	13	201906	Saint-Henri	3
102057	A.57 Vaudreuil	21	202001	Saint-Pierre-de-l'Île-d'Orléans	6
200101	Les Îles-de-la-Madeleine	13	202101	Châteauguay-Richer	10
200201	Chandler	5	202102	Sainte-Anne-de-Beaupré	11
200202	Grande-Rivière	3	202201	Sainte-Brigitte-de-Laval	3
200203	Newport	3	202202	Sainte-Catherine-Jacques-Cartier	12
200204	Percé	3	202207	Lac-Beauport	11
200406	Sainte-Anne-des-Monts	6	202302	Saint-Émile	19
200502	Bonaventure	3	202303	Val-Bélair	21
200503	New Carlisle	2	202304	Wendake	2
200505	New Richmond	3	202501	Charny	43
200507	Paspébiac	5	202502	Saint-Romuald	32
200508	Caplan	4	202505	Saint-Lambert-de-Lauzon	4
200601	Carleton	2	202602	Sainte-Marie	11
200602	Maria	2	202606	Vallée-Jonction	4
200607	Pointe-à-la-Croix	3	202701	Beauceville	6
200609	Nouvelle	4	202704	Saint-Joseph-de-Beauce	4
200701	Amqui	6	202710	Tring-Jonction	3
200703	Causapscal	2	202711	Saint-Victor	2
200704	Sayabec	3	202801	Lac-Etchemin	2
200805	Sainte-Félicité	5			

Administrative Number of the Commission des transports	Servicing Area	Taxi Owner's Permits	Administrative Number of the Commission des transports	Servicing Area	Taxi Owner's Permits
202804	Saint-Prosper	4	205003	Notre-Dame-de-Pierreville	1
202807	Sainte-Justine	2	205012	Saint-François-du-Lac	4
202809	Saint-Zacharie	4	205101	Louiseville	7
202810	Saint-Camille-de-Lellis	2	205102	Saint-Alexis-des-Monts	4
202902	La Guadeloupe	5	205107	Maskinongé	2
202910	Saint-Georges	28	205201	Berthierville	4
202915	Saint-Martin	9	205203	Lavaltrie	11
203001	Lac-Mégantic	6	205205	Saint-Gabriel	8
203002	Lambton	5	205208	Sainte-Geneviève-de-Berthier	5
203103	Black Lake	11	205209	Saint-Cuthbert	4
203201	Saint-Ferdinand	2	205210	Mandeville	2
203205	Plessisville	11	205211	Lanoraie	3
203208	Lyster	3	205301	Saint-Robert	5
203302	Saint-Gilles	6	205405	Sainte-Madeleine	4
203306	Saint-Édouard-de-Lotbinière	2	205501	Marieville	12
203308	Sainte-Croix	4	205505	Saint-Césaire	9
203309	Laurier-Station	5	205601	Saint-Paul-de-l'Île-aux-Noix	6
203310	Saint-Apollinaire	7	205602	Saint-Alexandre	7
203408	Pont-Rouge	9	205701	Chambly	26
203410	Deschambault	2	205703	Saint-Mathieu-de-Beloeil	2
203411	Saint-Marc-des-Carrières	7	205704	Saint-Denis-sur-Richelieu	7
203412	Saint-Raymond	11	205901	Sainte-Julie	35
203413	Donnacoona	11	205902	Varennnes	20
203502	Saint-Tite	3	205903	Verchères	10
203504	Sainte-Thècle	3	206004	L'Épiphanie	7
203602	Saint-Gérard-des-Laurentides	6	206007	L'Assomption	16
203703	Saint-Louis-de-France	7	206102	Saint-Thomas	2
203709	Pointe-du-Lac	6	206103	Saint-Ambroise-de-Kildare	6
203801	Bécancour	11	206203	Saint-Côme	2
203803	Saint-Pierre-les-Becquets	7	206204	Saint-Donat	3
203901	Sainte-Anne-du-Sault	2	206205	Saint-Félix-de-Valois	5
204001	Asbestos	6	206206	Saint-Jean-de-Matha	7
204003	Wotton	2	206207	Saint-Michel-des-Saints	3
204005	Danville	4	206208	Saint-Alphonse-Rodriguez	3
204102	La Patrie	2	206212	Rawdon	9
204107	Scotstown	2	206213	Chertsey	5
204108	East Angus	12	206302	Saint-Calixte	5
204202	Richmond	6	206303	Saint-Jacques	8
204203	Valcourt	6	206304	Saint-Lin-Laurentides	12
204204	Windsor	9	206306	Sainte-Julienne	9
204302	Waterville	2	206307	Saint-Roch-de-l'Achigan	4
204402	Coaticook	9	206701	Saint-Constant	46
204505	North Hatley	2	206802	Saint-Bernard-de-Lacolle	2
204511	Stanstead	5	206804	Saint-Rémi	10
204513	Magog	25	206901	Franklin	2
204601	Bedford	7	206902	Huntingdon	8
204602	Farnham	7	206903	Ormstown	8
204701	Bromont	5	207001	Sainte-Martine	4
204704	Waterloo	11	207101	Coteau-du-Lac	14
204801	Acton Vale	7	207104	Saint-Lazare	18
204902	Notre-Dame-du-Bon-Conseil	2	207105	Rigaud	6
205002	Nicolet	8	207203	Kanesatake	2

Administrative Number of the Commission des transports	Servicing Area	Taxi Owner's Permits	Administrative Number of the Commission des transports	Servicing Area	Taxi Owner's Permits
207205	Oka	5	209201	Normandin	6
207301	Sainte-Anne-des-Plaines	13	209307	Hébertville	8
207401	Mirabel	28	209308	Métabetchouan-Lac-à-la-Croix	4
207501	Prévost	8	209402	Saint-Honoré	4
207502	Sainte-Sophie	15	209406	Saint-Ambroise	4
207503	Saint-Colomban	7	209501	Forestville	4
207601	Grenville	3	209502	Les Escoumins	7
207701	Saint-Adolphe-d'Howard	5	209601	Chute-aux-Outardes	5
207702	Sainte-Adèle	23	297101	Port-Cartier	8
207801	Labelle	4	297105	Maliotenam	2
207803	Saint-Faustin-Lac-Carré	4	297201	Fermont	3
207806	Val-David	6	297202	Schefferville	2
207807	Sainte-Agathe-des-Monts	11	297205	Matimekosh	2
207811	Mont-Tremblant	8	298102	Havre-Saint-Pierre	5
207812	Sainte-Lucie-des-Laurentides	2	298103	Longue-Pointe-de-Mingan	2
207813	Huberdeau	2	298105	Natashquan	2
207901	Nominigüe	2	298106	Mingan	2
207903	L'Annonciation	5	298202	La Romaine	2
207904	Mont-Laurier	13	298203	Côte-Nord-du-Golfe-	2
207908	Beaux-Rivages	3		Saint-Laurent	
207909	Ferme-Neuve	4	298204	Blanc-Sablon	3
208002	Thurso	2	298206	Saint-Augustin	2
208007	Papineauville	4	299101	Baie-James (Radisson)	2
208008	Saint-André-Avellin	3	299103	Lebel-sur-Quévillon	4
208010	Val-des-Bois	2	299104	Mistissini	9
208101	Aylmer	36	299106	Chapais	2
208103	Buckingham	21	299108	Ouje-Bougoumou	2
208201	La Pêche	19	299109	Waswanipi	2
208202	Cantley	5	299202	Kuujuaq	2
208203	Chelsea	6	299203	Inukjuak	2
208204	Pontiac	4			
208303	Maniwaki	13	5100		
208305	Wright	3			
208402	Mansfield-et-Pontefract	4			
208403	Shawville	5			
208501	Latulipe-et-Gaboury	2			
208502	Notre-Dame-du-Nord	2			
208503	Témiscaming	4			
208505	Laforce	2			
208506	Ville-Marie	9			
208507	Timiskaming	2			
208701	La Sarre	8			
208705	Palmarolle	5			
208901	Malartic	5			
208904	Senneterre	3			
208906	Lac-Simon	2			
208908	Kitcisakik	2			
209004	Wemotaci	2			
209101	Roberval	15			
209102	Saint-Félicien	10			
209105	Mashteuiatsh	8			
209107	Saint-Prime	2			

5100

Gouvernement du Québec

O.C. 738-2002, 12 June 2002Transport Act
(R.S.Q., c. T-12)**Bus Transport****— XVIIth World Youth Day****— Suspension of the application of certain provisions**

Suspension of the application of certain provisions of the Bus Transport Regulation for the XVIIth World Youth Day

WHEREAS under section 8.1 of the Transport Act (R.S.Q., c. T-12) the Government may suspend, in whole or in part, for exceptional events, for such period and in

respect of such categories of carriers as it may indicate, the application of a regulation made under that Act;

WHEREAS the Government made the Bus Transport Regulation by Order in Council 1991-86 dated 19 December 1986;

WHEREAS it is expedient, for the exceptional event that represents the XVIIth World Youth Day that will be held in Toronto on 28 July 2002, to suspend the application of the provisions of subparagraphs 2, 3 and 5 of first paragraph of section 5, subparagraph 2 of the first paragraph of section 6 and sections 27, 37, 38, 42 and 44 of the Bus Transport Regulation for the period of 15 July to 3 August 2002, in respect of the transportation by bus of persons who will participate in the activities linked to that event;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft 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 prior publication shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency is due to the following circumstances:

— if certain provisions of the Bus Transport Regulation are not suspended in time to allow for the chartered bus transportation of participants in the activities linked to the XVIIth World Youth Day to be made by other carriers, the number of available buses will not be enough to meet the needs of those customers;

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

THAT the application of the provisions of subparagraphs 2, 3, 5 of the first paragraph of section 5, of subparagraph 2 of the first paragraph of section 6 and sections 27, 37, 38, 42 and 44 of the Bus Transport Regulation be suspended from 15 July 2002 to 3 August 2002 in respect of the transportation of persons who will participate in the activities linked to the XVIIth Youth World Day.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Gouvernement du Québec

O.C. 784-2002, 19 June 2002

An Act respecting transportation services by taxi
(2001, c. 15)

Taxi transportation — Amendments

Regulation to amend the Taxi Transportation Regulation

WHEREAS, under subparagraph 3 of the first paragraph of section 88 of the Act respecting transportation services by taxi (2001, c. 15), the Government may make regulations prescribing the conditions the holders of a taxi owner's permit of an area it indicates must comply with to serve the regional infrastructures or equipment it indicates and prescribing prohibitions as regards permit holders whose servicing area includes the infrastructure or equipment it indicates;

WHEREAS, by Order in Council 690-2002 dated 5 June 2002, the Government made the Taxi Transportation Regulation;

WHEREAS it is expedient to identify the holders of a taxi owner's permit authorized to make trips starting at the Montréal International Airports and Jean-Lesage International Airport;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation may be made without having been published as required under section 8 of that Act if the authority making 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 between the date of its publication in the *Gazette officielle du Québec* and the date applicable under section 17 of the Act where the authority making 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 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 such coming into force:

— the provisions of the Regulation to amend the Taxi Transportation Regulation, attached to this Order in Council, must come into force on 30 June 2002 in order to allow the holders of the taxi owner's permits concerned to start servicing the Montréal International Airports and Jean-Lesage International Airport on that date;

WHEREAS it is expedient to make the Regulation;

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

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

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Taxi Transportation Regulation*

An Act respecting transportation services by taxi (2001, c. 15, s. 88, subpar. 3)

1. The Taxi Transportation Regulation is amended by inserting the following after section 54 in Subdivision 1 of Division VII:

“**54.1.** Starting a trip at Montréal-Dorval Airport is prohibited, except if the holder of the taxi owner's permit is authorized to provide services to one of the following areas and if the airport authority allows the holder, generally or specifically, to drive on that airport's property:

(1) servicing area A.5 Est de Montréal, administrative number 102005;

(2) servicing area A.11 Montréal, administrative number 102011; and

(3) servicing area A.12 Ouest de Montréal, administrative number 102012.

54.2. Starting a trip at Montréal-Mirabel Airport is prohibited, except if the holder of the taxi owner's permit is authorized to provide services to one of the following areas and if the airport authority allows the holder, generally or specifically, to drive on that airport's property:

(1) servicing area A.5 Est de Montréal, administrative number 102005;

(2) servicing area A.11 Montréal, administrative number 102011;

(3) servicing area A.12 Ouest de Montréal, administrative number 102012; and

(4) servicing area Mirabel, administrative number 207401.

54.3. Starting a trip at Jean-Lesage International Airport is prohibited, except if the holder of the taxi owner's permit is authorized to provide services in one of the following areas and if the airport authority allows the holder, generally or specifically, to drive on that airport's property:

(1) servicing area A.36 Québec, administrative number 102036; and

(2) servicing area A.38 Sainte-Foy-Sillery, administrative number 102038.”.

2. This Regulation comes into force on 30 June 2002.
5107

Gouvernement du Québec

Agreement

An Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2)

AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING “ACCU-VOTE ES 2000” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF VAUDREUIL-DORION, a legal person established in the public interest, having its head office at 2555, Dutrisac Street, Vaudreuil-Dorion, J7V 7E6, Province of Québec, represented by the mayor, Mr. Rejean Boyer, and the clerk, Mrs. Lise Roy, under resolution number 02-03-227, hereinafter called

* The Taxi Transportation Regulation, made by Order in Council 690-2002 dated 5 June 2002 (2002, G.O. 2, 2602), has not been amended since it was made.

THE MUNICIPALITY

AND

Mtre. Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable André Boisclair, in his capacity as MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL of the Province of Québec, having her main office at 10, rue Pierre-Olivier Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 02-03-227, passed at its meeting of March 18th, 2002, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 3rd, 2002 in the MUNICIPALITY;

WHEREAS under sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2):

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

“**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer.”;

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a general election on November 3rd, 2002 and, could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of March 18th, 2002, resolution No. 02-03-227 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 “Electronic ballot box” means an apparatus containing a vote tabulator, a memory card, a printer, a cardboard recipient or, if need be, plastic for ballot papers and a modem, where necessary.

2.2 “Vote tabulator” means a device that uses an optical scanner to detect a mark made in a circle on a ballot paper by an elector.

2.3 “Memory card” means a memory device that computes and records the marks made by an elector for each of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

2.4 “Recipient for ballot papers” means a box into which the ballot paper cards fall.

2.5 If need be, the expression « transfer box » appoints the box which are deposited the supports of ballots during the use of a plastic recipient of the electronic ballot box.

2.6 “Ballot paper card” means the card on which the ballot paper or papers are printed.

2.7 “Refused card” means a ballot paper card the insertion of which into the tabulator is refused.

2.8 “Confidentiality sleeve” means a sleeve designed to receive the ballot paper card.

3. ELECTION

3.1 For the purposes of the general election of November 3rd, 2002 in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary means to appropriately inform the electors of the new method of voting.

4. SECURITY MECHANISMS

The electronic ballot boxes used must include the following security mechanisms :

(1) a report displaying a total of “zero” must be automatically produced by an electronic ballot box upon being turned on on the first day of advance polling and on polling day ;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation ;

(3) the electronic ballot box must not be placed in “end of election” mode while the poll is still under way ;

(4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in “election” mode ;

(5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator ;

(6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

5. PROGRAMMING

Each memory card used is specially programmed either by the firm Cognicase inc., or by the returning officer under the supervision of the firm Cognicase inc., to recognize and tally ballot papers in accordance with this agreement.

6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

6.1 Election officers

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words “senior deputy returning officer, assistant to the senior deputy returning officer” after the word “assistant”.

6.2 Senior deputy returning officer, assistant to the senior deputy returning officer

The following is substituted for section 76 of the Act :

“**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.”.

6.3 Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer

The following is substituted for section 80 of the Act :

“**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic ballot box ;

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box ;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) ensure that the electronic ballot box functions correctly;

(5) print out the results compiled by the electronic ballot box at the closing of the poll;

(6) complete an overall statement of the poll from the partial statements and the results compiled by the electronic ballot box;

(7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box, the overall statement and the partial statement or statements of the poll;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

(9) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

80.1. The assistant to the senior deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter's duties;

(2) receive any elector referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place;

(4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.

80.2. The deputy returning officer shall, in particular,

(1) see to the arrangement of the polling station;

(2) ensure that the polling is properly conducted and maintain order in the polling station;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) receive electors' identification;

(5) give the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;

(6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book.”.

6.4 Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance

The following is substituted for section 90.5 of the Act:

“**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of this Act does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make.

Within 30 days following polling day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.”.

6.5 Notice of election

The following is added after paragraph 7 of section 99 of the Act:

“(8) the fact that the method of voting is voting by means of electronic ballot boxes.”.

6.6 Polling subdivisions

The following is substituted for section 104 of the Act:

“**104.** The returning officer shall divide the list of electors into polling subdivisions.

The polling subdivisions shall have a number of electors determined by the returning officer. That number shall not be greater than 750 electors.”.

6.7 Verification of electronic ballot box

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

“§1.1 Verification of electronic ballot box

“173.1. The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator discovers faithfully the mark made on the ballot, that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm Cognicase inc. and the representatives of the candidates.

173.2. During the testing of the electronic ballot box, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

173.3. The returning officer shall conduct the test by performing the following operations:

(1) he shall mark the memory card with the returning officer's initials and insert it into the electronic ballot box;

(2) he shall insert into the electronic ballot box a pre-determined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include

(a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates;

(b) a sufficient and pre-determined number of ballot papers that are not correctly marked;

(c) a sufficient and pre-determined number of ballot papers marked to indicate a vote for more than one candidate for the same office;

(d) a sufficient and pre-determined number of blank ballot papers;

(3) he shall place the electronic ballot box in “end of election” mode and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results;

(4) once the test has been successfully completed, he shall reset the memory card to zero and seal it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(5) he shall place the tabulator in the travel case and place a seal on it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until the optical scanner of the vote tabulator detect faithfully the mark made on the ballot and until a perfect compilation of results is obtained. Any error or discrepancy shall be noted in the test report;

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm Cognicase inc.”.

6.8 Mobile polling station

The said Act is amended by inserting the following sections after section 175:

“175.1. The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.”

175.2. The returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.

The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box. The representatives of the candidates may be present.”

6.9 Advance polling

The following is substituted for sections 182, 183 and 185 of the Act:

“182. After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

(1) the number of ballot paper cards received from the returning officer;

(2) the number of electors who were given a ballot paper card;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;

(4) the names of the persons who have performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll book and the list of electors. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except those containing the list of electors, shall be given to the senior deputy returning officer for deposit in a box reserved for that purpose.

182.1. The senior deputy returning officer, in the presence of the candidates or of their representative who wish to be present, shall seal the recipient for ballot papers, and then place the electronic ballot box in its travel case and place a seal the case. The senior deputy returning officer and the representatives who wish to do so shall note the number entered on the seal.

The senior deputy returning officer shall then give the recipient or recipients for ballot papers, the transfer box and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the recipient or recipients for ballot papers until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

183. Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the transfer box and give each deputy returning officer the poll books, the envelopes containing unused ballot paper cards and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot paper cards shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of the grouped polling station or stations, where applicable.

At the close of the second day of advance polling, where applicable, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning officer shall withdraw the memory card from the electronic ballot box, place it in an envelope, seal the envelope, place the envelope in the recipient for ballot papers, and seal the recipient.

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope. They shall also be placed in a sealed transfer box.

The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seals.

185. From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at an advance polling station, in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required”.

6.10 Booths

The following is substituted for section 191 of the Act:

“**191.** Where electronic ballot boxes are used in an election, the polling station shall have the number of polling booths determined by the returning officer.”.

6.11 Ballot papers

The following is substituted for section 193 of the Act:

“**193.** With the exception of the entry stating the office to be filled, the ballot papers shall be printed by reversing process so that, on the obverse, the indications

appear in white on a black background and the circles provided to receive the elector's mark appear in white on an orange vertical strip.”.

Section 195 of the Act is revoked.

6.12 Identification of the candidates

Section 196 of the Act is amended

(1) by substituting the following for the first paragraph:

“**196.** The ballot paper card shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of councillor. Each ballot paper shall allow each candidate to be identified. It shall contain, on the obverse:”;

(2) by adding the following after subparagraph 3 of the first paragraph:

“(4) the offices in question and, where applicable, the number of the seat to be filled. The indications of the offices in question shall correspond to those contained in the nomination papers.”.

6.13 Ballot paper cards

The following is substituted for section 197 of the Act:

“**197.** The ballot paper cards shall contain on the obverse, as shown in the Schedule,

- (1) the name of the municipality;
- (2) the indication “municipal election” and the date of the poll;
- (3) the ballot papers;
- (4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown in the Schedule,

- (1) a space intended to receive the initials of the deputy returning officer;
- (2) a space intended to receive the number of the polling subdivision;
- (3) the name and address of the printer;
- (4) the bar code.”.

6.14 Confidentiality sleeve

The Act is amended by inserting the following after section 197:

“**197.1.** The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through them.”.

6.15 Withdrawal of a candidate

Section 198 of the Act is amended by adding the following paragraphs at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.”.

6.16 Withdrawal of authorization or recognition

Section 199 of the Act is amended by adding the following paragraph at the end:

“Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.”.

6.17 Number of electronic ballot boxes

The following is substituted for section 200 of the Act:

“**200.** The returning officer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballot papers are available for each electronic ballot box.”.

6.18 Provision of polling materials

Section 204 of the Act is amended by substituting the word “recipient” for the words “ballot box” in the second line of the first paragraph.

6.19 Examination of the electronic ballot box and polling materials

The following is substituted for section 207 of the Act:

“**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

The senior deputy returning officer shall keep the report and show it to any person present who wishes to examine it.

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

207.1 In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall open the envelope and examine the documents and polling materials provided by the returning officer.

The following is substituted for section 209 of the Act:

“**209.** Immediately before the hour fixed for the opening of the polling stations, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.”.

POLLING PROCEDURE

6.20 Presence at the polling station

The following is substituted for the third paragraph of section 214 of the Act:

“In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior

deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.”.

6.21 Initialling of ballot papers

The following is substituted for section 221 of the Act:

“**221.** The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.”.

6.22 Voting

The following is substituted for section 222 of the Act:

“**222.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark one of the circles on the ballot paper or papers opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer’s initials can be seen.”.

6.23 Following the vote

The following is substituted for section 223 of the Act:

“**223.** After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector's request, the senior deputy returning officer shall insert the ballot paper card on the reverse side into the electronic ballot box without removing it from the confidentiality sleeve.”.

6.24 Automatic acceptance

The Act is amended by inserting the following after section 223:

“**223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted on the reverse side and that was given by the deputy returning officer to an elector.

223.2. If a ballot paper card becomes blocked in the recipient for ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume.

The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.”.

6.25 Cancelled ballots

The following is substituted for section 224 of the Act:

“**224.** The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper card, initial it before the persons present, provided that the ballot paper card is *prima facie* a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.”.

6.26 Visually impaired person

Section 227 of the Act is amended:

(1) by substituting the following for the second and third paragraphs:

“The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates' names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box.”; and

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.27 Compilation of results

The following is substituted for sections 229 and 230 of the Act:

“**229.** After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in “end of election” mode and print out the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of ballot papers marked to indicate a vote for more than one candidate, the number of blank ballot papers and the number of valid votes for each office.

230. After the closing of the poll, the deputy returning officer of each polling station in the polling place shall complete the partial statement of the poll according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following particulars in the poll book:

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of electors admitted to vote;
- (3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;
- (4) the names of the persons who have performed duties as election officers or representatives assigned to that station.”.

The Act is amended by inserting the following after section 230:

“**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of the poll of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

230.2. Using the partial statement or statements of the poll, the senior deputy returning officer shall complete an overall statement of the poll in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.”.

6.28 Compiling sheet

Section 231 of the Act is revoked.

6.29 Counting of the votes

Section 232 of the Act is revoked.

6.30 Rejected ballot papers

The following is substituted for section 233 of the Act:

“**233.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

- (1) has not been marked;
- (2) has been marked in favour of more than one candidate;
- (3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words both the cards containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.”.

6.31 Rejected ballot papers, procedural omission, valid ballot papers

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

6.32 Contested validity

The following is substituted for section 237 of the Act:

“**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the printing out of the results compiled by an electronic ballot box in respect of the validity of the results.”.

6.33 Partial statement of the poll, overall statement of the poll and copy to representatives of candidates

The following is substituted for section 238 of the Act:

“**238.** The deputy returning officer shall draw up the partial statement of the poll, setting out

- (1) the number of ballot paper cards received from the returning officer;
- (2) the number of spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box;
- (3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of the poll, one of which must be given to the senior deputy returning officer.

Using the partial statements of the poll and the results compiled by the electronic ballot box, the senior deputy returning officer shall draw up an overall statement of the poll.

The senior deputy returning officer shall immediately give a copy of the overall statement of the poll to the representatives.”.

Sections 239 and 240 of the Act are revoked.

6.34 **Separate, sealed and initialled envelopes given to the returning officer**

The following is substituted for sections 241, 242 and 243 of the Act:

“**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of the poll. Each deputy returning officer shall seal the envelopes, place them in a recipient, seal it, and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

242. After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or representatives who wish to be present, the senior deputy returning officer:

— if the recipient of the electronic ballot box is plastic, place the ballots papers cards, which are in the recipient of the electronic ballot box, in a transfer box. He remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the transfer box. He shall seal and initial the transfer box and allow the representatives who wish to do so to initial it;

— if the recipient of the electronic ballot box is cardboard, remove the cardboard recipient containing the ballots papers. He remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal the cardboard recipient and allow the representatives who wish to do so to initial it.

The senior deputy returning officer give the transfer box or the recipients to the returning officer or to the person whom it appoints.

243. The senior deputy returning officer shall place in an envelope a copy of the overall statement of the poll stating the results of the election and the partial statements of the poll. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.”.

Section 244 of the Act is revoked.

6.35 **Addition of votes**

The following is substituted for section 247 of the Act:

“**247.** The returning officer shall proceed with the addition of the votes using the overall statements of the poll drawn up by each senior deputy returning officer.”.

6.36 **Adjournment of the addition of votes**

Section 248 of the Act is amended:

(1) by substituting the words “an overall statement of the poll” for the words “a statement of the poll” in the first line of the first paragraph;

(2) by substituting the following for the second paragraph:

“Where it is not possible to obtain an overall statement of the poll, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.”.

6.37 **Placing in envelope**

The following is substituted for section 249 of the Act:

“**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.”.

6.38 **New counting of the votes**

The following is substituted for section 250 of the Act:

“250. Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box equipped with a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.”.

6.39 Notice to the Minister

Section 251 of the Act is amended by substituting the words “overall statement of the poll, the report on the results compiled by the electronic ballot box and the ballot paper cards” for the words “statement of the poll, the statement of votes and the ballot papers” in the first line of the first paragraph.

6.40 Access to ballot papers

The following is substituted for section 261 of the Act:

“261. Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing access to the documents held by the municipality may not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or judge.”.

6.41 Application for a recount

Section 262 of the Act is amended by substituting the words “an electronic ballot box” for the words “a deputy returning officer, a poll clerk or the returning officer” in the first and second lines of the first paragraph.

7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the Chief Electoral Officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the recipients for ballot papers.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold

or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.

8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before November 1st, 2006.

9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

10. ASSESSMENT REPORT

Within 120 days following the general election held on November 3rd, 2002, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

— the preparations for the election (choice of the new method of voting, communications plan, etc.);

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system;

— the cost of adapting election procedures;

— non-recurrent costs likely to be amortized;

— a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general election on November 3rd, 2002 using traditional methods;

— the number and duration of incidents during which voting was stopped, if any;

— the advantages and disadvantages of using the new method of voting;

— the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;

— the examination of rejected ballot papers, if it has been completed.

11. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on November 3rd, 2002 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

12. EFFECT OF THE AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

AGREEMENT SIGNED IN THREE COPIES :

In Vaudreuil-Dorion, on this 22nd day of the month of March of the year 2002.

THE MUNICIPALITY OF VAUDREUIL-DORION

By: _____
REJEAN BOYER, *Mayor*

LISE ROY, *Clerk*

In Sainte-Foy, on this 28th day of the month of March of the year 2002

THE CHIEF ELECTORAL OFFICER



MARCEL BLANCHET

In Québec, on this 7th day of the month of June of the year 2002

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL

By: _____
JEAN PRONOVOST, *Deputy minister*


SCHEDULE**MODEL BALLOT PAPER HOLDER**



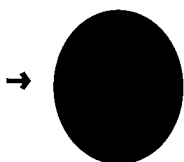
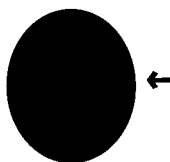
Vaudreuil-Dorion

CHEMISE DE CONFIDENTIALITÉ
REPLIR AU COMPLET L'ESPACE OVALE (NOIRCIR)

SECRECY FOLDER
DARKEN THE OVAL ENTIRELY



NE PAS PLIER LE BULLETIN
DO NOT FOLD THE BALLOT



TENIR ICI
HOLD HERE




Vaudreuil-Dorion


District numéro 1

**Élection municipale du 3 novembre 2002
Municipal Election – November 3, 2002**


INSTRUCTIONS POUR VOTER :

1. Remplir l'espace ovale (noircir)  vis-à-vis le nom des personnes de votre choix.
2. Insérer votre bulletin de vote dans la chemise de confidentialité de manière à ce que les initiales au verso du bulletin puissent être vérifiées.
3. Rapporter la chemise de confidentialité contenant votre bulletin de vote au préposé à l'urne électronique.

DIRECTION TO VOTE :

1. Completely darken the oval  the name of the candidate you wish to vote for.
2. Place the ballot in the secrecy folder with the DRO's initials showing.
3. Return the secrecy folder with the ballot enclosed to the electronic vote tabulator attendant.

**MAIRE – MAYOR
(voter pour une seule personne)
(vote for one)**


Noircir pour indiquer votre choix
Mark your choice with an oval 


Pierre UNTEL 

Jean CYR 


Paul HENRI 

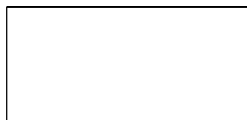
**CONSEILLER - COUNCILLOR
(voter pour une seule personne)
(vote for one)**

Noircir pour indiquer votre choix
Mark your choice with an oval 

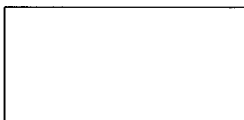
Pierre JEAN 

Jean CLAUDE 

Pierre HENRI 



Initiales du scrutateur



Section de vote



Bureau de vote

5105

M.O., 2002**Order of the Minister of Health and Social Services dated 11 June 2002 for the designation of a breast cancer detection centre**

Health Insurance Act
(R.S.Q., c. A-29)

THE MINISTER OF STATE FOR HEALTH AND SOCIAL SERVICES AND MINISTER OF HEALTH AND SOCIAL SERVICES ,

CONSIDERING subparagraph *b.3* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING subparagraph *ii* of paragraph *o* of section 22 of the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1);

ORDERS :

THAT the following breast cancer detection centre be designated for the Montérégie region :

“Centre de radiologie West-Island – Vaudreuil-Dorion
600, boulevard Harwood
Vaudreuil-Dorion (Québec)
J7V 6A3.”.

Québec, 11 June 2002

FRANÇOIS LEGAULT,
*Minister of State for Health and Social Services and
Minister of Health and Social Services*

5102

M.O., 2002**Order of the Minister responsible for the Act respecting immigration to Québec dated 13 June 2002**

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals

THE MINISTER OF RELATIONS WITH THE CITIZENS AND IMMIGRATION,

CONSIDERING that, under section 3.4 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Minister may, by regulation, establish the weighting of selection criteria for foreign nationals;

CONSIDERING that, under that section, the Minister may determine that the regulation applies to applications that are being processed, or to applications filed after a particular date that are being processed, or to those that have not yet reached a particular stage on the date of coming into force of the regulation;

CONSIDERING that the Regulation to amend the Regulation respecting the selection of foreign nationals comes into force on 28 June 2002 and amends Schedule A of the said Regulation;

CONSIDERING that, under that section, a regulation made by the Minister is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1) and, notwithstanding section 17 of that Act, may come into force on the date of its publication in the *Gazette officielle du Québec*, or on any later date fixed in the regulation;

CONSIDERING that the Regulation respecting the weighting applicable to the selection of foreign nationals was made by Order of the Minister dated 22 June 2001 (2001, *G.O.* 2, 3455);

CONSIDERING that it is expedient to further amend the Regulation;

ORDERS:

THAT the Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals, attached to this Order, be made.

RÉMY TRUDEL,
*Minister of State for Population, Regions and
Native Affairs and Minister of Relations with
the Citizens and Immigration*

Regulation to amend the Regulation respecting the weighting applicable to the selection of foreign nationals

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2, s. 3.4)

1. The Regulation respecting the weighting applicable to the selection of foreign nationals is amended by striking out the words “AND ASSISTED RELATIVE” in the heading of Schedule I.

2. Schedules I, III, IV and V are amended

(1) by substituting the words “spouse, *de facto* spouse” for the word “spouse” in the “Weighting” column with respect to criterion “4.5 Relationship with Québec”; and

(2) by substituting the words “spouse or *de facto* spouse” for the word “spouse” in the “Selection” column.

3. Schedules I, III and IV are amended by substituting the words “spouse or *de facto* spouse” for the word “spouse” in the “Preliminary Stage” column.

4. Schedules I and III are amended by substituting the words “Spouse’s or *de facto* spouse’s” for the word “Spouse’s” in factor “7. Spouse’s characteristics”.

5. Schedule II is amended

(1) by substituting the words “spouse, *de facto* spouse” for the word “spouse” in the “Weighting” column with respect to subcriterion “b. Relationship with Québec”;

(2) by substituting the words “Spouse’s or *de facto* spouse’s” for the word “spouse’s” in factor “6. Spouse’s characteristics”; and

(3) by substituting the words “spouse or *de facto* spouse” for the word “spouse” in the column to the left of the “Factors applicable” column.

6. Schedule IV is amended as follows:

(1) the following is substituted for the “Weighting” column with respect to factor “10. Financial resources”:

“	
(a) \$50 000	0
(b) \$75 000	0
(c) \$100 000	0
(d) \$125 000	0
(e) \$150 000	0
(f) \$175 000	0
(g) \$200 000	0
(h) \$250 000	0
(i) \$300 000	6
(j) \$350 000	7
(k) \$400 000	8
(l) \$450 000	9
(m) \$500 000 or more	10
”;	

(2) the words “cutoff score = 6” are substituted for the words “cutoff score = 4” that appear in the “Factors” column in factor “10. Financial resources”; and

(3) the words “13 points” are substituted for the words “11 points” in the “Cutoff score” column with respect to the “Preliminary stage”.

7. This Regulation comes into force on 28 June 2002.

5103

M.O., 2002

Order of the Minister of Relations with the Citizens and Immigration dated 13 June 2002

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Prescribed forms to give an undertaking

THE MINISTER OF RELATIONS WITH THE CITIZENS AND IMMIGRATION,

CONSIDERING section 3.1.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), which provides that an undertaking to assist a foreign national in settling in Québec shall be subscribed to on the form prescribed by the Minister;

CONSIDERING the Minister's Order dated 20 April 2000 concerning the prescribed forms to give an undertaking published in the *Gazette officielle du Québec* of 10 May 2000;

CONSIDERING it is expedient to replace those forms to give an undertaking;

ORDERS :

THAT the forms to give an undertaking prescribed by Minister's Order dated 20 April 2000 be replaced by those attached to this Order effective 28 June 2002.

RÉMY TRUDEL,
*Minister of State for Population, Regions and Native
Affairs and
Minister of Relations with the Citizens
and Immigration*

Relations
avec les citoyens
et Immigration

Québec



Sponsor's Individual Record
Collective Sponsorship – Group

Official use only

Individual Reference No: _____
File No: _____

The information required in this form is necessary to process your application. Any omission or refusal to answer may result in its rejection or cause delays in the processing of your file. For further information, you may also refer to the *Act respecting immigration to Québec* (R.S.Q., c. I-0.2) and the *Regulation respecting the selection of foreign nationals* (R.R.Q., 1981, c. M-23.1, r. 2).

IDENTIFICATION OF SPONSOR

Family name at birth: _____

First name: _____ Date of birth: _____
y / m / d

Sex: F ☐ M ☐ Civil status: ☐ Single ☐ Married ☐ De facto spouse ☐ Divorced ☐ Other (specify) _____

Status: ☐ Canadian citizen ☐ Permanent resident ☐ Other (specify) _____

DECLARATIONS (please check the appropriate box)

- ☐ yes ☐ no I am domiciled in Québec.
- ☐ yes ☐ no I am subject to a removal order from Canada (deportation order).
- ☐ yes ☐ no I am detained in a prison or penitentiary.
- ☐ yes ☐ no I have been convicted, in or outside Canada, of murder or an offence listed in Schedule I or II to the *Corrections and Conditional Release Act* (refer to the instruction sheet).
- ☐ yes ☐ no I am a Canadian citizen and I am subject to a procedure for revocation of my citizenship.
- ☐ yes ☐ no I have been subject to a recourse for non-payment of support in the last five years.
- ☐ yes ☐ no I have sponsored someone before.
- ☐ yes ☐ no If yes, I have complied with the financial obligations related to the undertaking.

SIGNATURE OF SPONSOR

Access to the information provided is restricted to the persons authorized under the provisions of the *Act respecting Access to documents held by public bodies and the Protection of personal information* (R.S.Q., c. A-2.1). That information may be used for research or evaluation purposes. The department may verify directly or by the means of an intermediate the accuracy of the information provided by consulting a third party and release information obtained within the scope of this application to Canadian immigration authorities and Québec public bodies if such information is necessary for the carrying out of an Act in Québec. The department may request from any other department or public body information relating to the sponsors' addresses.

I declare that the information contained in this document is complete and accurate.

In witness whereof, I have signed at _____

on _____
(year / month / day)

Name

Signature of sponsor

Relations
avec les citoyens
et Immigration

Québec



UNDERTAKING Collective Sponsorship Group of Five Persons

Official use only

Individual Reference No.:

File No.:

The information required in this form is necessary to process your application. Any omission or refusal to answer may result in its rejection or cause delays in the processing of your file. For further information, you may also refer to the *Act respecting immigration to Québec* (R.S.Q., c. I-0.2) and the *Regulation respecting the selection of foreign nationals* (R.R.Q., 1981, c. M-23.1, r. 2).

IDENTIFICATION OF GROUP

Official spokesperson of the group

Family name at birth: _____
First name: _____
Address: _____
Telephone No.: _____

Official use only

Individual Reference No.

Other persons forming the group

Family name at birth: _____
First name: _____
Address: _____
Telephone No.: _____

Individual Reference No.

Family name at birth: _____
First name: _____
Address: _____
Telephone No.: _____

Individual Reference No.

Family name at birth: _____
First name: _____
Address: _____
Telephone No.: _____

Individual Reference No.

Family name at birth: _____
First name: _____
Address: _____
Telephone No.: _____

Individual Reference No.

IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON AND FAMILY MEMBERS

To fill out this section, please refer to the instruction sheet

	FAMILY NAME (at birth) and FIRST NAME	RELATIONSHIP with the principal sponsored person	SEX	DATE OF BIRTH year / month / day	ADDRESS
A	Principal sponsored person:				
B	Accompanying members of the principal sponsored person's family:				
1					
2					
3					
4					
C	Members of the principal sponsored person's family who are not accompanying that person but who are covered by the undertaking:				
1					
2					

D	Members of the principal sponsored person's family who are not accompanying that person and who are not covered by the undertaking:																																
1																																	
2																																	
E	Expected locality of settlement of the sponsored person and family members:																																
F	Do the sponsored persons have close relatives (child, spouse, father or mother) residing in Québec? If yes, indicate the relationship:																																
UNDERTAKING																																	
<p style="text-align: center;">This undertaking is a juridical act and failure to comply may result in legal proceedings.</p> <p>The undertaking is valid for one year. It comes into force from the moment the sponsored persons are admitted as permanent residents or under a temporary entry permit.</p> <p>For the persons covered by the undertaking who arrive after the principal sponsored person, the undertaking ends on the same date as the undertaking for the latter.</p> <p>The amounts required to provide for basic needs are determined in Schedule C to the <i>Regulation respecting the selection of foreign nationals</i>. They include food, clothing, personal necessities and any other expenses pertaining to living accommodations, insofar as the sponsored persons reasonably need them. Those amounts shall be indexed annually.</p> <p>The department may revoke an undertaking or a <i>Québec selection certificate</i> if the undertaking was accepted or if the certificate was issued on the strength of false or misleading information or documents, accepted or issued by error or where the conditions required for the acceptance of the undertaking or the issue of the <i>Québec selection certificate</i> cease to exist. In no other case may an undertaking be revoked.</p> <p>The undertaking becomes null and void if the sponsored persons do not qualify under the <i>Regulation respecting the selection of foreign nationals</i>, are not admitted as permanent residents or as holders of a temporary resident permit or do not obtain a <i>Québec selection certificate</i> within 24 months following the date on which the undertaking was signed by the immigration officer.</p> <p>Legal proceedings may be instituted against the sponsor if that sponsor fails to comply with the undertaking or provides false or misleading information.</p> <p>The undertaking is binding on all parties, meaning that each member of the group is responsible for other members who do not comply with their undertaking.</p> <p>Access to the information provided is restricted to the persons authorized under the provisions of the <i>Act respecting Access to documents held by public bodies and the Protection of personal information</i> (R.S.Q., c. A-2.1). That information may be used for research or evaluation purposes. The department may verify directly or by the means of an intermediate the accuracy of the information provided by consulting a third party and release information obtained within the scope of this application to Canadian immigration authorities and Québec public bodies if such information is necessary for the carrying out of an Act in Québec. The department may request from any other department or public body information related to the sponsors' addresses and may forward a copy of this undertaking to the contemplated sponsored persons.</p> <p>We, the undersigned, acknowledge having examined the information contained in the form and understand the nature and scope of the undertaking that binds us to the persons covered by this undertaking. Consequently:</p> <ol style="list-style-type: none"> 1. We undertake to provide, during the entire term of the undertaking, for the basic needs of those persons, as established in Schedule C to the <i>Regulation respecting the selection of foreign nationals</i> (R.R.Q., 1981, c. M-23.1, r. 2). 2. We undertake to ensure the reception of the person on whose behalf the undertaking is given, and to provide that person with assistance in settling in. This includes ensuring reception in the region or locality of settlement, providing information on Québec society and culture, arranging for the consultation services necessary for integration into Québec, and providing assistance in seeking employment. 3. We undertake to reimburse the Gouvernement du Québec any amount that the latter may grant, as special benefits or last resort assistance benefits, to those persons, in accordance with the <i>Act respecting income support, employment assistance and social solidarity</i> (R.S.Q., c. S-32.001). 4. We also undertake to reimburse the Government of any province of Canada the amount paid as special benefits, last resort assistance benefits or other similar benefits it may grant to those persons. <p>We declare that the information contained in this form is complete and accurate.</p> <p>In witness whereof, we have signed at _____ this _____ day of _____ year / month / day</p> <table border="0"> <tr> <td>_____ Name</td> <td>_____ Signature</td> </tr> <tr> <td>_____ Name</td> <td>_____ Signature</td> </tr> <tr> <td>_____ Name</td> <td>_____ Signature</td> </tr> <tr> <td>_____ Name</td> <td>_____ Signature</td> </tr> <tr> <td>_____ Name</td> <td>_____ Signature</td> </tr> </table> <tr> <td colspan="6" style="text-align: center;">ACCEPTANCE OF THE UNDERTAKING (OFFICIAL USE ONLY)</td> </tr> <tr> <td colspan="6">Name of the authorized officer _____</td> </tr> <tr> <td colspan="6">Signature _____ year / month / day _____</td> </tr>						_____ Name	_____ Signature	_____ Name	_____ Signature	_____ Name	_____ Signature	_____ Name	_____ Signature	_____ Name	_____ Signature	ACCEPTANCE OF THE UNDERTAKING (OFFICIAL USE ONLY)						Name of the authorized officer _____						Signature _____ year / month / day _____					
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Name of the authorized officer _____																																	
Signature _____ year / month / day _____																																	

Relations
avec les citoyens
et Immigration

Québec



UNDERTAKING Collective Sponsorship Legal Person

Official use only

Individual Reference No.:
File No.:

The information required in this form is necessary to process your application. Any omission or refusal to answer may result in its rejection or cause delays in the processing of your file. For further information, you may also refer to the *Act respecting immigration to Québec* (R.S.Q., c. I-0.2) and the *Regulation respecting the selection of foreign nationals* (R.R.Q., 1981, c. M-23.1, r. 2).

IDENTIFICATION OF LEGAL PERSON

Name:

Address:

Telephone No.: Fax No.: E-mail:

Person authorized by the Board of Directors to sign this undertaking

Family name, first name and occupation:

Mailing address if different from above:

Telephone No.: Fax No.:

IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON AND FAMILY MEMBERS

To fill out this section, please refer to the instruction sheet

	FAMILY NAME (at birth) and FIRST NAME	RELATIONSHIP with the principal sponsored person	SEX	DATE OF BIRTH year / month / day	ADDRESS
A	Principal sponsored person:				
B	Accompanying members of the principal sponsored person's family:				
1					
2					
3					
4					
5					
C	Members of the principal sponsored person's family who are not accompanying that person but who are covered by the undertaking:				
1					
2					
3					
D	Members of the principal sponsored person's family who are not accompanying that person and who are not covered by the undertaking:				
1					
2					
E	Expected locality of settlement of the sponsored person and family members:				
F	Do the sponsored persons have close relatives (child, spouse, father or mother) residing in Québec? If yes, indicate the relationship:				

DECLARATIONS (Please check the appropriate box)

- | | | |
|------------------------------|-----------------------------|--|
| <input type="checkbox"/> yes | <input type="checkbox"/> no | The legal person is engaged in activities in Québec. |
| <input type="checkbox"/> yes | <input type="checkbox"/> no | The legal person is incorporated under Part III of the <i>Companies Act</i> (R.S.Q., c. C-38) or is incorporated as a non-profit making corporation within the meaning of the laws of Canada or any other Canadian province. |
| <input type="checkbox"/> yes | <input type="checkbox"/> no | The legal person is registered in accordance with the <i>Act respecting the legal publicity of sole proprietorships, partnerships and legal persons</i> (R.S.Q., c. P-45). |
| <input type="checkbox"/> yes | <input type="checkbox"/> no | The legal person is a political party or a party authority within the meaning of Chapter I of Title III of the <i>Election Act</i> (R.S.Q., c. E-3.3). |
| <input type="checkbox"/> yes | <input type="checkbox"/> no | The legal person has representatives in the expected region or locality of settlement of the foreign national whom it is sponsoring. |
| <input type="checkbox"/> yes | <input type="checkbox"/> no | The legal person has previously contracted a similar undertaking. |

UNDERTAKING

This undertaking is a juridical act and failure to comply may result in legal proceedings.

The undertaking is valid for one year. It comes into force from the moment the sponsored persons are admitted as permanent residents or under a temporary entry permit.

For the persons covered by the undertaking who arrive after the principal sponsored person, the undertaking ends on the same date as the undertaking for the latter.

The amounts required to provide for basic needs are determined in Schedule C to the *Regulation respecting the selection of foreign nationals*. They include food, clothing, personal necessities and any other expenses pertaining to living accommodations, insofar as the sponsored persons reasonably need them. Those amounts shall be indexed annually.

The department may revoke an undertaking or a *Québec selection certificate* if the undertaking was accepted or if the certificate was issued on the strength of false or misleading information or documents, accepted or issued by error or where the conditions required for the acceptance of the undertaking or the issue of the *Québec selection certificate* cease to exist. **In no other case may an undertaking be revoked.**

The undertaking becomes null and void if the sponsored persons do not qualify under the *Regulation respecting the selection of foreign nationals*, are not admitted as permanent residents or as holders of a temporary resident permit or do not obtain a *Québec selection certificate* within 24 months following the date on which the undertaking was signed by the immigration officer.

Legal proceedings may be instituted against the sponsor if that sponsor fails to comply with the undertaking or provides false or misleading information.

Access to the information provided is restricted to the persons authorized under the provisions of the *Act respecting Access to documents held by public bodies and the Protection of personal information* (R.S.Q., c. A-21.1). That information may be used for research or evaluation purposes. The department may verify directly or by the means of an intermediate the accuracy of the information provided by consulting a third party and release information obtained within the scope of this application to Canadian immigration authorities and Québec public bodies if such information is necessary for the carrying out of an Act in Québec. The department may forward a copy of this undertaking to the contemplated sponsored persons.

The legal person acknowledges having examined the information contained in the form and understands the nature and scope of the undertaking that binds it to the persons covered by this undertaking. Consequently:

1. The legal person undertakes to provide, during the entire term of the undertaking, for the basic needs of those persons, as established in Schedule C to the *Regulation respecting the selection of foreign nationals* (R.R.O., 1981, c. M-23.1, r. 2).
2. The legal person undertakes to ensure the reception of the person on whose behalf the undertaking is given, and to provide that person with assistance in settling in. This includes ensuring reception in the region or locality of settlement, providing information on Québec society and culture, arranging for the consultation services necessary for integration into Québec, and providing assistance in seeking employment.
3. The legal person undertakes to reimburse the Gouvernement du Québec any amount that the latter may grant, as special benefits or last resort assistance benefits, to those persons, in accordance with the *Act respecting income support, employment assistance and social solidarity* (R.S.Q., c. S-32.001).
4. The legal person also undertakes to reimburse the Government of any province of Canada the amount paid as special benefits, last resort assistance benefits or other similar benefits it may grant to those persons.

The legal person declares that the information contained in this form and in the documents attached thereto is complete and accurate.

In witness whereof, the legal person _____

duly represented for the purpose of this undertaking by _____

as attested by the resolution of the Board of Directors dated

and attached hereto, gives an undertaking this _____ year / month / day

Name of the legal person's representative

Signature

ACCEPTANCE OF THE UNDERTAKING (OFFICIAL USE ONLY)

Name of authorized officer _____

Signature _____

year / month / day

Relations
avec les citoyens
et Immigration

Québec



UNDERTAKING

Independent Immigrants Class
Legal Person

Official use only

Individual Reference No: _____

File No: _____

The information required in this form is necessary to process your application. Any omission or refusal to answer may result in its rejection or cause delays in the processing of your file. For further information, you may also refer to the *Act respecting immigration to Québec* (R.S.Q., c. I-0.2) and the *Regulation respecting the selection of foreign nationals* (R.R.Q., 1981, c. M-23.1, r. 2).

IDENTIFICATION OF LEGAL PERSON

Name: _____

Address: _____

Telephone No.: _____ Fax No.: _____ E-mail: _____

Person authorized by the Board of Directors to sign this undertaking

Family name, first name and occupation: _____

Mailing address if different from above: _____

Telephone No.: _____ Fax No.: _____

IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON AND FAMILY MEMBERS

To fill out this section, please refer to the instruction sheet

	FAMILY NAME (at birth) and FIRST NAME	RELATIONSHIP with the principal sponsored person	SEX	DATE OF BIRTH year / month / day	ADDRESS
A	Principal sponsored person:				
B	Members of the principal sponsored person's family who are accompanying or following that person:				
1					
2					
3					
4					
5					
6					
C	Members of the principal sponsored person's family who are not accompanying that person and who are not covered by the undertaking:				
1					
2					
D	Expected locality of settlement of the sponsored person and family members:				

DECLARATIONS (Please check the appropriate box)	
<input type="checkbox"/> yes <input type="checkbox"/> no	The legal person is engaged in activities in Québec.
<input type="checkbox"/> yes <input type="checkbox"/> no	The legal person is incorporated under Part III of the <i>Companies Act</i> (R.S.Q., c. C-38) or is incorporated as a non-profit making corporation within the meaning of the laws of Canada or any other Canadian province.
<input type="checkbox"/> yes <input type="checkbox"/> no	The legal person is registered in accordance with the <i>Act respecting the legal publicity of sole proprietorships, partnerships and legal persons</i> (R.S.Q., c. P-45).
<input type="checkbox"/> yes <input type="checkbox"/> no	The legal person is a political party or a party authority within the meaning of Chapter I of Title III of the <i>Election Act</i> (R.S.Q., c. E-3.3).
<input type="checkbox"/> yes <input type="checkbox"/> no	The legal person has representatives in the expected region or locality of settlement of the foreign national whom it is sponsoring.
<input type="checkbox"/> yes <input type="checkbox"/> no	The legal person has previously contracted a similar undertaking.
UNDERTAKING	
<p style="text-align: center;">This undertaking is a juridical act and failure to comply may result in legal proceedings.</p> <p>The undertaking is valid for five years. It comes into force from the moment the sponsored persons are admitted as permanent residents or under a temporary entry permit.</p> <p>The amounts required to provide for basic needs are determined in Schedule C to the <i>Regulation respecting the selection of foreign nationals</i>. They include food, clothing, personal necessities and any other expenses pertaining to living accommodations, insofar as the sponsored persons reasonably need them. Those amounts shall be indexed annually.</p> <p>The department may revoke an undertaking or a <i>Québec selection certificate</i> if the undertaking was accepted or if the certificate was issued on the strength of false or misleading information or documents, accepted or issued by error or where the conditions required for the acceptance of the undertaking or the issue of the <i>Québec selection certificate</i> cease to exist. In no other case may an undertaking be revoked.</p> <p>The undertaking becomes null and void if the sponsored persons do not qualify under the <i>Regulation respecting the selection of foreign nationals</i>, are not admitted as permanent residents or as holders of a temporary resident permit or do not obtain a <i>Québec selection certificate</i> within 24 months following the date on which the undertaking was signed by the immigration officer.</p> <p>Legal proceedings may be instituted against the sponsor if that sponsor fails to comply with the undertaking or provides false or misleading information.</p> <p>Access to the information provided is restricted to the persons authorized under the provisions of the <i>Act respecting Access to documents held by public bodies and the Protection of personal information</i> (R.S.Q., c. A-2.1). That information may be used for research or evaluation purposes. The department may verify directly or by the means of an intermediate the accuracy of the information provided by consulting a third party and release information obtained within the scope of this application to Canadian immigration authorities and Québec public bodies if such information is necessary for the carrying out of an Act in Québec. The department may forward a copy of this undertaking to the contemplated sponsored persons.</p> <p style="margin-left: 40px;">The legal person acknowledges having examined the information contained in the form and understands the nature and scope of the undertaking that binds it to the persons covered by this undertaking. Consequently:</p> <ol style="list-style-type: none"> 1. The legal person undertakes to provide, during the entire term of the undertaking, for the basic needs of those persons, as established in Schedule C to the <i>Regulation respecting the selection of foreign nationals</i> (R.R.Q., 1981, c. M-23.1, r. 2). 2. The legal person undertakes to reimburse the Gouvernement du Québec any amount that the latter may grant, as special benefits or last resort assistance benefits, to those persons, in accordance with the <i>Act respecting income support, employment assistance and social solidarity</i> (R.S.Q., c. S-32.001). 3. The legal person also undertakes to reimburse the Government of any province of Canada the amount paid as special benefits, last resort assistance benefits or other similar benefits it may grant to those persons. <p style="margin-left: 40px;">The legal person declares that the information contained in this form and in the documents attached thereto is complete and accurate.</p> <p>In witness whereof, the legal person _____</p> <p>duly represented for the purpose of this undertaking by _____</p> <p>as attested by the resolution of the Board of Directors dated _____</p> <p>and attached hereto, gives an undertaking this _____ year / month / day</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>_____ Name of the legal person's representative</p> </div> <div style="width: 45%;"> <p>_____ Signature</p> </div> </div>	
ACCEPTANCE OF THE UNDERTAKING (OFFICIAL USE ONLY)	
<p>_____ Name of authorized officer</p> <p>_____ Signature</p> <p style="text-align: right;">_____ year / month / day</p>	

Relations
avec les citoyens
et Immigration

Québec

**UNDERTAKING**

Independent Immigrant
Member of the Family of an Applicant in Québec – Individual

Official use only

Individual Reference No: _____
File No: _____

The information required in this form is necessary to process your application. Any omission or refusal to answer may result in its rejection or cause delays in the processing of your file. For further information, you may also refer to the *Act respecting immigration to Québec* (R.S.Q., c. I-0.2) and the *Regulation respecting the selection of foreign nationals* (R.R.Q., 1981, c. M-23.1, r. 2).

IDENTIFICATION OF SPONSORS**A - Identification of sponsor**

Family name at birth: _____

First name: _____

Sex: F ☐ M ☐Date of birth: _____
year / month / day

Social Insurance Number: _____

Civil status: Single ☐ Married ☐ De facto spouse ☐
Separated ☐ Divorced ☐ Widowed ☐Status: Canadian citizen ☐ Permanent resident ☐
Applicant in Québec ☐

Address: _____

Telephone No.: _____ Fax No.: _____

B - Identification of co-signer spouse (where applicable)*(This part should be filled out, if necessary, by the spouse or de facto spouse of a Canadian citizen or permanent resident)*

Family name at birth: _____

First name: _____

Sex: F ☐ M ☐Date of birth: _____
year / month / day

Social Insurance Number: _____

Relationship with the sponsor: Married ☐ De facto spouse ☐Status: Canadian citizen ☐ Permanent resident ☐Other ☐ specify: _____**IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON AND FAMILY MEMBERS***To fill out the following sections, please refer to the instruction sheet*

	FAMILY NAME (at birth) and FIRST NAME	RELATIONSHIP with the sponsor	SEX	DATE OF BIRTH year / month / day	ADDRESS	TERM OF THE UNDERTAKING
A	Principal sponsored person:					
B	Members of the principal sponsored person's family who are accompanying or following that person:					
1						
2						
3						
4						
5						
6						
C	Members of the principal sponsored person's family who are not accompanying that person and who are not covered by the undertaking:					
1						
2						

DECLARATIONS (Please check the appropriate box)		
SPONSOR	CO-SIGNER SPOUSE	Please indicate by "yes" or "no" if the following statements apply to you: (the co-signer spouse shall fill out this section only if signing the undertaking.)
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	I am domiciled in Québec.
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	I am subject to a removal order from Canada (deportation order).
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	I am detained in a prison or penitentiary.
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	I have been subject to a recourse for non-payment of support in the last five years.
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	I have sponsored someone before.
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	If so, I have complied with the financial obligations related to that undertaking.
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	I have been convicted, in or outside Canada, of murder or an offence listed in Schedule I or II to the <i>Corrections and Conditional Release Act</i> .
	<input type="checkbox"/> yes <input type="checkbox"/> no	I am the sponsor's de facto spouse.
	<input type="checkbox"/> yes <input type="checkbox"/> no	I am the sponsor's spouse.
UNDERTAKING		
This undertaking is a juridical act and failure to comply may result in legal proceedings.		
The undertaking given by an applicant in Québec is valid for three years for a spouse; in the case of a child, the undertaking is valid for ten years or until he or she is of full age, whichever is the longer period.		
The undertaking given by a Canadian citizen or a permanent resident is valid for five years.		
The undertaking comes into force from the moment the sponsored person is admitted as a permanent resident or under a temporary entry permit.		
The amounts required to provide for basic needs are determined in Schedule C to the <i>Regulation respecting the selection of foreign nationals</i> . They include food, clothing, personal necessities and any other expenses pertaining to living accommodations, insofar as the sponsored person reasonably needs them. Those amounts shall be indexed annually.		
The department may revoke an undertaking or a <i>Québec selection certificate</i> if the undertaking was accepted or if the certificate was issued on the strength of false or misleading information or documents, accepted or issued by error or where the conditions required for the acceptance of the undertaking or the issue of the <i>Québec selection certificate</i> cease to exist. In no other case may an undertaking be revoked.		
The undertaking becomes null and void if the sponsored person does not qualify under the <i>Regulation respecting the selection of foreign nationals</i> , is not admitted as a permanent resident or as the holder of a temporary resident permit or does not obtain a <i>Québec selection certificate</i> within 24 months following the date on which the undertaking was signed by the immigration officer.		
Legal proceedings may be instituted against the sponsor if that sponsor fails to comply with the undertaking or provides false or misleading information.		
Access to the information provided is restricted to the persons authorized under the provisions of the <i>Act respecting Access to documents held by public bodies and the Protection of personal information</i> (R.S.Q., c. A-2.1). That information may be used for research or evaluation purposes. The department may verify directly or by the means of an intermediate the accuracy of the information provided by consulting a third party and release information obtained within the scope of this application to Canadian immigration authorities and Québec public bodies if such information is necessary for the carrying out of an Act in Québec. The department may request from any other department or public body information relating to the sponsor's address and may forward a copy of this undertaking to the contemplated sponsored persons.		
I acknowledge having examined the information contained in the form and I understand the nature and scope of the undertaking that binds me to the persons covered by this undertaking. Consequently:		
1. I undertake to provide, during the entire term of the undertaking, for the basic needs of those persons, as established in Schedule C to the <i>Regulation respecting the selection of foreign nationals</i> (R.R.Q., 1981, c. M-23.1, r. 2).		
2. I undertake to reimburse the Gouvernement du Québec any amount that the latter may grant, as special benefits or last resort assistance benefits, to that person, in accordance with the <i>Act respecting income support, employment assistance and social solidarity</i> (R.S.Q., c. S-32.001).		
3. I also undertake to reimburse the Government of any province of Canada the amount paid as special benefits, last resort assistance benefits or other similar benefits it may grant to those persons.		
I declare that the information contained in this form and in the documents attached thereto is complete and accurate.		
In witness whereof, I have signed at _____ town		_____ Signature of sponsor
_____ year / month / day		_____ Signature of co-signer spouse (where applicable)
ACCEPTANCE OF THE UNDERTAKING (OFFICIAL USE ONLY)		
_____ Name of authorized officer		
_____ Signature		_____ year / month / day

Relations
avec les citoyens
et Immigration

Québec



UNDERTAKING

Family Class

Official use only

Individual Reference No: _____

File No: _____

The information required in this form is necessary to process your application. Any omission or refusal to answer may result in its rejection or cause delays in the processing of your file. Please refer to the *Sponsor's Guide* to fill out the form. For further information, you may also refer to the *Act respecting immigration to Québec* (R.S.Q., c. I-0.2) and the *Regulation respecting the selection of foreign nationals* (R.R.Q., c. M-23.1, r. 2).

IDENTIFICATION OF SPONSORS

A - Identification of sponsor

Family name at birth: _____

First name: _____

Sex: F ☐ M ☐

Date of birth: _____
year / month / day

Status: permanent resident ☐ Canadian citizen ☐

Civil status: _____

Social Insurance Number: _____

Address: _____

Telephone No.: _____ Fax No.: _____

B - Identification of co-signer spouse (where applicable)

After having referred to the Sponsor's Guide, a sponsor's spouse or de facto spouse may decide to participate in the undertaking. In that case, this person must fill out the "Declarations" section of this form and sign the undertaking. For further information, call our assistance centre at the number indicated on the back of the guide.

Family name at birth: _____

First name: _____

Sex: F ☐ M ☐

Date of birth: _____
year / month / day

Status: permanent resident ☐ Canadian citizen ☐

Social Insurance Number: _____

Relationship with the sponsor: Married ☐ De facto spouse ☐

IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON AND FAMILY MEMBERS

To fill out the following sections, please refer to the Sponsor's Guide

	FAMILY NAME at birth and FIRST NAME	RELATIONSHIP with the sponsor	SEX	DATE OF BIRTH year / month / day	ADDRESS	TERM OF THE UNDERTAKING*
A	Principal sponsored person:					
B	Members of the principal sponsored person's family who are accompanying or following that person:					
1						
2						
3						
4						
5						
6						
C	Members of the principal sponsored person's family who are not accompanying that person and who are not covered by the undertaking:					
1						
2						
3						

* The undertaking is valid for three years for the spouse, de facto spouse and marital partner, and ten years for other sponsored persons. In the case of a minor child, the undertaking is valid for ten years or until he or she is of full age (18 years old), whichever is the longer period. The undertaking comes into force from the moment the sponsored person is admitted as a permanent resident or under a temporary entry permit.

DECLARATIONS (Please check the appropriate box)		
SPONSOR	CO-SIGNER SPOUSE	You must indicate by "yes" or "no" if the following statements apply to you: (the co-signer spouse should fill out this section only if signing the undertaking.)
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	I am domiciled in Québec.
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	I am a recipient of last resort assistance benefits.
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	I am subject to a removal order from Canada (deportation order).
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	I am detained in a prison or penitentiary.
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	I have been subject to a recourse for non-payment of support in the last five years.
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	I have been convicted, in or outside Canada, of a sexual offence or an offence against the person against my spouse, my de facto spouse, my marital partner or against a dependant child, a member of their family or a relative of theirs.
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	I have sponsored someone before.
<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	If yes, I have complied with the financial obligations related to that undertaking.
	<input type="checkbox"/> yes <input type="checkbox"/> no	I am the sponsor's de facto spouse.
	<input type="checkbox"/> yes <input type="checkbox"/> no	I am the sponsor's spouse.
DECLARATIONS OF THE PERSON SPONSORING A SPOUSE		
<input type="checkbox"/> yes <input type="checkbox"/> no		At the time of my marriage, I was someone else's spouse.
<input type="checkbox"/> yes <input type="checkbox"/> no		I have a de facto spouse or a marital partner and I have been living separate and apart from my spouse for at least one year.
UNDERTAKING		
<p>The undertaking is a juridical act that binds you to provide for your sponsored person's basic needs throughout the term of the undertaking.</p> <p>The amounts required to provide for basic needs are determined in Schedule C to the <i>Regulation respecting the selection of foreign nationals</i>. They include food, clothing, personal necessities and any other expenses pertaining to living accommodations, insofar as the sponsored persons reasonably need them. Those amounts shall be indexed annually. If the undertaking concerns relatives who are not part of the immediate family, a financial assessment is required (refer to guide).</p> <p>The department may revoke an undertaking or a <i>Québec selection certificate</i> if the undertaking was accepted or if the certificate was issued, by error, on the strength of false or misleading information or documents, or where the conditions required for the acceptance of the undertaking or the issue of the <i>Québec selection certificate</i> cease to exist. In no other case may an undertaking be revoked.</p> <p>The undertaking becomes null and void if the sponsored persons do not qualify under the <i>Regulation respecting the selection of foreign nationals</i>, are not admitted as permanent residents or as holders of a temporary resident permit or do not obtain a <i>Québec selection certificate</i> within 24 months following the date on which the undertaking was signed by the immigration officer.</p> <p>Legal proceedings may be instituted against the sponsor and the co-signer spouse if they fail to comply with the undertaking or if they provide false or misleading information.</p> <p>Access to the information provided is restricted to the persons authorized under the provisions of the <i>Act respecting Access to documents held by public bodies and the Protection of personal information</i> (R.S.Q., c. A-2.1). That information may be used for research or evaluation purposes. The department may verify directly or by the means of an intermediate the accuracy of the information provided by consulting a third party and release information obtained within the scope of this application to Canadian immigration authorities and Québec public bodies if such information is necessary for the carrying out of an Act in Québec. The department may request from any other department or body information related to the sponsor's address and may forward a copy of this undertaking to the contemplated sponsored persons.</p> <p>I acknowledge having examined the information contained in the form and in the <i>Sponsor's Guide</i> and I understand the nature and scope of the undertaking that binds me to the persons covered by my application for an undertaking. Consequently:</p> <ol style="list-style-type: none">1. I undertake to provide, during the entire term of the undertaking, for the basic needs of those persons, as established in Schedule C to the <i>Regulation respecting the selection of foreign nationals</i> (R.R.Q., 1981, c. M-23.1, r. 2).2. I undertake to reimburse the Gouvernement du Québec any amount that the latter may grant, to those persons, as special benefits or last resort assistance benefits, in accordance with the <i>Act respecting income support, employment assistance and social solidarity</i> (R.S.Q., c. S-32.001).3. I also undertake to reimburse the Government of any province of Canada the amount paid as special benefits, last resort assistance benefits or other similar benefits it may grant to those persons. <p>I declare that the information contained in this form is complete and accurate</p> <p>In witness whereof, I have signed at _____ town _____</p> <p>_____ year / month / day</p> <p>Signature of sponsor _____</p> <p>Signature of co-signer spouse (where applicable) _____</p>		
ACCEPTANCE OF THE UNDERTAKING (OFFICIAL USE ONLY)		
Name of authorized officer _____		
Signature _____ year / month / day _____		

Draft Regulations

Draft Regulation

An Act respecting the Communauté métropolitaine de Montréal
(R.S.Q., c. C-37.01)

An Act respecting the Communauté métropolitaine de Québec
(R.S.Q., c. C-37.02)

Metropolitan community — Program to share the growth of the tax base

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 program to share the growth of a metropolitan community's tax base, the text of which appears below, may be made by the Government upon the expiry of 45 days from this publication.

The purpose of this draft Regulation is to prescribe the rules that a metropolitan community must comply with to meet the requirements of a program to share the growth of the tax base.

To this end, the draft Regulation establishes the limits within which the metropolitan community may exercise its discretion concerning, namely,

(1) the determination of the local municipalities, among the local municipalities situated within its territory, that must contribute and those that must receive an aliquot share of the sum that the contributions represent;

(2) the calculation of the sum of the contributions and aliquot shares; and

(3) the use of the amount that is not apportioned among the local municipalities out of the sum that the contributions represent.

To this day, the study of this file does not show any direct impact on citizens or businesses.

Further information may be obtained by contacting Mtre. André Carrier, 10, rue Pierre-Olivier-Chauveau, 3^e étage, Québec (Québec) G1R 4J3 (tel. : (418) 691-2030; fax : (418) 644-6725).

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water and Minister of Municipal Affairs and Greater Montréal, 10, rue Pierre-Olivier-Chauveau, 4^e étage, Québec (Québec) G1R 4J3.

ANDRÉ BOISCLAIR,
*Minister of State for Municipal Affairs
and Greater Montréal, the Environment
and Water
and Minister of Municipal Affairs
and Greater Montréal*

Regulation respecting the program to share the growth of a metropolitan community's tax base

An Act respecting the Communauté métropolitaine de Montréal
(R.S.Q., c. C-37.01)

An Act respecting the Communauté métropolitaine de Québec
(R.S.Q., c. C-37.02)

DIVISION I OBJECT

1. This Regulation prescribes the rules that a metropolitan community shall comply with to meet the requirements of a program to share the growth of the tax base either under section 180 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., c. C-37.01) or section 170 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., c. C-37.02).

DIVISION II CONTRIBUTIONS ESTABLISHED BY THE PROGRAM

2. In order to determine which local municipalities whose territory is situated within the community's territory shall contribute to the sharing and to calculate the amount of each contribution, the community shall

(1) take into account only the municipalities whose tax base has increased and calculate the amount of the contributions according to their growth; or

(2) take into account all the municipalities and calculate, for one part, the amount of the contributions according to the tax bases of the municipalities without considering their progression and, for the other part, the amount according to their growth.

The community shall not require more than one contribution per fiscal year for a municipality.

3. The community shall provide that the tax base taken into account without considering its progression equals to

(1) the standardized property value established for the current fiscal year in accordance with Division I of Chapter XVIII.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1);

(2) the fiscal potential established for the current fiscal year in accordance with section 261.5 of that Act; or

(3) the fiscal potential that would be established for the current fiscal year if the number 0.48 in subparagraph 2 of the first paragraph of section 261.5 of that Act were replaced by a lower number fixed by the community.

For the purposes of this Regulation, “current fiscal year” means the fiscal year for which the amount of the contribution is calculated.

4. The community shall provide that the growth of the tax base equals to

(1) the positive difference obtained by subtracting the standardized property value established for the reference fiscal year determined under the second paragraph of this section from the standardized property value established in accordance with Division I of Chapter VIII.1 of the Act respecting municipal taxation for the current fiscal year; or

(2) the positive sum resulting from adding the positive or negative differences obtained by performing separate subtractions for each fiscal year referred to in section 5 with respect to values added to or withdrawn from the property assessment roll.

The community determines the reference fiscal year by providing that it shall be either the third fiscal year preceding the current fiscal year or a year it fixes. In the latter case, the community may not fix more than one reference fiscal year for the current fiscal years during which the same property assessment roll applies to Ville de Montréal or Ville de Québec, as the case may be.

5. In the case referred to in subparagraph 2 of the first paragraph of section 4, the total standardized values withdrawn from the property assessment roll are subtracted from the total values added to the roll. A separate subtraction is done for the reference fiscal year, the current fiscal year and, if applicable, any intermediate fiscal year.

For the purposes of the first paragraph,

(1) the addition or withdrawal of a value is what the community defines as such under the third paragraph; and

(2) the standardized value is the product obtained by multiplying the added or withdrawn value by the factor established in respect of the property assessment roll under section 264 of the Act respecting municipal taxation.

The community shall define what constitutes additions or withdrawals of values with respect to the property assessment roll. The definitions may refer to all or part of the cases where an immovable is added to or struck off the roll and all or part of the events mentioned in paragraphs 6 and 7 of section 174 of the Act respecting municipal taxation. The community shall take into account the possibilities of specifying what it intends to define as an addition or a withdrawal, in accordance with that Act or agreements entered into with the municipal bodies responsible for the assessment and that have jurisdiction over the rolls concerned.

6. The average growth of a municipality is established on the basis of the growth of the tax base measured for that municipality.

For this purpose, the measured growth is divided by the number of fiscal years, reduced by 1, included in the group formed by the reference fiscal year, the current fiscal year and, where applicable, any intermediate fiscal year.

7. The community shall provide for the percentage of average growth that is to be taken into account in calculating the contribution amounts.

It may fix different percentages, on the one hand, for the part of the average growth attributable to the values of the immovables that may be subject to a property taxation mode specific to the non-residential area and, on the other hand, for the rest of the average growth. The percentage referred to in the first instance shall be higher than the other percentage, but it must not exceed three times that percentage.

The values of the immovables referred to in the second paragraph are those applicable under subparagraph 2 of the first paragraph of section 261.5 of the Act respecting municipal taxation, considering the second paragraph of that section.

8. In the case referred to in subparagraph 1 of the first paragraph of section 2, the community shall fix a single rate by which the result obtained is multiplied, for each municipality in question, following the application of any percentage fixed under section 7.

Subject to section 10, the product resulting from this multiplication constitutes the amount of the municipality's contribution.

9. In the case referred to in subparagraph 2 of the first paragraph of section 2, the community fixes

(1) a single rate for multiplying the result obtained, for each municipality in question, following the application of any percentage fixed under section 7; and

(2) a single rate for multiplying the tax base, determined in compliance with section 3, for each municipality in question.

Subject to section 10, the sum of the products resulting from the multiplications referred to in subparagraphs 1 and 2 of the first paragraph constitutes the amount of the municipality's contribution. If no tax base growth has been measured for the municipality, only the product resulting from the multiplication referred to in subparagraph 2 constitutes, subject to the same condition, the amount of its contribution.

The rates referred to in subparagraphs 1 and 2 of the first paragraph shall be fixed in such a way that at least half the sum equal to all the contributions of the municipalities for the current fiscal year is derived from the products of the multiplications referred to in subparagraph 1 of the first paragraph.

10. The community shall provide for the reduction in the amount of the contribution in accordance with the rules prescribed in this section.

For each municipality that must contribute to the sharing, a quotient is calculated by dividing the amount of its contribution by the population. The average of the calculated quotients is then determined.

If the calculated quotient for a municipality is five times higher than the average, the amount of its contribution is reduced to eliminate the amount in excess.

The amount in excess is apportioned, in proportion with the amounts of their contributions, among the municipalities referred to in the second paragraph that do not have a reduction. The excess share calculated in respect of a municipality is added to the amount of its contribution.

The second paragraph applies again, as many times as the amount of the contribution is increased, to take into account the new amount. The third and fourth paragraphs apply again, if the same is true of the second paragraph, as long as the condition referred to in the third paragraph is met.

DIVISION III **APPORTIONMENT OR USE OF THE SUM OF THE CONTRIBUTIONS**

11. If the community provides in the program that all or part of the sum equal to all the contributions is to be apportioned among the local municipalities whose territory is situated within its territory, the sum must be apportioned according to a combination of criteria that comply with sections 12 to 16.

12. The community shall provide that the shares of the sum to be apportioned be calculated according to a combination of the criteria referred to in sections 13 and 14 or of those referred to in sections 13 to 15.

13. The first compulsory criterion for apportionment is the proportion represented by the population of the municipality for which the share is calculated in relation to the total population of the local municipalities situated within the community's territory.

14. The second compulsory criterion for apportionment is the proportion represented by the community's tax base per capita in relation to the tax base per capita of the municipality for which the aliquot share is calculated.

The tax base of a municipality that is divided by its population is the base determined by the community in accordance with section 3.

The community's tax base per capita is the quotient obtained by dividing the total of the tax bases of the local municipalities situated within the community's territory by the total population of these municipalities.

15. The optional criterion for apportionment is the proportion represented by the average value of the dwellings located within the community's territory in relation to the average value of the dwellings located within the territory of the municipality for which the aliquot share is calculated.

16. According to the possibility selected under section 12, the community shall prescribe that the proportion established under section 13 is to be used to multiply either

(1) the proportion established under section 14; or

(2) the sum obtained by adding the parts, determined in accordance with the second paragraph, of the proportions established under sections 14 and 15.

In the case referred to in subparagraph 2 of the first paragraph, the community shall fix two percentages the sum of which is 100% and which, applied respectively to both the proportions referred to in that paragraph, determine the part of each proportion that is to be considered in adding the parts as provided.

17. In addition to the apportionment referred to in this Division and the payment provided for in the second paragraph of one of the paragraphs referred to in section 1, the community may establish that it shall use the sum of all the contributions or any amount left over after such apportionment or payment, as the case may be, to finance operating expenditures relating to equipment, infrastructures, services or activities of metropolitan scope, except the equipment referred to in Schedule V to the Act respecting the Communauté métropolitaine de Montréal.

DIVISION IV **TRANSITORY AND FINAL**

18. The third paragraph of section 9 is inoperative during the first two fiscal years to which the program applies.

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

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Quality of the atmosphere **— Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), that the Regulation to amend the Regulation respecting the quality of the atmosphere, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is to substitute easier-to-apply equipment standards and efficient emission abating processes for volatile organic compounds emission standards that are applicable to paint, ink and adhesive manufacturing.

To that end, the draft Regulation extends to paint, ink and adhesive manufacturing operations the provisions that already apply to organic solvent manufacturing operations. It also prescribes minimum standards for equipment and processes as regards the design of vats and mixing mills used to mix ingredients entering into the manufacture of these products and as regards the use of such vats.

The impact of the draft Regulation on businesses manufacturing paint, ink and adhesive will be to force them to modify or repair the vat lids that are not adequately closed and in certain cases to replace those that would be too costly or impossible to repair or modify.

The draft Regulation will also force businesses to ensure that their manpower take better care in operating the vats.

Further information may be obtained by contacting Martin Lecours, Direction des politiques du secteur industriel, Ministère de l'Environnement, édifice Marie-Guyart, 7^e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7, by telephone: (418) 521-3950, ext. 4973, fax: (418) 646-0001 or e-mail: martin.lecours@menv.gouv.qc.ca

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 60-day period, to the Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water and Minister of the Environment, édifice Marie-Guyart, 30^e étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

ANDRÉ BOISCLAIR,
*Minister of State for Municipal Affairs and Greater Montréal,
the Environment and Water
and Minister of the Environment*

Regulation to amend the Regulation Respecting the Quality of the atmosphere*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. a, c and d)

1. Section 14 of the Regulation respecting the quality of the atmosphere is amended

(1) by adding the following “ or paint, ink or adhesive which contain them”, at the end of paragraph a; and

(2) by deleting paragraph b.

2. The Regulation is amended by inserting the following after section 14:

“**14.1.** The operator of an establishment where paint, ink or adhesive are made must ensure that the vats used to mix the ingredients are provided with lids in good working order and comply with the following specifications:

(1) the rim of the lids must exceed by at least 1.3 cm the outside rim of the vat or the lids must be fastened to the rim of the vat;

(2) the lids must make close contact with the rim of the vat over at least 90% of the circumference; and

(3) lids, when equipped with slits to allow the insertion of the shaft of a stirrer, must have a clearance not exceeding 2.5 cm for that shaft.

In addition, the operator must make sure that the vats are kept closed, except for the time necessary for their filling and the taking of samples.

14.2. The operator of an establishment referred to in section 14.1 must also, where the production equipment is equipped with mixing mills, ensure that the latter are provided with totally enclosed sifts so as to avoid the emission of organic compounds.”.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except for section 2 which will come into force on the 124th day following the date of its publication.

5097

* The Regulation respecting the quality of the atmosphere (R.R.Q., 1981, c. Q-2, r.20) was last amended by the Regulation made by Order in Council 492-2000 dated 19 April 2000 (2000, *G.O.* 2, 2090). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

Decisions

Notice

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

Notice is given, by the present, that the “Decision concerning the delimitation of furbearer management units” for which the text appears below, is adopted by the Société de la faune et des parcs du Québec by resolution no. 02-61 dated May 30, 2002 in conformity with section 84.1 of the Act respecting the conservation and development of wildlife.

HERVÉ BOLDUC,
Secretary

Decision, 30 May 2002

An Act respecting the conservation and development
of wildlife
(R.S.Q., c. C-61.1, a. 84.1 and 84.3)

Furbearer — Management units

CONCERNING furbearer management units

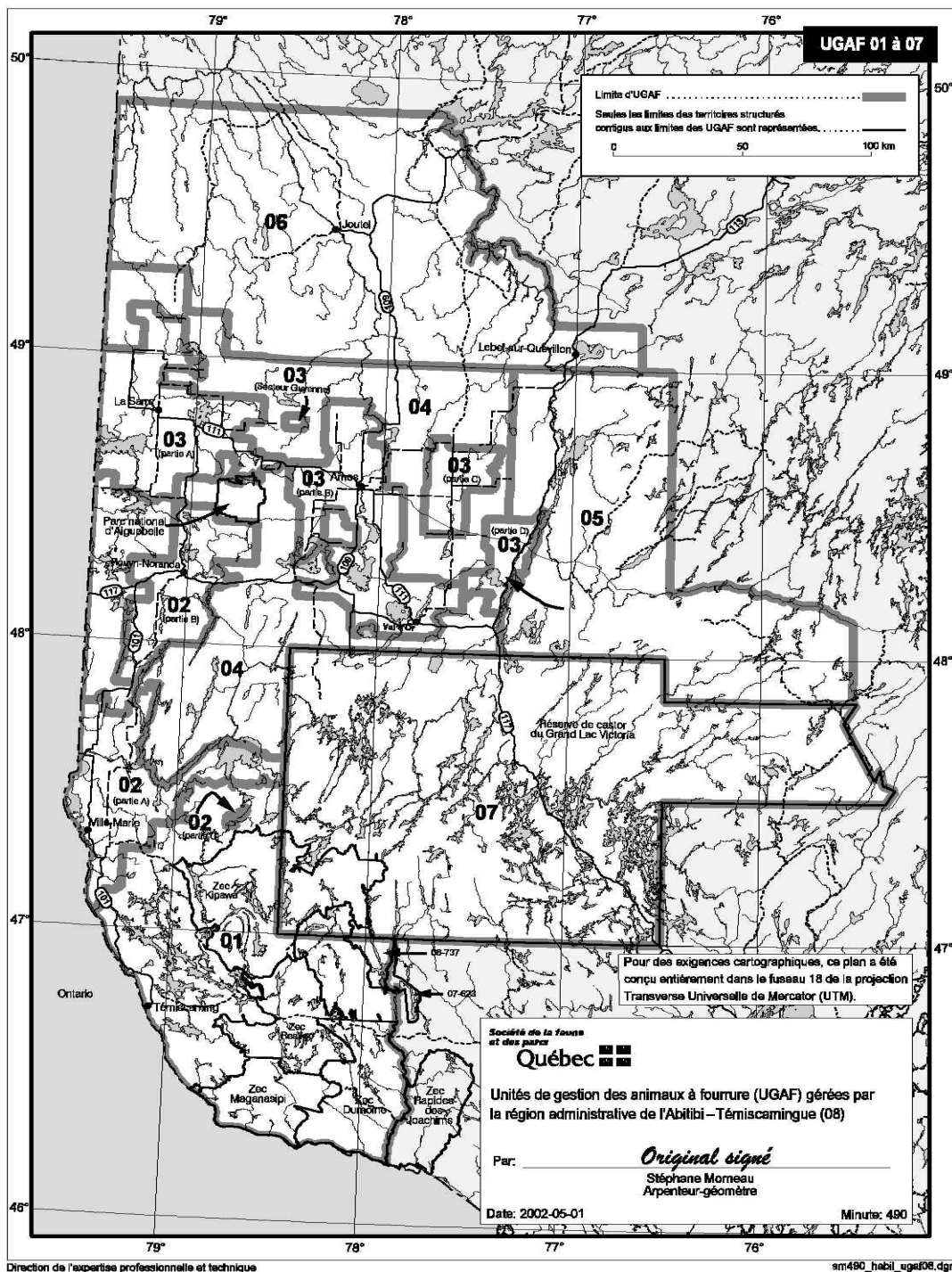
THE SOCIÉTÉ DE LA FAUNE ET DES PARCS DU QUÉBEC
HAS DECIDED THE FOLLOWING :

The furbearer management units, the plans of which appear in the attached schedules I to XV, shall replace the furbearer management units adopted by ministerial order 99025 dated August 31, 1999.

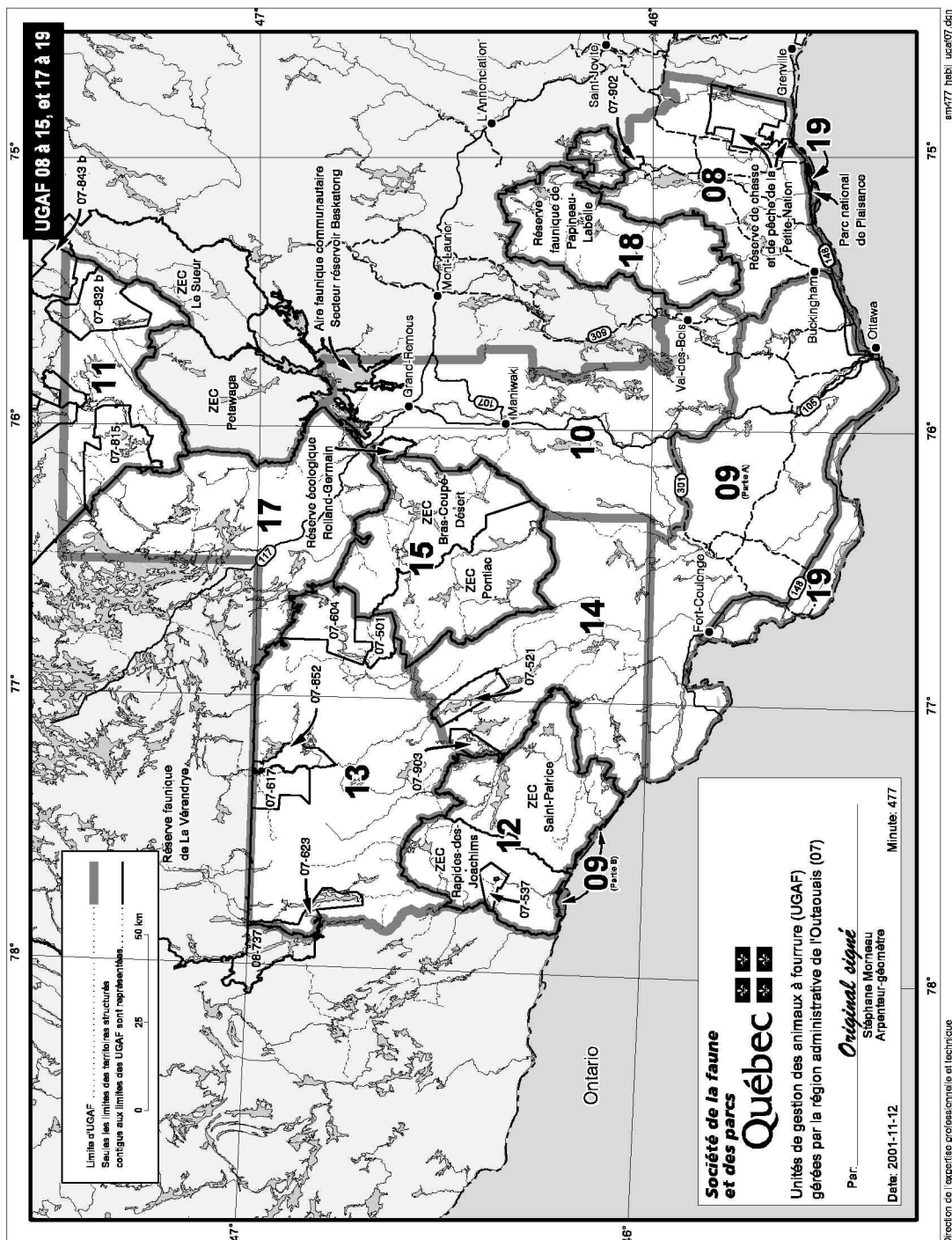
The decision shall take effect on the date of its publication in the *Gazette officielle du Québec*.

HERVÉ BOLDUC,
*Secretary of the Société de la faune
et des parcs du Québec*

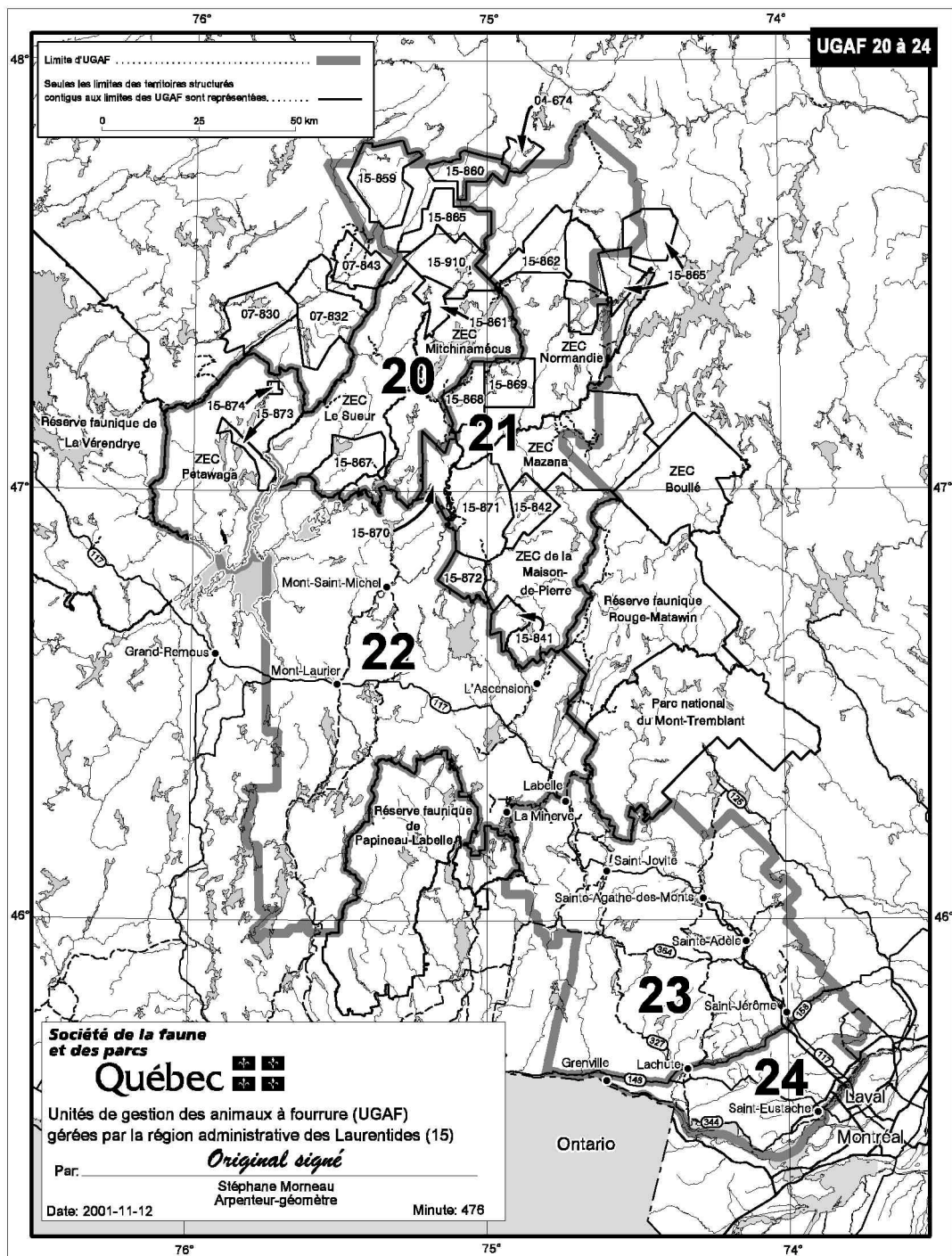
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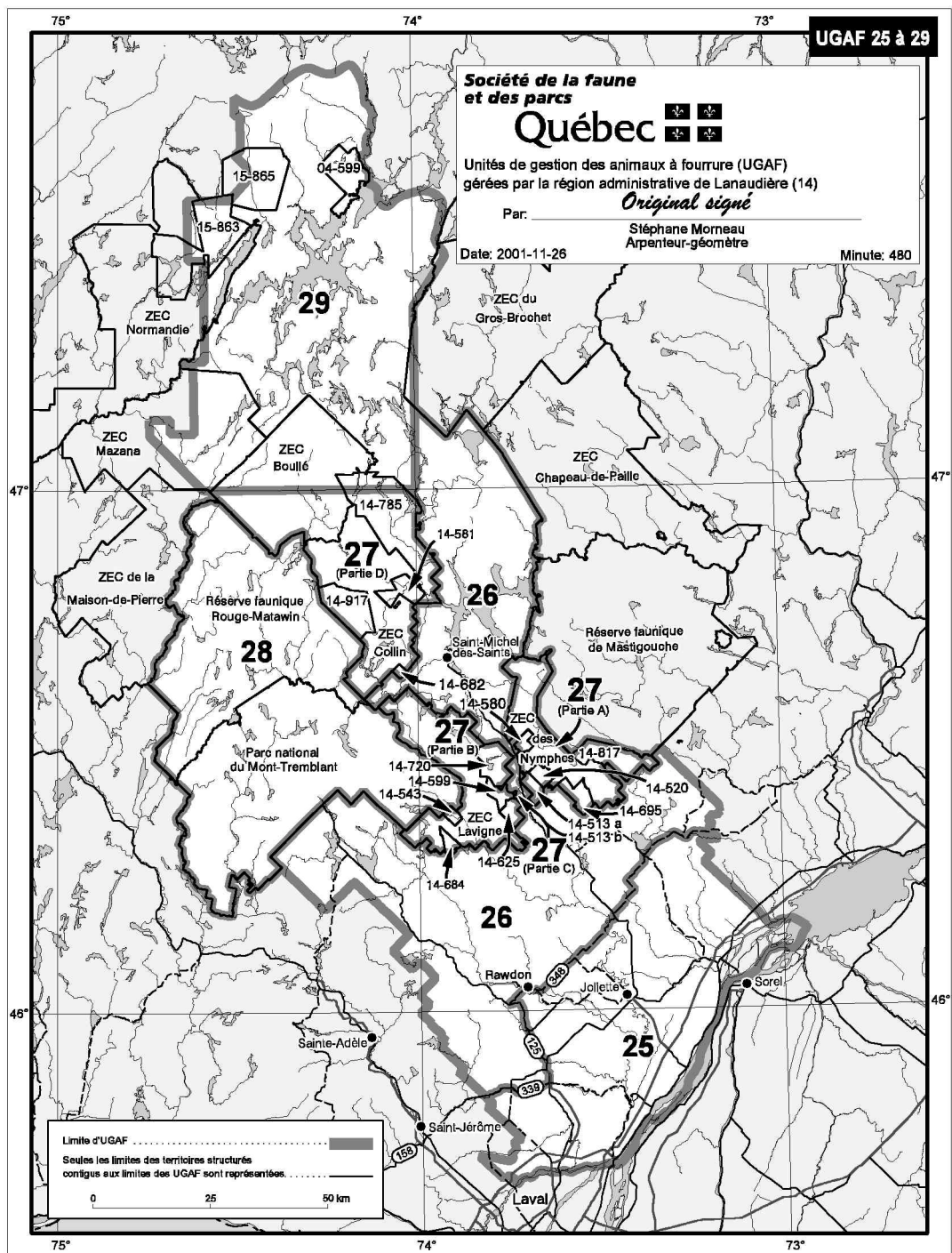
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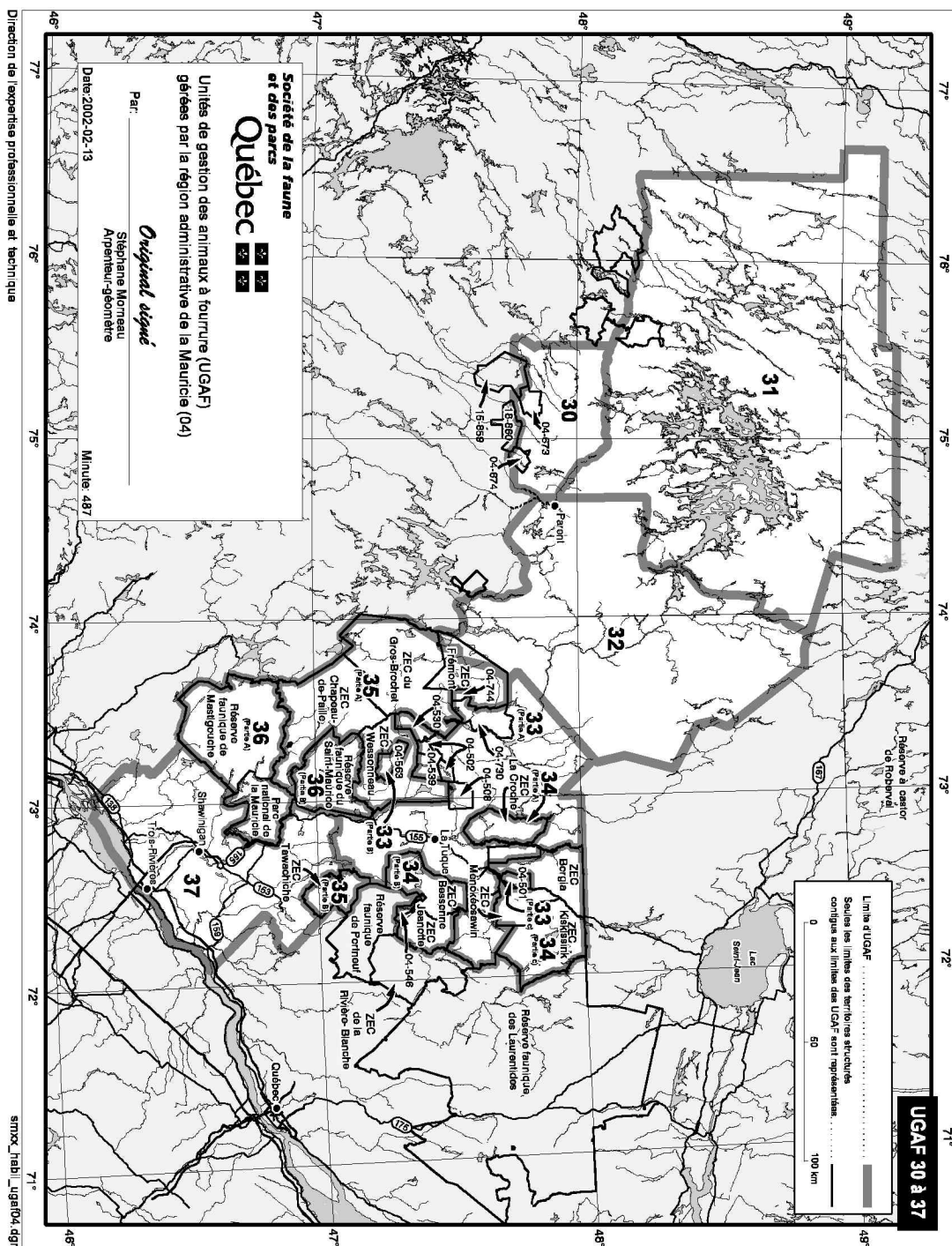
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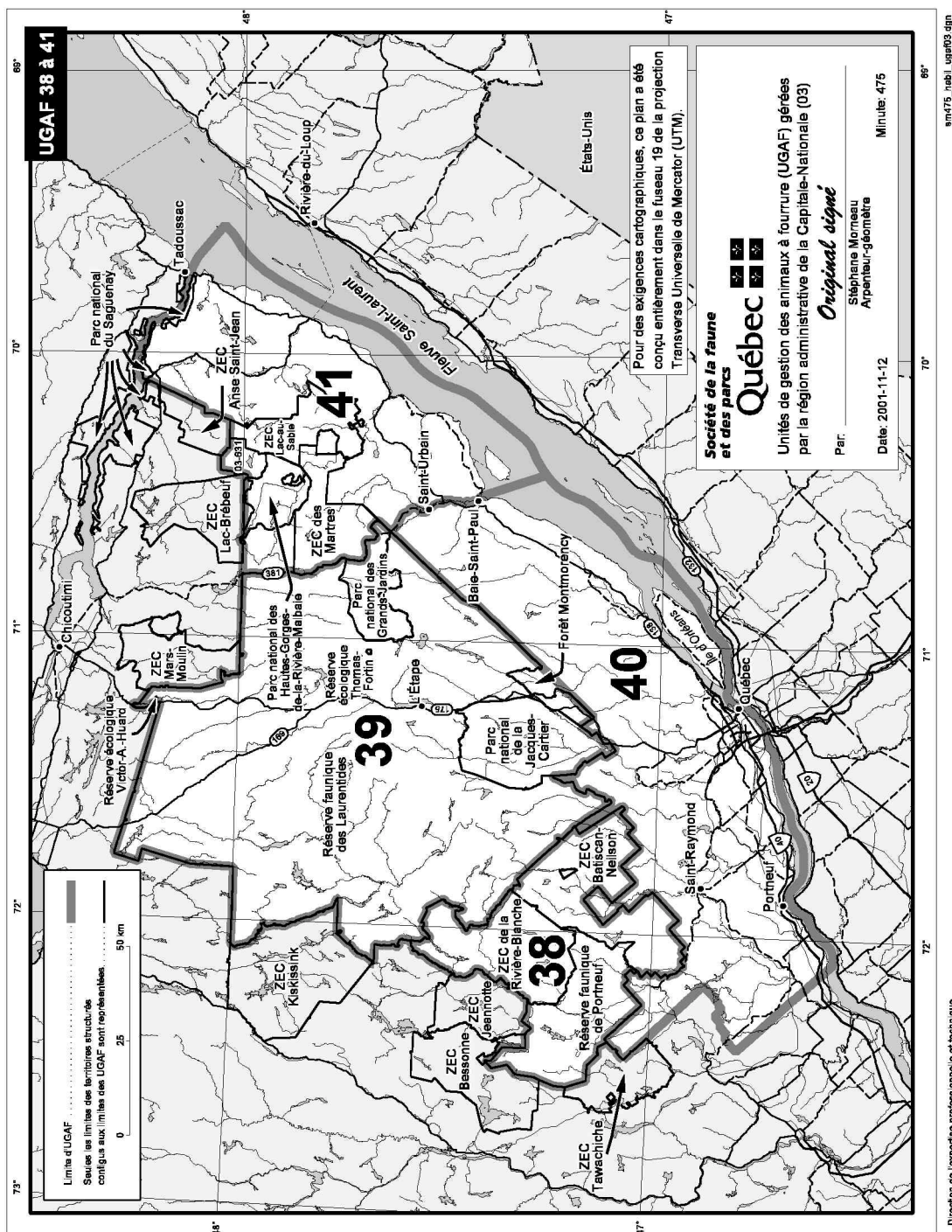
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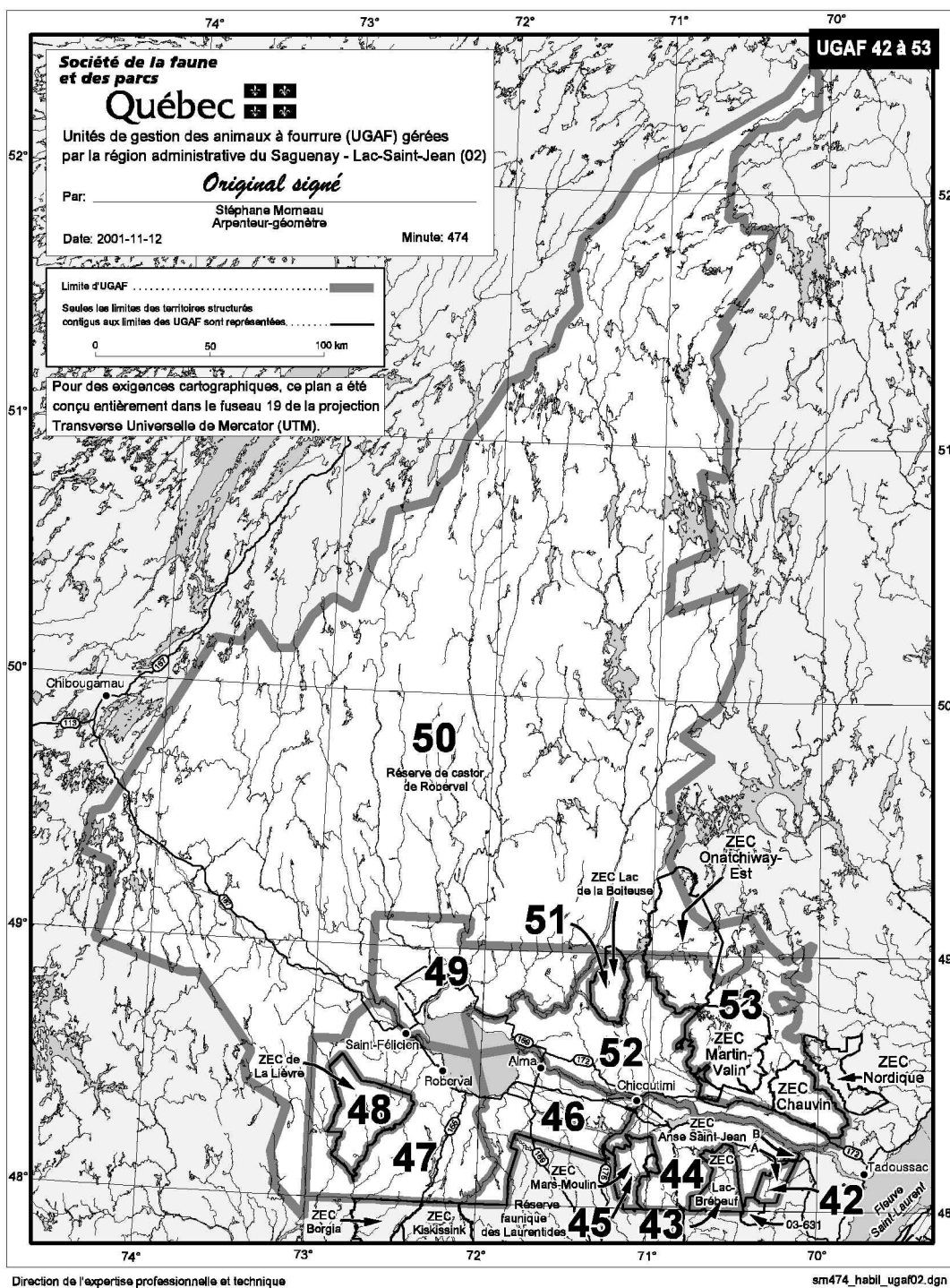
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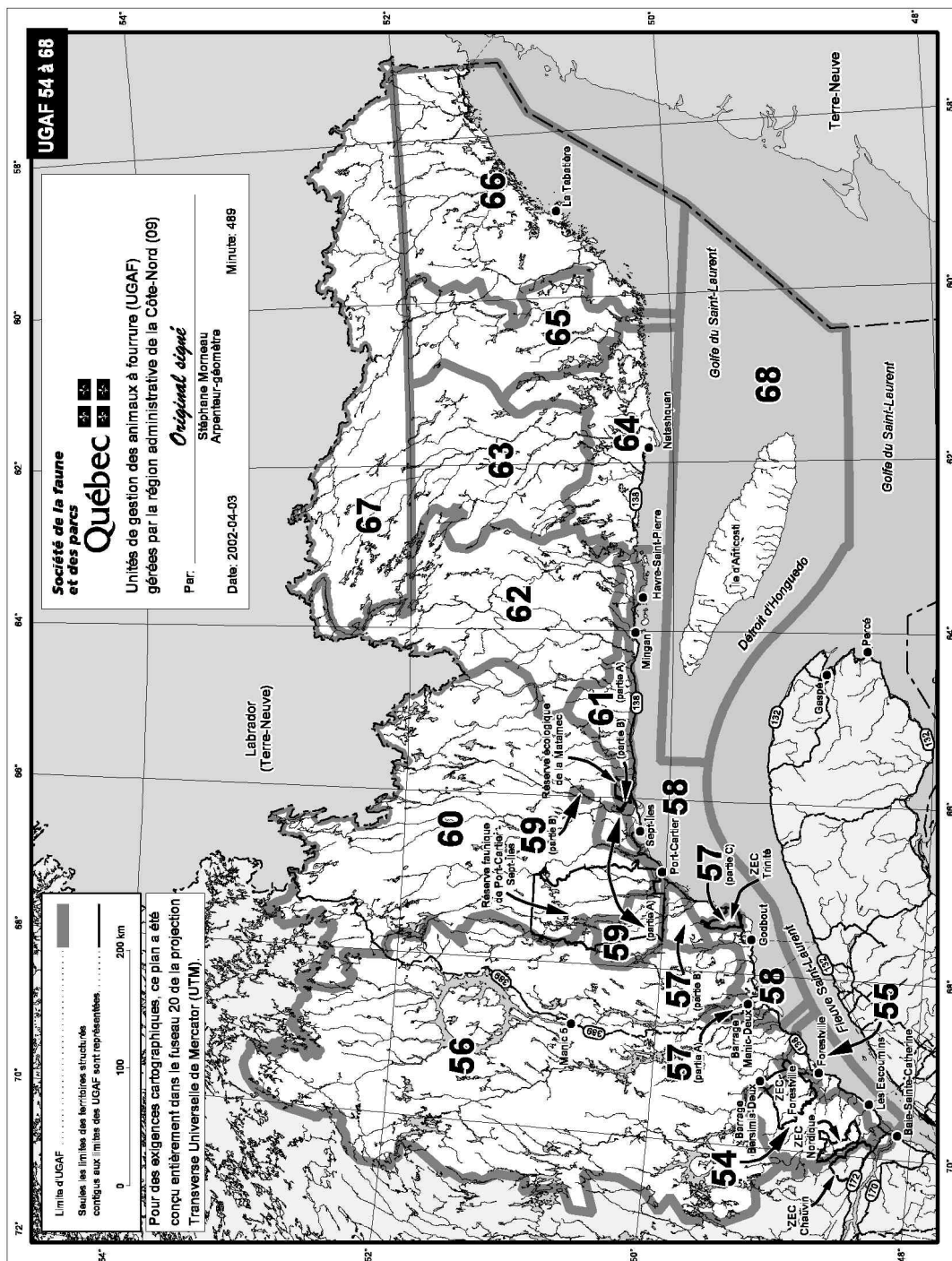
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SCHEDULE VII



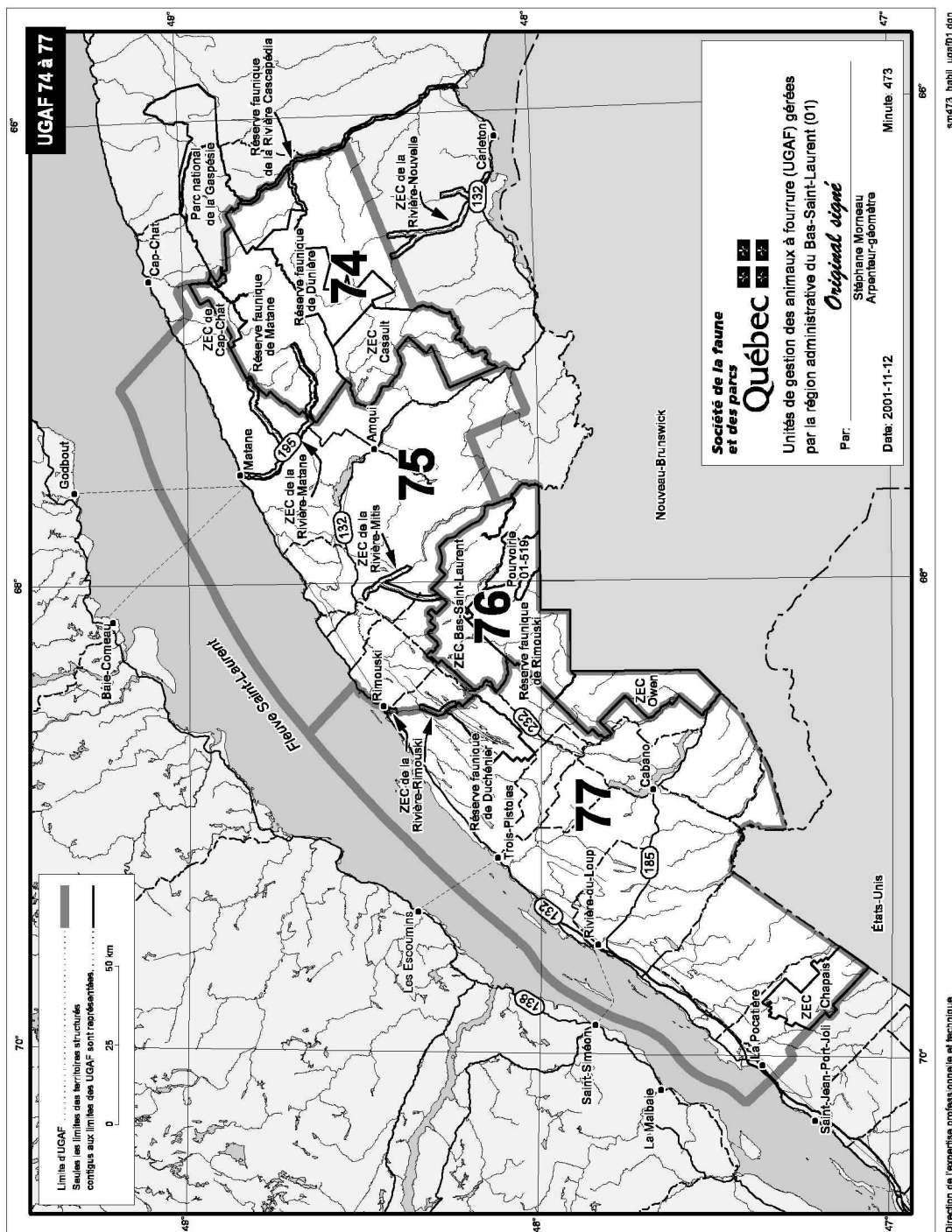
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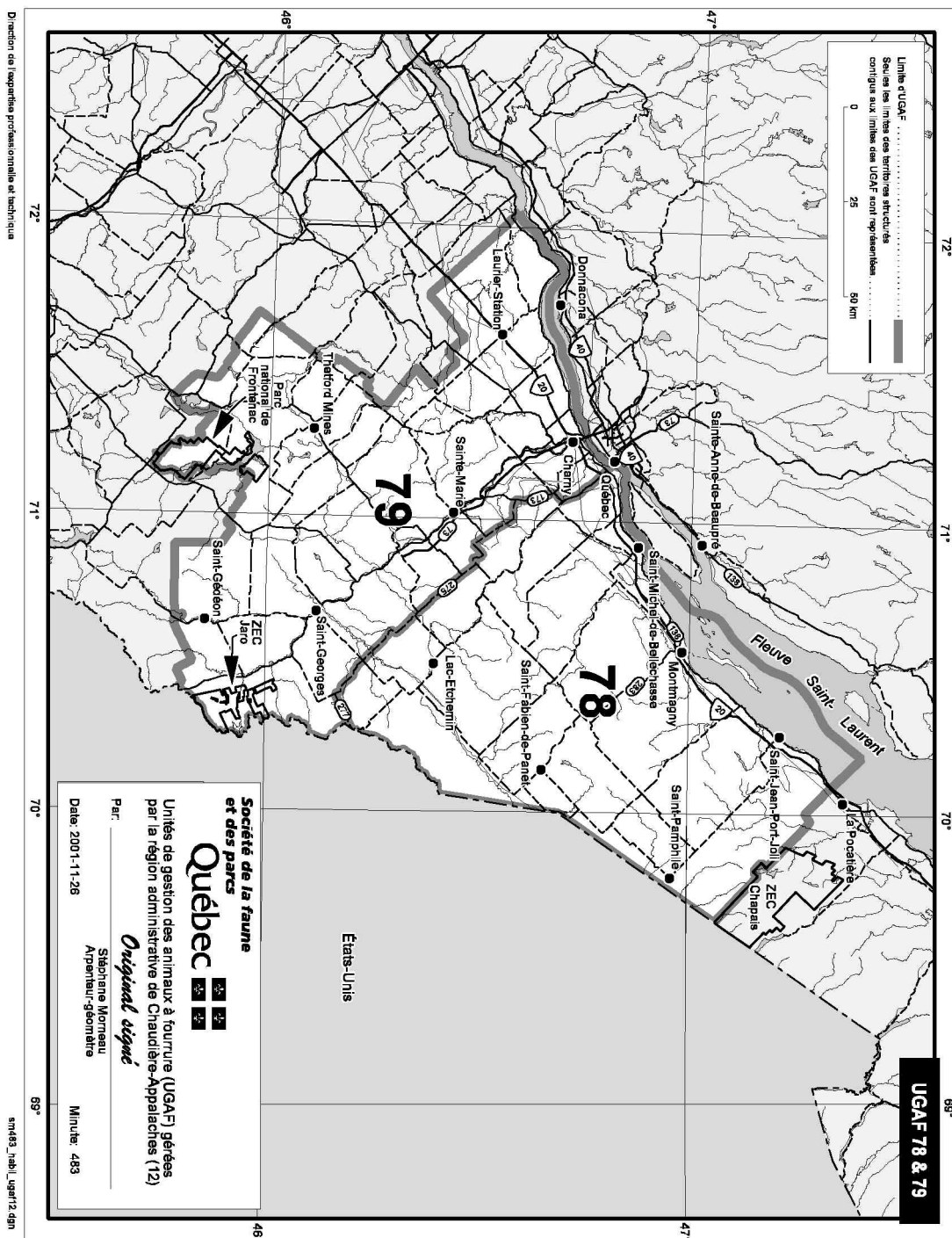
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Direction de l'expertise professionnelle et technique

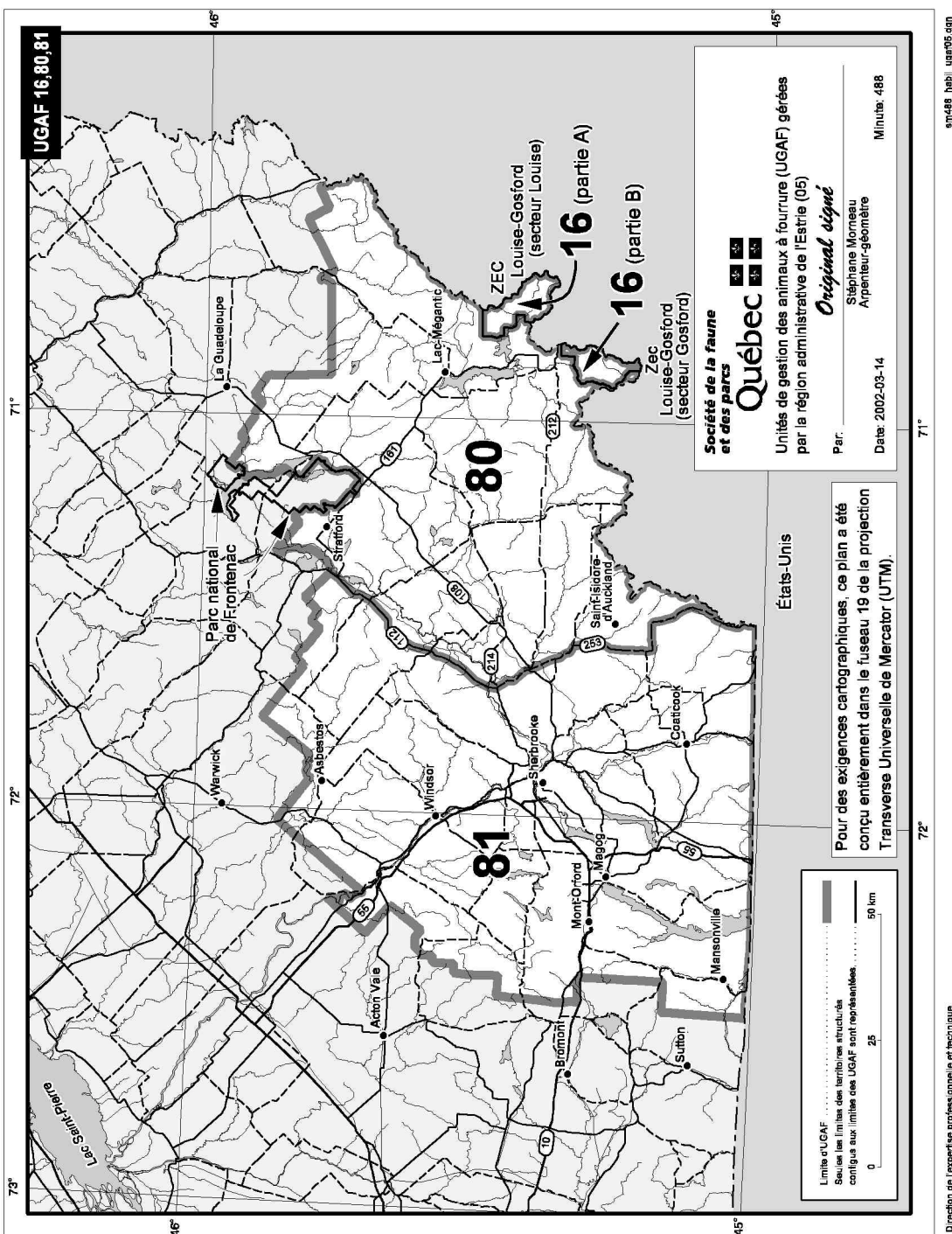
SCHEDULE X



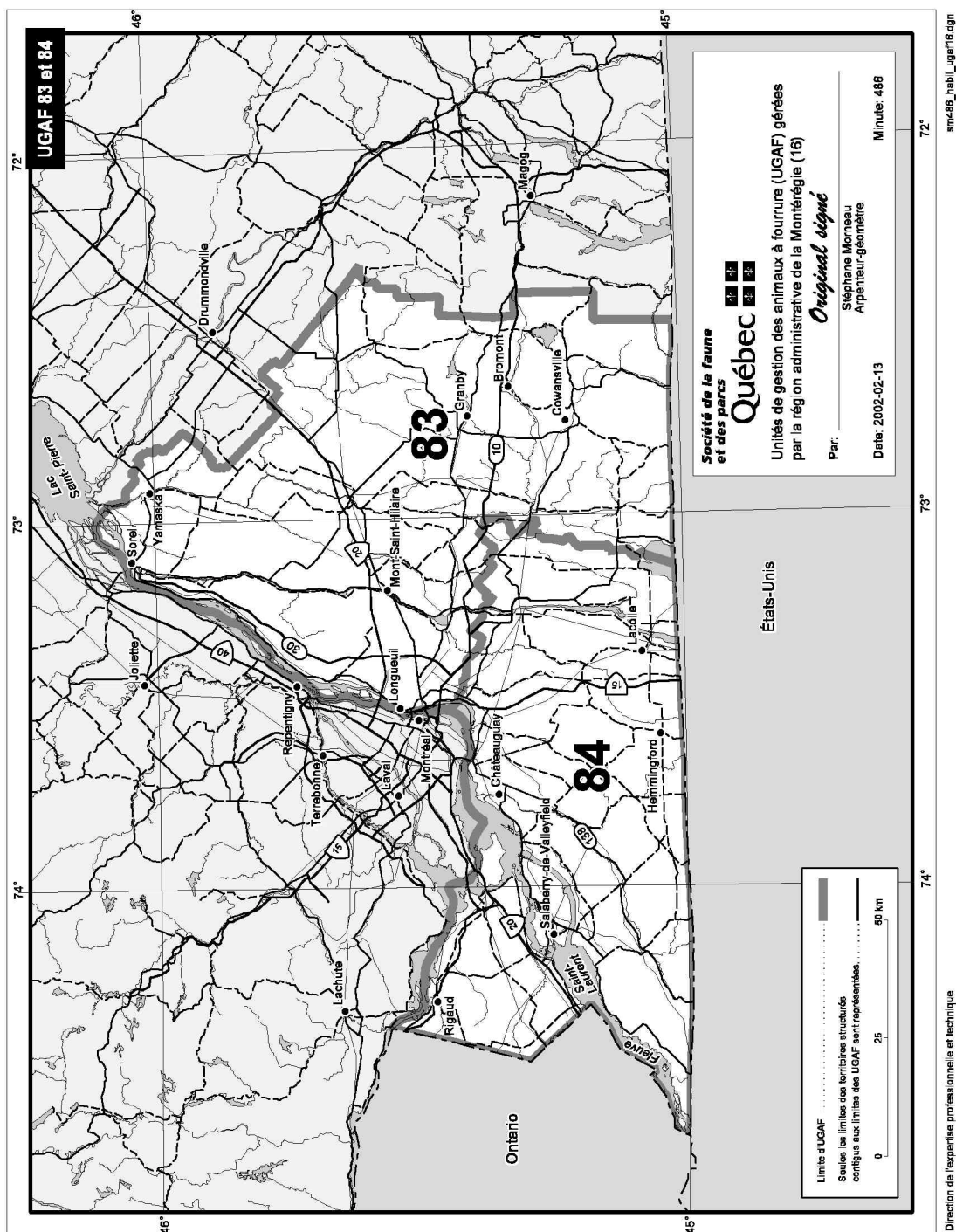
SCHEDULE XI



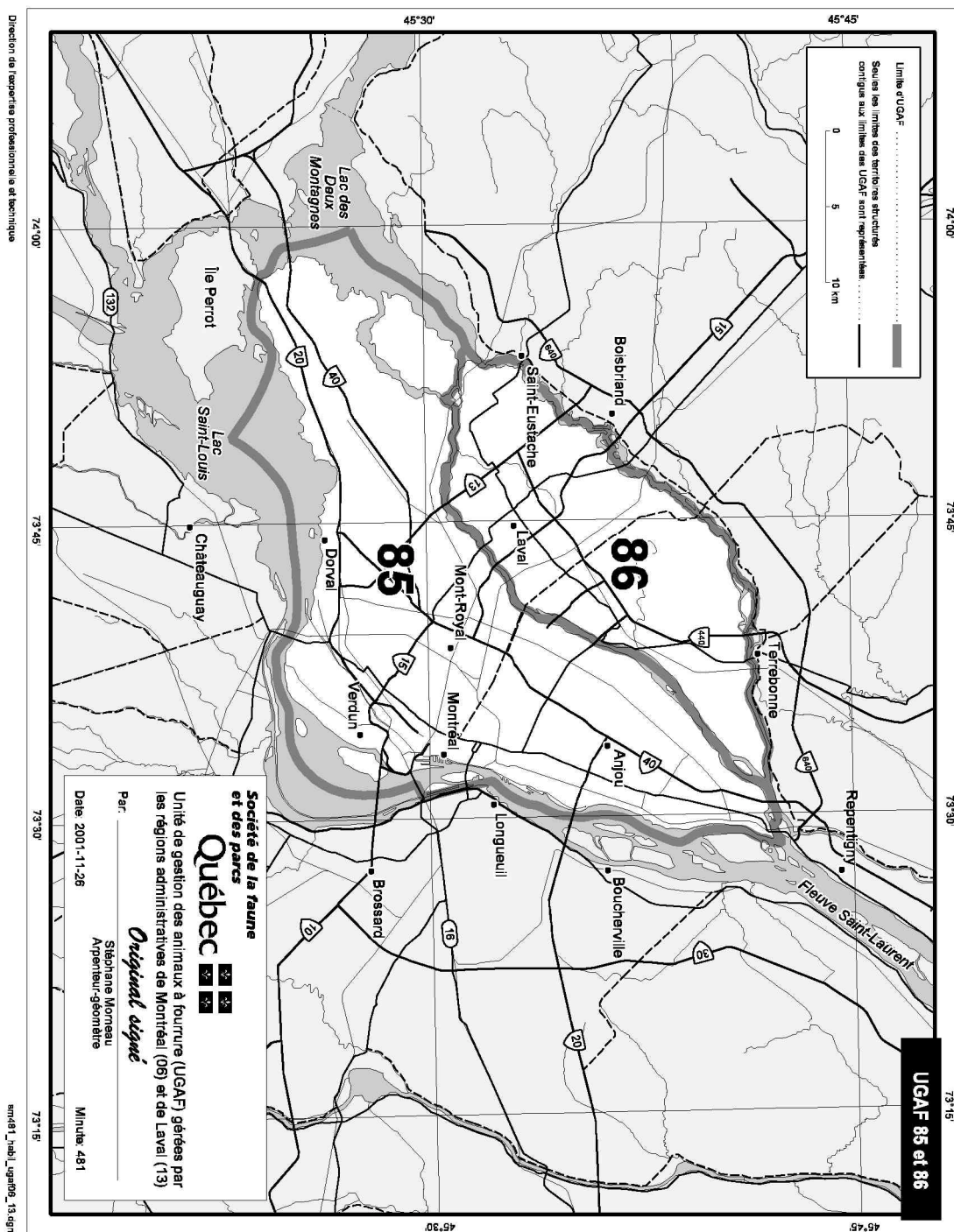
SCHEDULE XII



SCHEDULE XIV



SCHEDULE XV



Parliamentary Committees

Committee on Institutions

General consultation

Consultation paper entitled “Mesures visant à instituer un nouveau Code de procédure civile et comportant une proposition quant aux deux premiers livres de ce code”

The Committee on Institutions will hold public hearings beginning on 27 August 2002 in pursuance of a general consultation on the consultation paper entitled “Mesures visant à instituer un nouveau Code de procédure civile et comportant une proposition quant aux deux premiers livres de ce code”. Individuals and organizations who wish to express their views on this matter must submit a brief to the committees secretariat not later than 16 August 2002.

The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 25 copies.

Briefs, correspondence, and requests for information should be addressed to: M^e Louis Breault, Clerk of the Committee on Institutions, édifice Pamphile-Le May, 1035, rue des Parlementaires, 3^e étage, Québec (Québec) G1A 1A3.

Telephone: (418) 643-2722; Facsimile: (418) 643-0248
E-Mail: lbreault@assnat.qc.ca

5094

Committee on Social Affairs

General consultation

Bill 112, An Act to combat poverty and social exclusion

The Committee on Social Affairs has been instructed to hold public hearings beginning on 1 October 2002 in pursuance of a general consultation on Bill 112, An Act to combat poverty and social exclusion.

Individuals and organizations who wish to express their views on this matter must submit a brief to the above Committee. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief.

Briefs must be received by the committees secretariat not later than 20 September 2002. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 20 copies.

Briefs, correspondence, and requests for information should be addressed to: M^e Denise Lamontagne, Clerk of the Committee on Social Affairs, Édifice Pamphile-LeMay, 1035, rue des Parlementaires, 3^e étage, Québec (Québec) G1A 1A3.

Telephone: (418) 643-2722 Facsimile: (418) 643-0248
E-mail: dlamontagne@assnat.qc.ca

5086

Index Statutory Instruments

Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

Regulations — Statutes	Page	Comments
Agreement concerning new methods of voting for an election using “Accu-Vote ES 2000” ballot boxes — Municipality of Vaudreuil-Dorion (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	3259	N
Breast cancer detection centre — Designation (Health Insurance Act, R.S.Q., c. A-29)	3274	N
Bus Transport Regulation — Suspension of the application of certain provisions for the XVII th World Youth Day (Transport Act, R.S.Q., c. T-12)	3257	N
Childcare centres and childcare services and the Act respecting the Ministère de la Famille et de l’Enfance, An Act to amend the Act respecting... (2002, Bill 95)	3227	
Committee on Institutions — General consultation — Mesures visant à instituer un nouveau Code de procédure civile et comportant une proposition quant aux deux premiers livres de ce code	3311	Parliamentary Committee
Committee on Social Affairs — General consultation — Bill 112, An Act to combat poverty and social exclusion	3311	Parliamentary Committee
Communauté métropolitaine de Montréal, An Act respecting the... — Program to share the growth of a metropolitan community’s tax base (R.S.Q., c. C-37.01)	3289	Draft
Communauté métropolitaine de Québec, An Act respecting the... — Program to share the growth of a metropolitan community’s tax base (R.S.Q., c. C-37.02)	3289	Draft
Conservation and development of wildlife, An Act respecting the... — Furbearer management units (R.S.Q., c. C-61.1)	3295	Decision
Education Act for Cree, Inuit and Naskapi Native Persons, amended (2002, Bill 79)	3203	
Education Act for Cree, Inuit and Naskapi Native Persons, An Act to amend the... (2002, Bill 79)	3203	
Education Act, amended (2002, Bill 66)	3129	
Election Act, amended (2002, Bill 66)	3129	
Elections and referendums in municipalities, An Act respecting... — Agreement concerning new methods of voting for an election using “Accu-Vote ES 2000” ballot boxes — Municipality of Vaudreuil-Dorion (R.S.Q., c. E-2.2)	3259	N
Environment Quality Act — Quality of the atmosphere (R.S.Q., c. Q-2)	3292	Draft

Environment Quality Act and other legislative provisions with regard to land protection and rehabilitation, An Act to amend the... (2002, Bill 72)	3185	
Environment Quality Act, amended (2002, Bill 72)	3185	
Extension of certain collective agreements of the public and parapublic sectors, An Act respecting the... (2002, Bill 91)	3217	
Financial assistance for education expenses, An Act to amend the Act respecting... (2002, Bill 83)	3207	
Foreign nationals — Weighting applicable to the selection (An Act respecting immigration to Québec, R.S.Q., c. I-0.2)	3274	M
Furbearer management units (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	3295	Decision
Health Insurance Act — Breast cancer detection centre — Designation (R.S.Q., c. A-29)	3274	N
Immigration — Prescribed forms to give an undertaking (An Act respecting immigration to Québec, R.S.Q., c. I-0.2)	3275	M
Immigration to Québec, An Act respecting... — Foreign nationals — Weighting applicable to the selection (R.S.Q., c. I-0.2)	3274	M
Immigration to Québec, An Act respecting... — Immigration — Prescribed forms to give an undertaking (R.S.Q., c. I-0.2)	3275	M
Immigration to Québec, An Act respecting... — Selection of foreign nationals (R.S.Q., c. I-0.2)	3274	M
Implementation of international trade agreements, An Act respecting..., amended (2002, Bill 52)	3121	
Land use planning and development, An Act respecting..., amended (2002, Bill 72)	3185	
List of Bills sanctioned (8 June 2002)	3119	
Ministère de l'Environnement — Rules for the signing of certain documents (An Act respecting the Ministère de l'Environnement, R.S.Q., c. M-15.2.1)	3243	N
Ministère de l'Environnement, An Act respecting the... — Ministère de l'Environnement — Rules for the signing of certain documents (R.S.Q., c. M-15.2.1)	3243	N
Ministère de la Santé et des Services sociaux, An Act respecting the..., amended (2002, Bill 52)	3121	
Ministère des Relations internationales and other legislative provisions, An Act to amend the Act respecting the... (2002, Bill 52)	3121	

Ministère des Relations internationales, An Act respecting the..., amended (2002, Bill 52)	3121	
Office Franco-Québécois pour la jeunesse, An Act respecting..., amended (2002, Bill 52)	3121	
Pig farming, An Act to impose restrictions on... (2002, Bill 103)	3239	
Program to share the growth of a metropolitan community's tax base (An Act respecting the Communauté métropolitaine de Montréal, R.S.Q., c. C-37.01)	3289	Draft
Program to share the growth of a metropolitan community's tax base (An Act respecting the Communauté métropolitaine de Québec, R.S.Q., c. C-37.02)	3289	Draft
Quality of the atmosphere (Environment Quality Act, R.S.Q., c. Q-2)	3292	Draft
School elections, An Act respecting..., amended (2002, Bill 66)	3129	
School elections, An Act to amend the Act respecting... (2002, Bill 66)	3129	
Selection of foreign nationals (An Act respecting immigration to Québec, R.S.Q., c. I-0.2)	3245	M
Société Innovatech du sud du Québec and the Act respecting Société Innovatech Régions ressources, An Act to amend the Act respecting... (2002, Bill 87)	3213	
Société Innovatech du sud du Québec, An Act respecting..., amended (2002, Bill 87)	3213	
Société Innovatech Régions ressources, An Act respecting..., amended (2002, Bill 87)	3213	
Taxi owner's permit — Specialized services provided by holders (An Act respecting transportation services by taxi, 2001, c. 15)	3253	N
Taxi servicing area — Maximum number of taxi owner's permits and certain conditions of operation (An Act respecting transportation services by taxi, 2001, c. 15)	3254	N
Taxi transportation (An Act respecting transportation services by taxi, 2002, c. 15)	3258	M
Transport Act — Bus Transport Regulation — Suspension of the application of certain provisions for the XVII th World Youth Day (R.S.Q., c. T-12)	3257	N
Transportation services by taxi, An Act respecting... — Taxi owner's permit — Specialized services provided by holders (2001, c. 15)	3253	N
Transportation services by taxi, An Act respecting... — Taxi servicing area — Maximum number of taxi owner's permits and certain conditions of operation (2001, c. 15)	3254	N
Transportation services by taxi, An Act respecting... — Taxi transportation . . . (2002, c. 15)	3258	M
Ville de Montréal, An Act respecting... (2002, Bill 94)	3221	

