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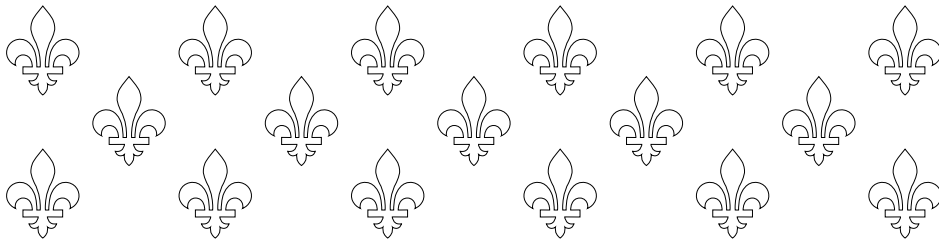
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NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 50
(2002, chapter 19)

An Act to amend the Civil Code and other legislative provisions

Introduced 8 November 2001
Passage in principle 7 May 2002
Passage 13 June 2002
Assented to 13 June 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill makes corrections and adjustments to certain provisions of the Civil Code.

First, the discretionary power of the court as it relates to confinement in an institution is better defined: the court will refuse to authorize confinement, even in the absence of a contrary medical opinion, unless it itself has serious reasons to believe that the person is dangerous and that confinement is necessary. Second, in the case of an action relating to filiation, the bill confers on the court the power to order an analysis enabling filiation to be established through genetic profiling, and specifies the consequences of an unjustified refusal to submit to such an analysis.

As regards the partition of the family patrimony, the bill provides that the payment of contributions into a pension plan entails the accrual of benefits under the pension plan. Moreover, the bill makes a creditor who takes a fraction of divided ownership in payment subject to the same rules concerning common expenses as any other acquirer of such a fraction. As well, it states the effect of the unilateral revocation of a mandate despite an undertaking to the contrary. Furthermore, it specifies that the costs to which a hypothecary creditor is entitled do not include professional fees.

The bill repeals the articles of the Civil Code that relate to the sale of an enterprise. It amends the Archives Act in particular, to allow, subject to certain conditions, the disclosure for research purposes of documents deposited with or transferred to the keeper of the Archives nationales du Québec or certain public bodies. In addition, it exempts the collection, holding, use or communication of historical or genealogical information made for the legitimate information of the public from the application of the Act respecting the protection of personal information in the private sector.

The bill also contains technical and terminological amendments.

LEGISLATION AMENDED BY THIS BILL :

- Civil Code of Québec ;
- Archives Act (R.S.Q., chapter A-21.1) ;
- Act respecting Roman Catholic cemetery companies (R.S.Q., chapter C-40.1) ;
- Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1).

Bill 50

AN ACT TO AMEND THE CIVIL CODE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Article 30 of the Civil Code of Québec (1991, chapter 64), amended by section 33 of chapter 75 of the statutes of 1997, is replaced by the following articles :

“30. Confinement in an institution following a psychiatric assessment may only be authorized by the court if both psychiatric reports conclude that confinement is necessary.

Even if that is the case, the court may not authorize confinement unless the court itself has serious reasons to believe that the person is dangerous and that the person’s confinement is necessary, whatever evidence may be otherwise presented to the court and even in the absence of any contrary medical opinion.

“30.1. A judgment authorizing confinement must also set the duration of confinement.

However, the person under confinement must be released as soon as confinement is no longer justified, even if the set period of confinement has not elapsed.

Any confinement required beyond the duration set by the judgment must be authorized by the court, in accordance with the provisions of article 30.”

2. Article 35 of the said Code is amended by striking out “or his heirs” in the second paragraph.

3. Article 415 of the said Code is amended by adding the following sentence at the end of the first paragraph : “The payment of contributions into a pension plan entails an accrual of benefits under the pension plan; so does the accumulation of service recognized for the purposes of a pension plan.”

4. Article 426 of the said Code is amended by replacing “, where that is the case” in the first paragraph by “or, where there are no such rules, according to the rules determined by the court seized of the application.”

5. The said Code is amended by inserting the following article after article 535

“535.1. Where the court is seized of an action concerning filiation, it may, on the application of an interested person, order the analysis of a sample of a bodily substance so that the genetic profile of a person involved in the action may be established.

However, where the purpose of the action is to establish filiation, the court may not issue such an order unless a commencement of proof of filiation has been established by the person having brought the action or unless the presumptions or indications resulting from facts already clearly established by that person are sufficiently strong to warrant such an order.

The court determines conditions for the sample-taking and analysis that are as respectful as possible of the physical integrity of the person concerned or of the body of the deceased. These conditions include the nature and the date and place of the sample-taking, the identity of the expert charged with taking and analyzing the sample, the use of any sample taken and the confidentiality of the analysis results.

The court may draw a negative presumption from an unjustified refusal to submit to the analysis ordered by the court.”

6. Article 1069 of the said Code is amended by replacing the first paragraph by the following paragraphs :

“1069. A person who acquires a fraction of divided co-ownership, by whatever means, including the exercise of a hypothecary right, is bound to pay all common expenses due in respect of that fraction at the time of the acquisition.

A person contemplating the acquisition of such a fraction may request from the syndicate of co-owners a statement of the common expenses due in respect of the fraction and the syndicate is thereupon authorized to provide the statement to him, provided the syndicate gives prior notice to the owner of the fraction or his successors ; in such a case, the prospective acquirer is only bound to pay the common expenses if the statement is provided to him by the syndicate within 15 days of the request.”

7. Article 1339 of the said Code is amended by replacing the part of paragraph 10 which begins with “presumed sound investments” by “investments presumed sound and that the fund or trust has fulfilled in the last three years the continuous disclosure requirements specified in the Securities Act”.

8. Articles 1764 and 1767 to 1778 of the said Code are repealed.

9. The said Code is amended by inserting the following article after article 2167:

“2167.1. During homologation proceedings or even before if a request for homologation is imminent and it is necessary to act to prevent serious harm to the mandator, the court may issue any order it considers necessary to ensure the personal protection of the mandator, his representation in the exercise of civil rights or the administration of his property.

An act under which the mandator has entrusted the administration of his property to another person continues to produce its effects notwithstanding the proceedings, unless the act is revoked by the court for a serious reason.”

10. Article 2179 of the said Code is amended by replacing the third paragraph by the following paragraph :

“Unilateral revocation or renunciation by the mandator or the mandatary, as the case may be, despite his undertaking terminates the mandate.”

11. Article 2667 of the said Code is amended by replacing “incurred for recovering or” by “, other than extra-judicial professional fees, incurred for their recovery or for”.

12. Article 2762 of the said Code is amended by adding the following paragraph :

“Notwithstanding any stipulation to the contrary, costs exclude extra-judicial professional fees payable by the creditor for services required by the creditor in order to recover the capital and interest secured by the hypothec or to conserve the charged property.”

13. Article 3005 of the said Code, amended by section 43 of chapter 42 of the statutes of 2000, is again amended by replacing the first paragraph by the following paragraph :

“3005. A summary certified by a notary may set forth the lot number assigned to the immovable in which the right is held in the cadastre or the original survey, or the serial land file number assigned to the immovable with, if applicable, its description by metes and bounds, or may state the geographic coordinates or the plane rectangular coordinates by which the immovable may be described, even if such information does not appear in the document summarized.”

14. Article 3036 of the said Code, amended by section 67 of chapter 42 of the statutes of 2000, is again amended by replacing the second paragraph by the following paragraph :

“The description of an immovable by reference to the original survey or by means of geographic coordinates or plane rectangular coordinates is nevertheless admissible in a territory without a cadastral survey, provided that the description, which must also state that no land file exists, allows the immovable to be properly identified and its relative position to be properly

located. Where the description of an immovable by reference to the original survey refers to parts of lots, it must be completed by a description by metes and bounds and the measurements of each of those parts.”

AMENDMENTS TO THE ENGLISH TEXT OF THE CIVIL CODE

15. The English text of the Civil Code is amended

(1) by replacing “material needs” in the second paragraph of article 33 by “physical needs”;

(2) by replacing “degree of consanguinity” in the first paragraph of article 115 by “family relationship”;

(3) by replacing “in good working order” in the second paragraph of article 213 by “in good order”;

(4) by replacing “physical well-being” in the first paragraph of article 260 by “material well-being”;

(5) by replacing “protective supervision is terminated” in the second sentence of article 280 by “protective supervision is modified or terminated” and by striking out “of the termination” in the last sentence of that article;

(6) by replacing “or to administer” in the first paragraph of article 281 by “and to administer”;

(7) by replacing “in the best interest” in the second paragraph of article 322 by “in the interest”;

(8) by replacing “demand the revocation of” in article 332 by “contest”;

(9) by replacing “the expenses reasonably” in the third paragraph of article 352 by “the useful expenses”;

(10) by replacing “necessary conditions for its formal validity” in the first paragraph of article 380 by “necessary conditions for its formation”;

(11) by replacing “support payments” in the first and second paragraphs of article 596 by “arrears”;

(12) by replacing “is null” in article 759 by “is without effect”;

(13) by replacing “is null” in the first paragraph of article 760 by “is without effect”;

(14) by replacing “null” in the first and second paragraphs of article 761 by “without effect”;

(15) by replacing “is null” in article 762 by “is without effect”;

- (16) by replacing “is null” at the end of article 778 by “is deemed unwritten”;
- (17) by replacing “is null” in the first sentence of the second paragraph of article 870 by “is without effect”;
- (18) by replacing “and forming” in the first paragraph of article 900 by “and anything forming”;
- (19) by replacing the first paragraph of article 934 by the following paragraph:
- “934.** Things without an owner are things belonging to no one, such as animals in the wild, or formerly in captivity but returned to the wild, and aquatic fauna, and things abandoned by their owner.”;
- (20) by replacing “The share of a fraction in the common portions may not” at the beginning of article 1048 by “The share of the common portions appurtenant to a fraction may not”;
- (21) by replacing “is null” in article 1049 by “is without effect”;
- (22) by replacing “structural defects” in article 1077 by “construction defects”;
- (23) by replacing “structural defects” in article 1081 by “construction defects”;
- (24) by replacing “is null” at the end of article 1102 by “is without effect”;
- (25) by replacing “is null” and “is also null” in the first and second paragraphs of article 1216 by “is deemed unwritten” and “is also deemed unwritten”;
- (26) by replacing “for value” in the second paragraph of article 1315 by “for valuable consideration”;
- (27) by inserting “by such fault” after “another person” in the second paragraph of article 1457;
- (28) by replacing “or that he was not neglectful” in the second paragraph of article 1473 by “and that he was not neglectful”;
- (29) by inserting “there” after “to perform the obligation” in the first paragraph of article 1577;
- (30) by replacing “holder” in article 1612 by “owner”;
- (31) by replacing “fault” in article 1624 by “act or omission”;
- (32) by replacing “the debt” at the end of article 1682 by “his claim”;

(33) by replacing “loss of the leased property” in the first paragraph of article 1862 by “loss affecting the leased property”;

(34) by replacing “reasonable ground” in the third paragraph of article 2065 by “serious reason”;

(35) by striking out “representative or” in the second paragraph of article 2097

(36) by replacing “are solidarily liable” in article 2120 by “are jointly liable”;

(37) by replacing “physical well-being” in article 2131 by “material well-being”;

(38) by replacing “act performed” in the second paragraph of article 2197 by “act concluded”;

(39) by replacing “method or table” in the first paragraph of article 2415 by “method and table”;

(40) by replacing “is null” in the first paragraph of article 2649 by “is without effect”;

(41) by replacing “for recovering or” in article 2667 by “for their recovery or for”;

(42) by replacing “new debts” and “such debts” in the first paragraph of article 2676 by “subsequent claims” and “such claims”;

(43) by replacing “the grantor, the debtor” in the second paragraph of article 2779, amended by section 716 of chapter 57 of the statutes of 1992, by “the grantor or the debtor”;

(44) by replacing “its content cannot be established” in the second paragraph of article 2809 by “its content has not been established”;

(45) by replacing “in proportion to the amount” in the second clause of article 2953 by “in proportion to the value”;

(46) by replacing “the act was performed” in article 3086 by “the act was formed”;

(47) by replacing “the act was performed” in article 3087 by “the act was formed”;

(48) by replacing “is enforceable” in article 3163 by “is recognized”.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

16. Section 19 of the Archives Act (R.S.Q., chapter A-21.1) is amended

(1) by replacing “not later than 150 years after their date” by “100 years after their date or 30 years after the death of the person concerned. However, no information relating to the health of a person may be disclosed without the consent of the person concerned until 100 years have elapsed since the date of the document”;

(2) by adding the following paragraph :

“Notwithstanding the first paragraph, the documents may be disclosed for research purposes before the time specified has elapsed if the personal information is not structured so as to allow retrieval by reference to a person’s name or identifying code or symbol and the information cannot be retrieved by means of such a reference. The person to whom the documents are disclosed must preserve the confidentiality of the personal information throughout the period during which it may not be disclosed without the consent of the person concerned.”

17. Section 26 of the said Act is amended by adding “or 100 years from the date of the document in the case of information relating to the person’s health” at the end of the second paragraph.

18. Section 28 of the Act respecting Roman Catholic cemetery companies (R.S.Q., chapter C-40.1) is amended by replacing “by any company” in the second line of the second paragraph by “by any legal person”.

19. Section 1 of the Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1) is amended by replacing “journalistic material collected, held, used or communicated for the purpose of informing the public” at the end of the third paragraph by “journalistic, historical or genealogical material collected, held, used or communicated for the legitimate information of the public”.

20. The said Act is amended by inserting the following section after section 18.1

“18.2. A person carrying on an enterprise may, without the consent of the person concerned, communicate personal information contained in a file concerning another person to an archival agency if the archival agency is a person carrying on an enterprise whose object is the acquisition, preservation and distribution of documents for their general informational value and if the information is communicated as part of the transfer or deposit of the archives of the enterprise.

A person carrying on an enterprise may also communicate personal information to any person without the consent of the person concerned if the document containing the information is more than 100 years old or if more than 30 years have elapsed since the death of the person concerned. However, no information relating to a person's health may be communicated without the consent of the person concerned unless 100 years have elapsed since the date of the document.

Notwithstanding the first and second paragraphs, the information may be communicated for research purposes, without the consent of the person concerned, before the time specified has elapsed if the documents containing the information are not structured so as to allow retrieval by reference to a person's name or identifying code or symbol and the information cannot be retrieved by means of such a reference. The person to whom the information is communicated must preserve the confidentiality of the personal information throughout the period during which it may not be communicated without the consent of the person concerned.”

21. This Act comes into force on 13 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 68
(2002, chapter 21)

**An Act to amend the Act respecting
municipal courts, the Courts of Justice
Act and other legislative provisions**

**Introduced 13 December 2001
Passage in principle 7 May 2002
Passage 13 June 2002
Assented to 13 June 2002**

**Québec Official Publisher
2002**

EXPLANATORY NOTES

This bill amends the Act respecting municipal courts, the Courts of Justice Act and other legislative provisions to subject all the municipal courts of Québec, including those of the cities of Laval, Montréal and Québec, to the Act respecting municipal courts. The bill clarifies the purpose of the latter Act, which is to dispense community justice throughout Québec, thus making the justice system more readily accessible to citizens.

A new office of associate chief judge is created within the Court of Québec, its holder to be responsible for the municipal courts. The associate chief judge, under the authority of the chief judge of the Court of Québec, will have the direction of the municipal courts and take over the functions currently exercised by the chief judge of the municipal courts, in particular as regards the establishment of the general policies of the municipal courts, the adoption of rules of practice, the monitoring of compliance with judicial ethics and the promotion of professional development for municipal judges.

The bill revises the structure of the administrative functions within the municipal courts, providing for the appointment by the Government of president judges in the courts in which the judges exercise their functions exclusively and on a full-time basis. The bill provides that a president judge may be assisted by an associate president judge, appointed by the Government, if circumstances so warrant. The function of president judge or associate president judge is to coordinate the work of the judges assigned to the court. President judges and associate president judges will exercise their functions under the authority of the associate chief judge responsible for the municipal courts.

Municipal judges are prohibited from practising the profession of advocate before any municipal court and before the Court of Québec, subject, as concerns the latter court, to a five-year transition period with respect to matters other than criminal and penal matters.

The bill amends the Code of Penal Procedure to authorize the application of the provisions of the Criminal Code concerning audio and video evidence and to restrict the scope of the powers of collectors of fines upon their designation.

Lastly, the bill contains various measures intended to ensure the transition from the rules under the current Act respecting the municipal courts to the rules introduced by this bill.

LEGISLATION AMENDED BY THIS BILL :

- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Act respecting municipal courts (R.S.Q., chapter C-72.01);
- Courts of Justice Act (R.S.Q., chapter T-16);
- Charter of the City of Laval (1965, 1st session, chapter 89);
- Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).

Bill 68

AN ACT TO AMEND THE ACT RESPECTING MUNICIPAL COURTS, THE COURTS OF JUSTICE ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING MUNICIPAL COURTS

1. Section 1 of the Act respecting municipal courts (R.S.Q., chapter C-72.01) is amended

(1) by striking out “other than the cities of Laval, Montréal and Québec,” in the first and second lines ;

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

“The purpose of this Act is to establish municipal courts to dispense community justice throughout Québec, thus making the justice system more readily accessible to citizens.”

2. Section 23 of the said Act is amended

(1) by replacing “and the” in the first line of the first paragraph by “who shall consult the” ;

(2) by striking out “of the municipal courts” at the end of the first paragraph.

3. Section 24 of the said Act is amended by inserting “or to determine any other place where the court may hold its sittings” after “sittings” in the second line of the second paragraph.

4. The said Act is amended by inserting the following section before section 25 in Division I of Chapter III :

“24.1. Municipal courts and municipal judges shall be under the authority of the associate chief judge of the Court of Québec who is responsible for municipal courts. The associate chief judge shall exercise, under the authority of the chief judge of the Court of Québec, the functions exercised by the chief judge in respect of municipal judges and municipal courts pursuant to this Act, in addition to the functions assigned to the associate chief judge by the Courts of Justice Act (chapter T-16).

5. Section 25 of the said Act is amended by adding the following paragraphs at the end :

“However, in courts where judges exercise their functions exclusively and on a full-time basis, the Government shall appoint a president judge from among the judges where it considers that the volume of judicial activity so warrants.

The Government may, in addition, where circumstances so warrant, appoint an associate president judge from among the judges of the court to assist the president judge in the exercise of his or her functions.”

6. The said Act is amended by inserting the following sections after section 25

“25.1. Under the authority of the chief judge, the president judge and the judge responsible for the court shall be responsible for coordinating and distributing the work of the judges assigned to the court, assigning the cases and scheduling the sittings of the court. The judges must, in that regard, comply with the orders and directives of the president judge and judge responsible for the court.

The president judge shall also exercise such other functions as the chief judge determines.

“25.2. The term of office of the president judge is seven years and the term of office of the judge responsible for the court is three years. The term may not be renewed.

The term of the judge responsible for a court shall terminate upon the appointment of a president judge to that court.

The president judge and the judge responsible for the court shall remain in office notwithstanding the end of their term until they are replaced.

Where the president judge is absent or unable to act, he or she may be replaced by the associate president judge or, where there is no associate president judge, by another municipal judge appointed by the Government from among the judges assigned to the same court, to exercise the functions of the president judge until the president judge resumes the exercise of his or her functions or is replaced.

“25.3. Where the judge responsible for the court is absent or unable to act, he or she may be replaced by another municipal judge appointed by the Government from among the judges assigned to the same court, to exercise the functions of the judge responsible for the court until the latter resumes his or her functions or is replaced.

“25.4. The associate president judge shall advise and assist the president judge. In addition, the president judge shall exercise such other functions as are determined by the chief judge.

“25.5. The term of office of the associate president judge shall not exceed three years and may be renewed.

The associate president judge shall remain in office notwithstanding the end of his or her term until he or she is replaced or reappointed.”

7. Section 36 of the said Act is amended by striking out “of the municipal courts” in the first line of the second paragraph.

8. Sections 36.1 to 36.5 of the said Act are repealed.

9. Section 37 of the said Act is amended by replacing “other than those of Laval, Montréal and Québec” in the fifth line by “or before the Court of Québec”.

10. Section 37.1 of the said Act is repealed.

11. Section 39.1 of the said Act is amended

(1) by adding “or for the purpose of being temporarily assigned to a municipal court in accordance with section 46.1” at the end of the first sentence;

(2) by replacing “to a municipal court” at the end of the second sentence by “of a municipal court or temporarily assign the judge to a municipal court”.

12. The English text of section 39.3 of the said Act is amended by replacing “give preference” in the first line by “give priority consideration”.

13. The English text of section 42 of the said Act is amended by replacing “The Minister” in the third line by “The chief judge”.

14. The said Act is amended by inserting the following section after section 45:

“45.1. Every judge exercising his or her functions in a municipal court to which a president judge has been appointed must exercise such functions on an exclusive basis.

The second paragraph of section 129 of the Courts of Justice Act applies to the exercise of such functions.”

15. The heading of Subdivision 4 of Division II of Chapter III of the said Act is amended by adding “and temporarily assigned judge” after “judge”.

16. Section 46 of the said Act is amended by replacing the first sentence of the first paragraph by the following sentences : “The chief judge shall designate a deputy judge for each municipal court that is not under the authority of a president judge. Deputy judges shall be designated from among the judges of other municipal courts who are not required to exercise their functions on an exclusive basis.”

17. The said Act is amended by inserting the following section after section 46 :

“46.1. For the proper dispatch of the business of a municipal court that is under the authority of a president judge and on the recommendation of the latter, the chief judge may temporarily assign a municipal judge to that court, for the period determined by the chief judge, in order to meet a temporary need. The judge has the powers of the judges of the court to which he or she is assigned.

In making a temporary assignment, the chief judge shall have regard to the requirements of the proper administration of justice and the efficient management of the public funds allocated therefor.

Notwithstanding section 45.1, a judge not required to exercise his or her functions on an exclusive basis before the temporary assignment does not become subject to that requirement during the assignment.

The remuneration and employment benefits of a temporarily assigned judge shall be borne by the municipality responsible for the administration of the municipal court to which the judge is so assigned.”

18. Section 49 of the said Act is amended by adding the following paragraphs at the end :

“However, in the case of a municipal court under the authority of a president judge, the Government shall fix, by order, the salaries of the judges appointed to the municipal court and determine the pension plan applicable to them as well as their employment benefits.

The Government shall fix, in the same manner, the additional remuneration attached to the office of president judge and of associate president judge.”

19. Sections 49.1 to 49.3 of the said Act are repealed.

20. Section 51 of the said Act is amended by striking out “, 49.1 or 49.2” in the first line.

21. Section 53 of the said Act is amended by adding the following paragraph at the end :

“In the case of a court that is under the authority of a president judge, the chief judge may, at the request of the president judge and if warranted by the circumstances, authorize the court, according to the terms and conditions determined by the chief judge, to sit after 6 o’clock p.m. or on Saturdays in a lesser proportion than that prescribed in the second paragraph. However, the proportion may not be less than one sitting out of three. The chief judge may cancel the authorization. Such an authorization or cancellation must be posted in the office of the court and sent to the Minister.”

22. Section 54 of the said Act is amended by inserting “Under the authority of the chief judge,” at the beginning.

23. Section 55 of the said Act is amended by adding the following paragraph at the end :

“Where the size of the territory of the municipality served by a municipal court so warrants, the municipal court may, in addition, sit at any other place in the territory that is indicated in the by-law or agreement establishing the court approved by the Government.”

24. Section 56.1 of the said Act is amended

(1) by inserting “, in agreement with the chief judge” after “judges” in the first line ;

(2) by adding “and take into account the specific character of municipal courts” at the end.

25. Section 56.2 of the said Act is amended

(1) by inserting “, in agreement with the chief judge,” after “judges” in the first line of the first paragraph ;

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

“Similarly, a majority of the judges of the Municipal Court of Ville de Montréal, in agreement with the chief judge, may, either at a meeting called for that purpose by the chief judge or through any other means whereby the chief judge may consult them, supplement the rules of practice with special rules applicable only before their court.”

26. Section 58 of the said Act is amended by inserting the following paragraph after the first paragraph :

“The clerk may designate, from among the members of the personnel assigned to the office of the court, the members who may perform certain acts in the clerk’s stead or in the stead of the deputy clerk, provided those acts do not require the exercise of any judicial or discretionary power.”

27. Section 66 of the said Act is amended by inserting “or the director general, if the power has been delegated to the director general by the council,” after “court” in the second line of the first paragraph.

28. Section 79 of the said Act is amended by replacing “the judge responsible for the court” in the fifth line of the second paragraph by “the president judge or the judge responsible for the court, as the case may be,”.

29. Section 84 of the said Act is amended by adding the following sentence at the end of the fourth paragraph: “The council may, however, in its internal by-law, delegate to the executive committee of the municipality the responsibility of effecting a remittance of the fine and costs.”

30. Section 86.1 of the said Act is repealed.

31. Section 98 of the said Act is amended by replacing “and the” in the first line by “who shall consult the”.

32. Section 111 of the said Act is amended by replacing “and the” in the first line of the first paragraph by “who shall consult the”.

COURTS OF JUSTICE ACT

33. Section 5.3 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by inserting “before (*insert here the date of coming into force of section 5*)” after “Québec” in the third line.

34. The said Act is amended by inserting the following section after section 5.3:

“**5.3.1.** The municipality responsible for a municipal court that is under the authority of a president judge may entrust the administration of the pension plan of the judges of its court to the Commission administrative des régimes de retraite et d’assurances.

It may also entrust the administration of the employment benefits plan applicable to the judges of its court to the person or body responsible for the employment benefits plan of the judges of the Court of Québec.

The obligations of the municipality, the judges, the Commission and any other person shall be determined by the agreement.”

35. Section 85 of the said Act is amended by replacing “three” in the second line by “four”.

36. Section 88.1 of the said Act is repealed.

37. Section 90 of the said Act is amended

(1) by replacing “and” in the third line of the first paragraph by “,”;

(2) by adding “and an associate chief judge responsible for municipal courts” at the end of the first paragraph.

38. Section 98 of the said Act is amended by adding the following paragraph at the end :

“The associate chief judge responsible for municipal courts has the direction of the municipal courts and, as such, his or her functions, in addition to the functions conferred under the Act respecting municipal courts (chapter C-72.01), shall be

(1) to establish, concurrently with the municipal judges, general policies applicable to them and to ensure that the policies are respected;

(2) to see that such rules of practice as are necessary for the exercise of the jurisdiction of the municipal courts are adopted and to supervise their application;

(3) to ensure that judicial ethics are observed;

(4) to promote the professional development of municipal judges in collaboration with the Conseil de la magistrature;

(5) to provide support to municipal judges in their efforts to improve the operation of the municipal courts.”

39. Section 101 of the said Act is replaced by the following section :

“**101.** Where an associate chief judge is absent or unable to act, the chief judge shall designate, to exercise the functions of the associate chief judge, either a judge of the division concerned in the case of an associate chief judge of a division, or a judge of the Court of Québec in the case of an associate chief judge responsible for municipal courts. The judge designated shall exercise such functions until the associate chief judge resumes his or her functions or is replaced.”

40. Section 224.1 of the said Act, enacted by section 9 of chapter 8 of the statutes of 2001, is replaced by the following section :

“**224.1.** The pension plan established by this Part applies to judges of the Court of Québec appointed after 31 December 2000. It also applies to judges of that court appointed before 1 January 2001 and still in office on that date, insofar as they elected to participate in the plan before 1 January 2002.

It also applies to judges of municipal courts that are under the authority of a president judge, to the extent determined by an order in council under the second paragraph of section 49 of the Act respecting municipal courts.”

41. Section 225 of the said Act, amended by section 11 of chapter 8 of the statutes of 2001, is again amended by replacing the second paragraph by the following paragraph:

“The plan also applies to the judges of the municipal courts of Laval, Montréal and Québec, to the extent determined by an order in council under the second paragraph of section 49 of the Act respecting municipal courts.”

42. Section 246.29 of the said Act is amended

(1) by striking out “and the municipal courts of Laval, Montréal and Québec” in the third line of the second paragraph;

(2) by inserting “and the pension plan of those judges, if any,” before “are” in the sixth line of the second paragraph;

(3) by inserting “, the Conférence des juges municipaux du Québec” after “Conférence des juges du Québec” in the second line of the third paragraph;

(4) by replacing “of Laval, Montréal and Québec” in the fourth line of the third paragraph by “that are under the authority of a president judge”.

43. Section 246.30 of the said Act is amended by striking out “and the municipal courts of Laval, Montréal and Québec” in the second line of the second paragraph.

44. Section 246.31 of the said Act is amended

(1) by striking out “the chief judge of the municipal courts,” in the second paragraph;

(2) by replacing “municipal courts” in subparagraph 2 of the third paragraph by “Court of Québec”;

(3) by striking out “the chief judge of the municipal courts,” and “, the chief judge of the municipal courts” in subparagraph 4 of the third paragraph;

(4) by striking out “and the municipal courts of Laval, Montréal and Québec” in the third and fourth lines of the fourth paragraph.

45. Section 246.36 of the said Act is amended by striking out “the chief judge of the municipal courts,” in the third paragraph.

46. Section 246.41 of the said Act is amended

(1) by striking out “the chief judge of the municipal courts or” in the third line of the first paragraph;

(2) by replacing “cities of Laval, Montréal and Québec” in the sixth line of the first paragraph by “municipalities responsible for the administration of a municipal court that is under the authority of a president judge”.

47. Section 246.42 of the said Act is amended by replacing “municipal judges” in the third line of the second paragraph by “judges of municipal courts that are not under the authority of a president judge”.

48. Section 248 of the said Act, amended by section 172 of chapter 26 of the statutes of 2001, is again amended

(1) by replacing “three” in paragraph *c* by “four”;

(2) by replacing paragraph *d* by the following paragraph:

“(d) a president judge of a municipal court;”;

(3) by striking out paragraph *d.2*;

(4) by striking out “or the Municipal Courts of Laval, Montréal or Québec” in paragraph *e*;

(5) by striking out “other than those of Laval, Montréal or Québec” in paragraph *f*.

49. Section 262 of the said Act is amended

(1) by adding “of this Act or section 45.1 of the Act respecting municipal courts” at the end of the first paragraph;

(2) by striking out “other than the Municipal Courts of Laval, Montréal and Québec” in the second and third lines of the second paragraph;

(3) by replacing the last sentence of the second paragraph by the following sentence: “The provisions of the code of ethics applicable to municipal judges may vary according to whether they apply to judges exercising their functions on a part-time basis or to judges exercising their functions on a full-time and exclusive basis.”

CODE OF PENAL PROCEDURE

50. Article 61 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), amended by section 91 of chapter 32 of the statutes of 2001, is again amended by adding the following paragraph at the end:

“The provisions of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) relating to video and audio evidence apply, having regard to the resources put at the disposal of the court, to the trial of proceedings instituted in accordance with this Code.”

51. Article 322 of the said Code is amended by adding the following sentence at the end of the first paragraph: “The powers conferred on collectors may be restricted to the purposes defined in the instrument of appointment.”

CHARTER OF THE CITY OF LAVAL

52. Sections 31 to 31.13 and 645 of the Charter of the City of Laval (1965, 1st session, chapter 89) are repealed.

ACT TO REFORM THE MUNICIPAL TERRITORIAL ORGANIZATION OF THE METROPOLITAN REGIONS OF MONTRÉAL, QUÉBEC AND THE OUTAOUAIS

53. Section 243 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) is repealed.

TRANSITIONAL AND FINAL PROVISIONS

54. Notwithstanding section 37 of the Act respecting municipal courts, as amended by section 9, municipal judges remain qualified to practise the profession of advocate before the Court of Québec in all matters other than criminal or penal matters, until (*insert here the date occurring five years after the date of coming into force of section 9*).

55. Sections 3 to 6, 9, 13 and 14 of Order in Council 1494-2001 dated 12 December 2001 concerning the organization of municipal courts covered by the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais are repealed.

56. The term of office of the chief judge of the municipal courts in office on (*insert here the date that occurs one day before the date of coming into force of this section*) ends on that date. The chief judge becomes, on (*insert here the date of coming into force of this section*), a judge of the Court of Québec and the associate chief judge of that Court who is responsible for the municipal courts.

From 1 July 2001, the associate chief judge shall participate in the pension plan established by Part V.1 of the Courts of Justice Act. He must pay the contribution required by section 224.2 of that Act for the year 2002 to the Commission administrative des régimes de retraite et d'assurances. In addition, he must pay, as a contribution for past service subsequent to 1989, an amount equal to the contribution he should have paid pursuant to the said section 224.2 for the year 2001. However, that amount may not be greater than the amount admissible as a contribution for past service under the applicable fiscal rules. The provisions of the second, third and fourth paragraphs of section 23 and sections 27 to 29 of chapter 8 of the statutes of 2001 apply, with the necessary modifications, to the associate chief judge. Also from 1 July 2001, he shall enjoy the employment benefits of judges of the Court of Québec.

57. The term of office of the chief judge of the new Municipal Court of Ville de Québec shall terminate on (*insert here the date of coming into force of this section*). On the same date, the chief judge becomes the president judge of that court for a term of seven years.

The new president judge is entitled, until 30 June 2004, to the additional remuneration to which the chief judge of that municipal court is entitled under the terms of the resolution to that effect adopted by the National Assembly on 18 December 2001. He is also entitled during that period to reimbursement of the expenses attached to that office. However, he is not entitled during that period to the additional remuneration attached to the office of president judge.

From 1 July 2004 and until the expiry of his seven-year term as president judge, he will be entitled to the additional remuneration attached to the office of president judge, as determined pursuant to section 246.44 of the Courts of Justice Act.

At the expiry of his seven-year term as president judge, he will be entitled, until such time as his salary as judge of the Municipal Court of Ville de Québec reaches the amount of his combined salary and additional remuneration at the time he ceased to hold the office of president judge, to the difference between that amount and his salary.

However, if additional remuneration becomes payable to him under section 115 of the Courts of Justice Act or if expenses are reimbursed to him under section 121 of that Act, the amounts to which he is entitled under this section shall be reduced accordingly.

The monies required for the purposes of this section shall be provided by Ville de Québec.

The provisions of this section apply notwithstanding the third paragraph of section 240 and section 242 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).

58. The terms of office of the judge responsible for the court and the coordinating judge of the Municipal Court of Ville de Montréal end upon the appointment of a president judge for that court, in accordance with section 25 of the Act respecting municipal courts, as amended by this Act. They are entitled to receive the additional remuneration attached to their office until the end of the term for which they had been appointed.

The associate chief judge of that court ceases to hold that office upon the appointment of a president judge. He is then entitled, until such time as his salary as a judge of that court reaches the amount of his combined salary and additional remuneration at the time he ceased to hold that office, to the difference between that amount and his salary.

59. Notwithstanding the third paragraph of section 240 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), the judges in office at the former Municipal Court of Ville de Montréal on 31 December 2001 became judges of the new Municipal Court of Ville de Montréal.

60. The judges of the Municipal Court of Ville de Laval are governed as regards their status and remuneration by the provisions of the Charter of the City of Laval (1965, 1st session, chapter 89) applicable to them, which remain in effect solely for those purposes.

However, the remuneration of the judges is that to which they are entitled on 30 June 2001 under the provisions applicable to them at that time and, thereafter, the remuneration determined in their regard pursuant to section 246.44 of the Courts of Justice Act.

61. The Municipal Court of Ville de Laval is maintained and is deemed to have been established in accordance with the Act respecting municipal courts.

The new municipal courts established by section 234 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) are deemed to have been established in accordance with the Act respecting municipal courts.

62. The repeal by section 52 of this Act of the provisions of the Charter of the City of Laval relating to the Municipal Court does not entail, by that sole fact, a loss of jurisdiction of the court in matters pending on (*insert here the date that occurs one day before the date of coming into force of section 52*).

63. The municipal judges designated for assignment to the new municipal courts of Montréal and Québec under the second paragraph of section 240 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais remain competent to finish, without remuneration in that capacity, the matters they began in an amalgamated court, even if they must exercise their functions on an exclusive basis in the new courts to which they are assigned.

64. The municipal judges designated by the chief judge of municipal courts under section 10 or 12 of Order in Council 1494-2001 dated 12 December 2001 remain competent to finish the matters they began in that capacity in the new municipal courts of the cities of Gatineau, Lévis, Longueuil, Montréal and Québec, even if they are not subsequently designated for assignment to those new courts under the second paragraph of section 240 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais.

65. The judges of the municipal courts of the cities of Laval, Montréal and Québec retain their powers of two justices of the peace for the purposes of the Acts of the Parliament of Canada which require that competence, in respect of

proceedings brought before their respective court before (*insert here the date of coming into force of this section*), until the conclusion of the proceedings, including on appeal.

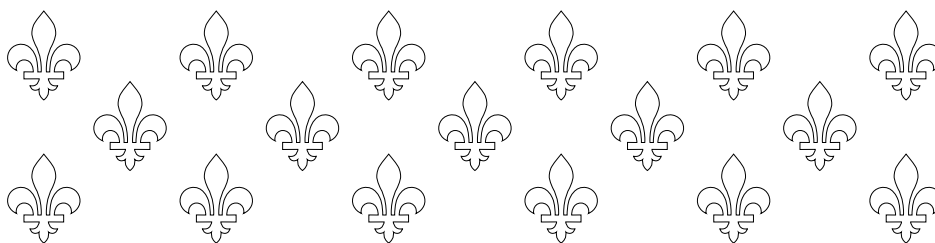
66. The judges of the municipal courts of the cities of Laval, Montréal and Québec shall remain subject to the Judicial Code of Ethics, approved by Order in Council 643-82 dated 17 March 1982, until the coming into force of the provisions of the Code of ethics of municipal judges to be adopted by the Conseil de la magistrature in respect of municipal judges exercising their functions on a full-time and exclusive basis.

67. Notwithstanding section 5.3.1 of the Courts of Justice Act, enacted by section 34, the time limit within which Ville de Montréal and the Commission administrative des régimes de retraite et d'assurances may enter into an agreement pursuant to section 31 of chapter 8 of the statutes of 2001 is extended to 31 December 2002.

68. The assistant to and the secretary of the chief judge of municipal courts in office on (*insert here the date of coming into force of this section*) become employees of the Ministère de la Justice. They are deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

The Conseil du trésor shall determine their classification, remuneration and any other condition of employment applicable to them.

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 70
(2002, chapter 22)

**An Act to amend the Act respecting
administrative justice and other
legislative provisions**

**Introduced 11 December 2001
Passage in principle 14 March 2002
Passage 12 June 2002
Assented to 13 June 2002**

**Québec Official Publisher
2002**

EXPLANATORY NOTES

This bill amends the Act respecting administrative justice as regards the renewal of the terms of office and the remuneration of the members of the Administrative Tribunal of Québec. It introduces similar provisions with respect to the members of the Commission des lésions professionnelles, the Régie du logement and the Commission des relations du travail.

Various procedural measures also included in the bill are designed to improve the conduct of proceedings before the Administrative Tribunal of Québec and to shorten processing times.

In addition, the composition of the Conseil de la justice administrative is modified and changes are made to its complaint examination procedure.

Finally, the bill contains consequential amendments that were omitted in earlier legislation.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Labour Code (R.S.Q., chapter C-27);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1).

Bill 70

AN ACT TO AMEND THE ACT RESPECTING ADMINISTRATIVE JUSTICE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING ADMINISTRATIVE JUSTICE

1. Section 24 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended

(1) by inserting “, education and road safety” after “social services” in the first line ;

(2) by inserting “, as regards health services and social services matters,” after “in particular” in the third line.

2. Section 25 of the said Act, amended by section 18 of chapter 29 of the statutes of 2001, is again amended by replacing the second and third paragraphs by the following paragraph :

“Proceedings referred to in paragraphs 1, 2.1.1, 2.3, 3, 4, 5, 6, 8, 9, 11, 13 and 14 of section 3 of Schedule I shall be heard and determined by a single member who shall be an advocate or notary.”

3. Section 27 of the said Act is amended

(1) by replacing “a panel of two members each of whom shall be an advocate or notary” in the first and second lines of the first paragraph by “a single member who shall be an advocate or notary” ;

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

“However, proceedings under section 188 of the Act respecting the Québec Pension Plan (chapter R-9) brought against a decision based on a person’s disability shall be heard and determined by a panel of two members one of whom shall be an advocate or notary and the other, a physician.”

4. Sections 48 and 49 of the said Act are replaced by the following sections :

“48. The term of office of a member shall be renewed for five years, according to the procedure established under section 49,

(1) unless the member is notified otherwise at least three months before the expiry of the term by the agent authorized therefor by the Government; or

(2) unless the member requests otherwise and so notifies the Minister at least three months before the expiry of the term.

A variation of the term of office is valid only for a fixed period of less than five years determined in the instrument of renewal and, except where requested by the member for a valid reason, only where required by special circumstances stated in the instrument of renewal.

“49. The renewal of a term of office shall be examined according to the procedure established by government regulation. The regulation may, in particular,

(1) authorize the establishment of committees;

(2) fix the composition of the committees and the mode of appointment of committee members, who shall neither belong to nor represent the Administration within the meaning of the Public Administration Act (chapter A-6.01);

(3) determine the criteria to be taken into account by the committees;

(4) determine the information a committee may require from a member and the consultations it may hold.

An examination committee may not make a recommendation against the renewal of a member's term of office without first having informed the member of its intention to make such a recommendation and of the reasons therefor and without having given the member the opportunity to present observations.

No judicial proceedings may be brought against members of an examination committee for any act done in good faith in the performance of their duties.”

5. Section 56 of the said Act is amended by adding “, and the method for determining the annual percentage of salary advancement up to the maximum salary rate and of the adjustment of the remuneration of members whose salary has reached the maximum rate” at the end of subparagraph 1 of the first paragraph.

6. Section 102 of the said Act, amended by section 27 of chapter 44 of the statutes of 2001, is again amended by adding “, a proceeding under section 65 of the Workmen's Compensation Act (chapter A-3) or a proceeding under section 12 of the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (chapter I-7)” at the end of the first paragraph.

7. Section 114 of the said Act is amended by replacing the second paragraph by the following paragraph :

“Within the same time, the municipal body responsible for the assessment must send the application for review and the assessor’s proposal or decision, the documents received by the assessor for the purposes of the review and the documents to which the assessor’s proposal or decision refers, as well as any certificate issued by the assessor since the filing of the motion instituting the proceedings.”

8. The said Act is amended by inserting the following section after section 118

“118.1. A case before the Tribunal must be ready for hearing within 180 days of the filing of the motion to institute proceedings or, in the case of an expropriation matter, within 180 days of the filing of the offer of the expropriating party or the detailed claim of the expropriated party.

At the expiry of the 180-day period, the Tribunal may convene the parties to a case management conference or to a conciliation session.”

9. Section 119 of the said Act, amended by section 19 of chapter 29 of the statutes of 2001, is again amended by replacing “21.0.4” in the first line of paragraph 5 by “21.1”.

10. The said Act is amended by inserting the following division after section 119:

“DIVISION III.1

“CASE MANAGEMENT CONFERENCE

“119.1. Where warranted by the circumstances of a case, in particular where one of the parties fails to act within the time prescribed by law, the president of the Tribunal, the vice-president responsible for the division concerned or the member designated by either may, on his or her own initiative or at the request of one of the parties, convene the parties to a case management conference in order to

(1) come to an agreement with the parties as to the conduct of the proceeding, specifying the undertakings of the parties and determining the timetable to be complied with within the prescribed time ;

(2) if the parties fail to agree, determine a timetable for the proceeding, which is binding on the parties ;

(3) determine how the conduct of the proceeding may be simplified or accelerated and the hearing shortened, among other things by better defining the questions at issue or admitting any fact or document ;

(4) invite the parties to a conciliation session.

An agreement under subparagraph 1 must cover, among other subjects, the procedure and time limit for the communication of exhibits, written statements in lieu of testimony and detailed affidavits, and experts' appraisals.

“119.2. The minutes of the conference shall be drawn up and signed by the member having conducted the conference.

“119.3. If one of the parties fails to attend the conference, the Tribunal shall record the failure and make the decisions it considers appropriate.

“119.4. In a municipal taxation matter pertaining to a unit of assessment or a place of business in respect of which the property or rental value that is entered on the roll is equal to or greater than the value fixed by government regulation, and in an expropriation matter, the parties must file a proceeding timetable.

In a municipal taxation matter, the proceeding timetable must be filed within three months of the institution of proceedings, and in an expropriation matter, within three months of the filing of the offer of the expropriating party or the detailed claim of the expropriated party.

In a municipal taxation matter pertaining to a unit of assessment or a place of business in respect of which the property or rental value that is entered on the roll is less than the value fixed by government regulation, the municipal body responsible for the assessment must file the relevant assessor's report, and send a copy to the other party, not later than three months after the filing of the motion instituting the proceedings. The other party is required to file its expert's report, if any, within the ensuing two months.

“119.5. If the parties fail to comply with the timetable, the member may make the appropriate determinations, including foreclosure. The member may, on request, relieve a defaulting party from default if required in the interest of justice.”

11. Section 120 of the said Act is amended

(1) by replacing “suspend the proceedings for a period not exceeding 30 days in order to allow conciliation to take place” in the fifth and sixth lines of the first paragraph by “preside a conciliation session or allow such a session to be conducted by a personnel member chosen by the president of the Tribunal or by the person chosen by the president of the Tribunal”;

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

“In the case of a proceeding pertaining to a decision claiming the repayment of social security benefits wrongly received, a proceeding pertaining to a decision based on a person's disability in a pension plan matter or a proceeding

regarding compensation under the Automobile Insurance Act (chapter A-25), the president of the Tribunal or the vice-president responsible for the division concerned may convene the parties to an initial conciliation session and designate the conciliator. The parties are bound to attend.”

12. Section 121 of the said Act is replaced by the following sections :

“**121.** The purpose of conciliation is to facilitate dialogue between the parties and help them to identify their interests, assess their positions, negotiate and explore mutually satisfactory solutions.

Conciliation does not suspend the proceedings.

“**121.1.** After consulting with the parties, the conciliator shall define the rules applicable to the conciliation and any measure to facilitate its conduct, and determine the schedule of sessions.

Conciliation sessions are held in private, at no cost to the parties and without formality, and require no prior written documents.

Conciliation sessions are held in the presence of the parties and their representatives. With the consent of the parties, the conciliator may meet with the parties separately. Other persons may also take part in the sessions if the conciliator or the parties consider that their presence would be helpful in resolving the dispute.

“**121.2.** A member of the Tribunal presiding a conciliation session may, if necessary, modify the proceeding timetable.

However, if no settlement is reached, a member of the Tribunal having presided a conciliation session may not hear any application regarding the dispute.”

13. Section 122 of the said Act is amended by replacing “the member who pronounces the suspension of the proceedings” in the fourth and fifth lines by “the conciliator”.

14. Section 124 of the said Act is replaced by the following section :

“**124.** Any agreement reached shall be recorded in writing and signed by the conciliator, the parties and their representatives, if any. It is binding on the parties.

If the agreement is reached following a conciliation session presided by a member of the Tribunal, it terminates the proceedings and is enforceable as a decision of the Tribunal ; if the agreement is reached following a conciliation session conducted by a personnel member, it has the same effects provided it is homologated by the Tribunal.”

15. Section 128 of the said Act is amended by striking out the second paragraph.

16. Section 132 of the said Act is replaced by the following section :

“**132.** Any party wishing to summon a witness shall do so by means of a subpoena issued by a member or by the advocate representing the party and served in accordance with the rules of procedure of the Tribunal.

Any party may examine and cross-examine witnesses to the extent necessary to ensure a fair process.”

17. Section 167 of the said Act is replaced by the following section :

“**167.** The council shall be composed of the following members :

(1) the president of the Administrative Tribunal of Québec ;

(2) a member of the Administrative Tribunal of Québec other than the vice-president, chosen after consultation with all the members of the Tribunal ;

(3) the president of the Commission des lésions professionnelles ;

(4) a member of the Commission des lésions professionnelles other than the vice-president, chosen after consultation with all the commissioners of that Commission ;

(5) the president of the Commission des relations du travail ;

(6) a member of the Commission des relations du travail other than the vice-president, chosen after consultation with all the commissioners of that Commission ;

(7) the chairman of the Régie du logement ;

(8) a member of the Régie du logement other than the vice-chairman, after consultation with all the commissioners of the Régie ; and

(9) seven other persons who are not members of any of those bodies, two of whom only shall be advocates or notaries chosen after consultation with their professional order.”

18. Section 168 of the said Act is amended

(1) by replacing “paragraphs 2,3 and 4” in the first paragraph by “paragraphs 2, 4, 6, 8 and 9”;

(2) by replacing “of the Tribunal” in the first paragraph by “of any of the bodies referred to in paragraphs 1 to 8 of that section”;

(3) by inserting the following paragraph after the second paragraph :

“At the expiry of their term, the members shall remain in office until they are replaced or reappointed.”

19. The said Act is amended by inserting the following section after section 171

“171.1. The chairman is in charge of the administration of the council. If absent or unable to act, the chairman shall be replaced by the member designated by the Minister.”

20. Section 177 of the said Act is amended

(1) by replacing “The” in the first line by “In addition to the functions assigned to it by law, the” ;

(2) by striking out paragraph 6

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

“The council may also report to the Minister on any matter the Minister may submit to the council and make recommendations to the Minister concerning the administration of administrative justice by the bodies of the Administration whose president or chairman is a member of the council.”

21. The said Act is amended by inserting the following sections after section 184

“184.1. The council shall send of copy of the complaint to the Tribunal member concerned and may ask the member for an explanation.

“184.2. The council shall examine the complaint. For that purpose, it may require of any person such information as it considers necessary and examine the relevant record even if it is confidential under the terms of section 89.”

22. Section 186 of the said Act is amended by replacing the second paragraph by the following paragraphs :

“The council shall form an inquiry committee composed of three members, which shall be entrusted with conducting an inquiry into the complaint and disposing of it on behalf of the council.

Two members of the inquiry committee shall be chosen from among the members of the council referred to in paragraphs 3 to 9 of section 167, at least one of whom shall neither practise a legal profession nor be a member of a body of the Administration whose president or chairman is a member of the council. The third member of the inquiry committee shall be the member of

the council referred to in paragraph 2 of that section or shall be chosen from a list drawn up by the president of the Tribunal, after consulting all the members of the Tribunal. In the latter case and if the inquiry committee finds the complaint to be justified, the third member shall take part in the deliberations of the council for the purpose of determining a penalty.”

23. Section 194 of the said Act is amended by replacing “second paragraph” in the second line by “second and third paragraphs”.

24. The said Act is amended by inserting the following section after section 200

“**200.1.** Not later than 1 April 2006, the Minister shall report to the Government on the implementation of the 180-day time limit prescribed by section 118.1 and on the advisability of making such modifications as the Minister considers expedient.

The Minister shall determine the indicators that will measure the results of the implementation of the time limit.

The second and third paragraphs of section 200 shall apply to the report.”

25. Schedule I to the said Act, amended by section 130 of chapter 9 of the statutes of 2001, section 107 of chapter 24 of the statutes of 2001, section 20 of chapter 29 of the statutes of 2001 and section 147 of chapter 60 of the statutes of 2001, is again amended by replacing “section 59” in the third line of paragraph 11 of section 3 by “section 48 or 59”.

26. Schedule II to the said Act, amended by section 67 of chapter 68 of the statutes of 2001, is again amended

(1) by striking out paragraph 8;

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

“(15) proceedings under section 13 of the Act respecting the reconstruction and redevelopment of areas affected by the torrential rains of 19 and 20 July 1996 in the Saguenay—Lac-Saint-Jean region (1997, chapter 60).”

27. Schedule III to the said Act, amended by section 24 of chapter 14 of the statutes of 2001, is again amended

(1) by inserting the following paragraph after paragraph 1.3

“(1.4) proceedings against decisions or orders of Ville de Gatineau or, in the case of a delegation, decisions or orders of the executive committee or of a department head, brought under section 66 of Schedule IV to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);”;

(2) by replacing “21.0.4” in the second line of paragraph 2 by “21.1”.

28. Schedule IV to the said Act, amended by section 22 of chapter 10 of the statutes of 2000, section 65 of chapter 53 of the statutes of 2000 and section 98 of chapter 38 of the statutes of 2001, is again amended

(1) by striking out paragraph 4.1 ;

(2) by striking out paragraph 10

(3) by replacing “section 36.16” in the first line of paragraph 13 by “sections 36.14 and 36.16”;

(4) by striking out paragraph 20;

(5) by inserting the following paragraphs after paragraph 22 :

“(22.1) section 5.7 of the Act respecting farmers’ and dairymen’s associations (chapter S-23);

“(22.2) section 18 of the Horticultural Societies Act (chapter S-27);”;

(6) by replacing “252” in paragraph 23 by “251”;

(7) by replacing paragraph 24.1 by the following paragraph :

“(24.1) section 85 of the Act respecting transportation services by taxi (2001, chapter 15);”.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

29. Sections 394 and 395 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) are replaced by the following sections :

“394. The term of office of a commissioner shall be renewed for five years, according to the procedure established under section 395,

(1) unless the commissioner is notified otherwise at least three months before the expiry of the term by the agent authorized therefor by the Government; or

(2) unless the commissioner requests otherwise and so notifies the Minister at least three months before the expiry of the term.

A variation of the term of office is valid only for a fixed period of less than five years determined in the instrument of renewal and, except where requested by the commissioner for a valid reason, only where required by special circumstances stated in the instrument of renewal.

“395. The renewal of a term of office shall be examined according to the procedure established by government regulation. The regulation may, in particular,

- (1) authorize the establishment of committees;
- (2) fix the composition of the committees and the mode of appointment of committee members, who shall neither belong to nor represent the Administration within the meaning of the Public Administration Act (chapter A-6.01);
- (3) determine the criteria to be taken into account by the committees;
- (4) determine the information a committee may require from a commissioner and the consultations it may hold.

An examination committee may not make a recommendation against the renewal of a commissioner’s term of office without first having informed the commissioner of its intention to make such a recommendation and of the reasons therefor and without having given the commissioner the opportunity to present observations.

No judicial proceedings may be brought against members of an examination committee for any act done in good faith in the performance of their duties.”

30. Section 400 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

“However, where the Conseil, for the purposes of section 186 of the said Act, forms an inquiry committee, two members of the committee shall be chosen from among the members of the Conseil referred to in paragraphs 1, 2 and 5 to 9 of section 167 of the Act, at least one of whom shall neither practise a legal profession nor be a member of a body of the Administration whose president or chairman is a member of the Conseil. The third member of the inquiry committee shall be the member of the Conseil referred to in paragraph 4 of the section or shall be chosen from a list drawn up by the president of the Commission, after consulting all the commissioners of the board. In the latter case and if the inquiry committee finds the complaint to be justified, the third member shall take part in the deliberations of the Conseil for the purpose of determining a penalty.”

31. Section 402 of the said Act is amended by adding “, and the method for determining the annual percentage of salary advancement up to the maximum salary rate and of the adjustment of the remuneration of commissioners whose salary has reached the maximum rate” at the end of subparagraph 1 of the first paragraph.

LABOUR CODE

32. Sections 137.19 and 137.20 of the Labour Code (R.S.Q., chapter C-27), enacted by section 63 of chapter 26 of the statutes of 2001, are replaced by the following sections:

“**137.19.** The term of office of a commissioner shall be renewed for five years, according to the procedure established under section 137.20,

(1) unless the commissioner is notified otherwise at least three months before the expiry of the term by the agent authorized therefor by the Government; or

(2) unless the commissioner requests otherwise and so notifies the Minister at least three months before the expiry of the term.

A variation of the term of office is valid only for a fixed period of less than five years determined in the instrument of renewal and, except where requested by the commissioner for a valid reason, only where required by special circumstances stated in the instrument of renewal.

“**137.20.** The renewal of a term of office shall be examined according to the procedure established by government regulation. The regulation may, in particular,

(1) authorize the establishment of committees;

(2) fix the composition of the committees and the mode of appointment of committee members, who shall neither belong to nor represent the Administration within the meaning of the Public Administration Act (chapter A-6.01);

(3) determine the criteria to be taken into account by the committees;

(4) determine the information a committee may require from a commissioner and the consultations it may hold.

An examination committee may not make a recommendation against the renewal of a commissioner's term of office without first having informed the commissioner of its intention to make such a recommendation and of the reasons therefor and without having given the commissioner the opportunity to present observations.

No judicial proceedings may be brought against members of an examination committee for any act done in good faith in the performance of their duties.”

33. Section 137.24 of the said Code, enacted by section 63 of chapter 26 of the statutes of 2001, is amended by replacing the fourth paragraph by the following paragraph:

“However, where the council, for the purposes of section 186 of the said Act, forms an inquiry committee, two members of the committee shall be chosen from among the members of the council referred to in paragraphs 1 to 4 and 7 to 9 of section 167 of the Act, at least one of whom shall neither practise a legal profession nor be a member of a body of the Administration whose president or chairman is a member of the council. The third member of the inquiry committee shall be the member of the council referred to in paragraph 6 of the section or shall be chosen from a list drawn up by the president of the Commission, after consulting all the commissioners of the Commission. In the latter case and if the inquiry committee finds the complaint to be justified, the third member shall take part in the deliberations of the council for the purpose of determining a penalty.”

34. Section 137.27 of the said Code, enacted by section 63 of chapter 26 of the statutes of 2001, is amended by adding “, and the method for determining the annual percentage of salary advancement up to the maximum salary rate and of the adjustment of the remuneration of commissioners whose salary has reached the maximum rate” at the end of subparagraph 1 of the first paragraph.

ACT RESPECTING MUNICIPAL TAXATION

35. Section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 134 of chapter 25 of the statutes of 2001, is again amended by inserting “, 119.4” after “85” in the fifth line of paragraph 8.3.

ACT RESPECTING THE RÉGIE DU LOGEMENT

36. Sections 7.6 and 7.7 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) are replaced by the following sections :

“**7.6.** The term of office of a commissioner shall be renewed for five years, according to the procedure established under section 7.7,

(1) unless the commissioner is notified otherwise at least three months before the expiry of the term by the agent authorized therefor by the Government; or

(2) unless the commissioner requests otherwise and so notifies the Minister at least three months before the expiry of the term.

A variation of the term of office is valid only for a fixed period of less than five years determined in the instrument of renewal and, except where requested by the commissioner for a valid reason, only where required by special circumstances stated in the instrument of renewal.

“**7.7.** The renewal of a term of office shall be examined according to the procedure established by government regulation. The regulation may, in particular,

- (1) authorize the establishment of committees;
- (2) fix the composition of the committees and the mode of appointment of committee members, who shall neither belong to nor represent the Administration within the meaning of the Public Administration Act (chapter A-6.01);
- (3) determine the criteria to be taken into account by the committees;
- (4) determine the information a committee may require from a commissioner and the consultations it may hold.

An examination committee may not make a recommendation against the renewal of a commissioner's term of office without first having informed the commissioner of its intention to make such a recommendation and of the reasons therefor and without having given the commissioner the opportunity to present observations.

No judicial proceedings may be brought against members of an examination committee for any act done in good faith in the performance of their duties."

37. Section 7.14 of the said Act is amended by adding “, and the method for determining the annual percentage of salary advancement up to the maximum salary rate and of the adjustment of the remuneration of commissioners whose salary has reached the maximum rate” at the end of subparagraph 1 of the first paragraph.

38. Section 8.4 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, where the Conseil, for the purposes of section 186 of the said Act, forms an inquiry committee, two members of the committee shall be chosen from among the members of the Conseil referred to in paragraphs 1 to 6 and 9 of section 167 of the Act, at least one of whom shall neither practise a legal profession nor be a member of a body of the Administration whose president or chairman is a member of the Conseil. The third member of the inquiry committee shall be the member of the Conseil referred to in paragraph 8 of that section or shall be chosen from a list drawn up by the chairman of the board, after consulting all the commissioners of the board. In the latter case if the inquiry committee finds the complaint to be justified, the third member shall take part in the deliberations of the Conseil for the purpose of determining a penalty.”

39. The first regulations made under section 49 of the Act respecting administrative justice, section 395 of the Act respecting industrial accidents and occupational diseases and section 7.7 of the Act respecting the Régie du logement are not subject to the publication requirement prescribed by section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

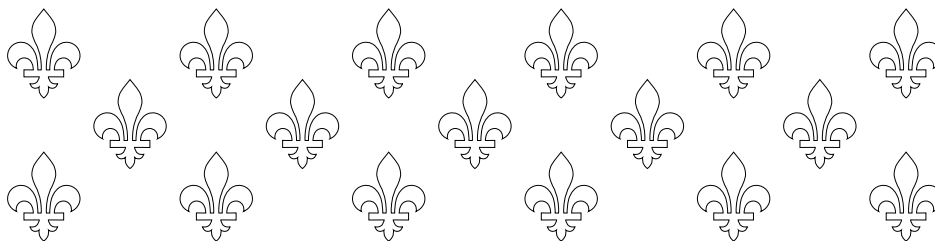
40. The term of office of the members of the Conseil de la justice administrative referred to in paragraphs 2 and 3 of section 167 of the Act respecting administrative justice, as it read before it was replaced by section 17 of this Act, shall terminate on 12 June 2002.

41. A time limit introduced by this Act shall begin to run on the date of coming into force of the enacting provision.

42. The provisions of this Act come into force on 13 June 2002, except

– sections 7 and 8, section 10, insofar as it enacts section 119.4 of the Act respecting administrative justice, and sections 24 and 35, which come into force on the date or dates to be fixed by the Government; and

– sections 32, 33 and 34, which come into force on the date of coming into force of section 137.27 of the Labour Code, enacted by section 63 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, chapter 26).



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 207

(Private)

An Act to amend the Act to incorporate the Quebec Hospital Service Association

Introduced 11 December 2001

Passage in principle 30 May 2002

Passage 14 June 2002

Assented to 14 June 2002

**Québec Official Publisher
2002**

Bill 207

(Private)

AN ACT TO AMEND THE ACT TO INCORPORATE THE QUEBEC HOSPITAL SERVICE ASSOCIATION

WHEREAS the Association d'hospitalisation Canassurance is a legal person constituted by the Act to incorporate the Quebec Hospital Service Association (1942, chapter 102) as amended by chapter 99 of the statutes of 1945 and chapter 97 of the statutes of 1946;

Whereas in accordance with the Act respecting the special powers of legal persons (R.S.Q., chapter P-16), the Quebec Hospital Service Association changed its name to Association d'hospitalisation Canassurance, and whereas that change took effect on 23 March 1999 on the date on which the notice of change of name was deposited in the register of sole proprietorships, partnerships and legal persons under No. 1142854604;

Whereas it is necessary to amend the provisions governing the Association to reflect current reality;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The title of the Act to incorporate the Quebec Hospital Service Association (1942, chapter 102) is replaced by the following title:

“An Act respecting the Association d'hospitalisation Canassurance”.

2. Section 1 of the said Act, amended by section 1 of chapter 99 of the statutes of 1945 and replaced by section 1 of chapter 97 of the statutes of 1946, is again replaced by the following section:

“**1.** The Association d'hospitalisation Canassurance is a legal person without pecuniary gain whose object is to offer assistance, prevention and compensation services in the field of health. The Association may also, through insurers it controls, offer personal insurance and damage insurance.”

3. Section 1*a* of the said Act, enacted by section 2 of chapter 97 of the statutes of 1946, is replaced by the following section:

“**1a.** The Association may enter into arrangements relating to its objects, within and outside Québec.”

4. Section 2 of the said Act is replaced by the following section :

“**2.** The Association may create a private foundation devoted to research in the field of health and to assisting persons or organizations working in that field. The Association may appropriate the sums required for those purposes from its funds and revenues.”

5. Section 4 of the said Act is amended by striking out “, but such by-law shall be subject to the approval of the Lieutenant-Governor in Council”.

6. Section 6 of the said Act is repealed.

7. Section 7 of the said Act is replaced by the following section :

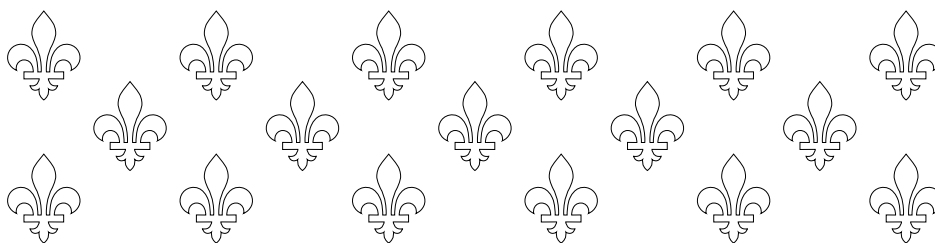
“**7.** Subject to the provisions of this Act, the Association is governed by the provisions of the Act respecting insurance (R.S.Q., chapter A-32) that apply to insurance companies.”

8. Section 8 of the said Act is repealed.

9. Section 12 of the said Act is repealed.

10. Section 14 of the said Act is repealed.

11. This Act comes into force on 14 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 210

(Private)

An Act to amend the Act to incorporate Les Frères du Sacré-Coeur

Introduced 24 April 2002

Passage in principle 14 June 2002

Passage 14 June 2002

Assented to 14 June 2002

**Québec Official Publisher
2002**

Bill 210

(Private)

AN ACT TO AMEND THE ACT TO INCORPORATE LES FRÈRES DU SACRÉ-COEUR

WHEREAS the corporation Les Frères du Sacré-Cœur was incorporated by the Act to incorporate Les Frères du Sacré-Cœur (1962, chapter 104);

Whereas the community and religious structures making up the Institut des Frères du Sacré-Cœur will be modified upon a consolidation of the Canadian community provinces;

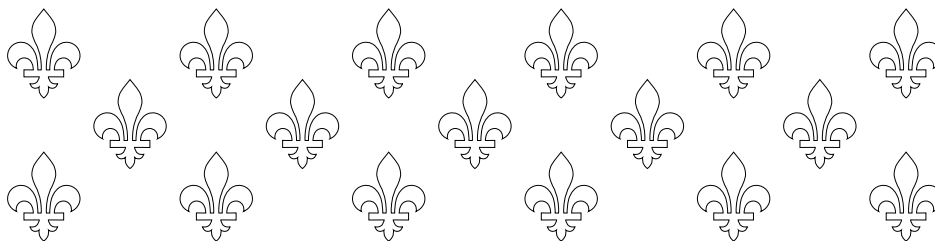
Whereas the composition of the board of management of the corporation Les Frères du Sacré-Cœur is dependent on those structures and it is in the interest of the corporation that its board of management be modified in order to bring it into conformity with the new structures;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act to incorporate Les Frères du Sacré-Cœur (1962, chapter 104) is amended by replacing section 5 by the following section:

“5. The business of the corporation shall be administered by a board of management the number of members, in no case less than three, and the composition of which shall be determined by by-law of the corporation. Such by-law must be approved by the vote of not less than two-thirds of the members of the corporation present at a special general meeting called for that purpose.”

2. This Act comes into force on 14 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 211

(Private)

An Act respecting Ville d'Alma

Introduced 25 April 2002

Passage in principle 14 June 2002

Passage 14 June 2002

Assented to 14 June 2002

**Québec Official Publisher
2002**

Bill 211

(Private)

AN ACT RESPECTING VILLE D'ALMA

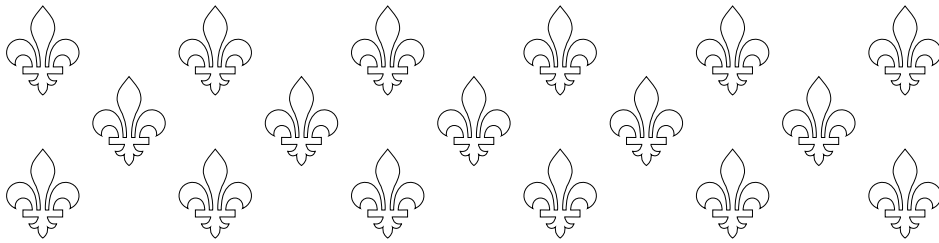
WHEREAS Ville d'Alma has acquired by gift large industrial immovables, namely part of the former electrolysis plant in Isle-Maligne ;

Whereas the management of those immovables requires that Ville d'Alma be granted certain powers ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Notwithstanding the second paragraph of section 7 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), Ville d'Alma may agree with its lessees on leases having a term exceeding 6 years in relation to all or part of the immovables acquired under the deed of gift registered on 21 June 2001 at the registry office of the registration division of Lac-Saint-Jean Est under No. 226 321.

2. This Act comes into force on 14 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 212

(Private)

**An Act respecting the Seventh-Day
Adventist Church—Québec Conference**

Introduced 25 April 2002

Passage in principle 14 June 2002

Passage 14 June 2002

Assented to 14 June 2002

**Québec Official Publisher
2002**

Bill 212

(Private)

AN ACT RESPECTING THE SEVENTH-DAY ADVENTIST CHURCH—QUÉBEC CONFERENCE

WHEREAS the Seventh-Day Adventist Church—Québec Conference is a legal person constituted by the Act to incorporate The Quebec Association of Seventh-Day Adventists (1933, chapter 151), amended by chapter 159 of the statutes of 1935 and chapter 125 of the statutes of 1964 ;

Whereas it is expedient to replace the provisions governing the Church to adapt them to current reality ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Seventh-Day Adventist Church—Québec Conference is hereby continued as a legal person governed by this Act. It may be designated under the name of l'Église Adventiste du Septième Jour—Fédération du Québec.

The Seventh-Day Adventist Church—Québec Conference is a legal person not constituted for the pursuit of pecuniary gain.

2. The objects of the legal person are

(a) to promulgate the teachings and beliefs of the Church by preaching and teaching and to establish, erect and maintain churches and congregations ;

(b) to promote, maintain, superintend and carry on religious and charitable work by every appropriate means and to unify and extend the mission of the Church ;

(c) to organize and maintain Christian missions, schools and infirmaries, camps, and institutions for senior citizens ;

(d) to establish, support and maintain offices and libraries as well as agencies for printing, publishing, disseminating, selling and distributing literature, newspapers, periodicals and works of religion ;

(e) to promote the spiritual welfare of its congregations and missions ;

(f) to promote the erection and purchase of houses of worship and parsonages ; and

(g) to administer the property, business and temporal affairs of the legal person.

3. The legal person shall hold a general meeting of its members at least every four years.

4. The legal person may make all the by-laws required for its organization and functioning.

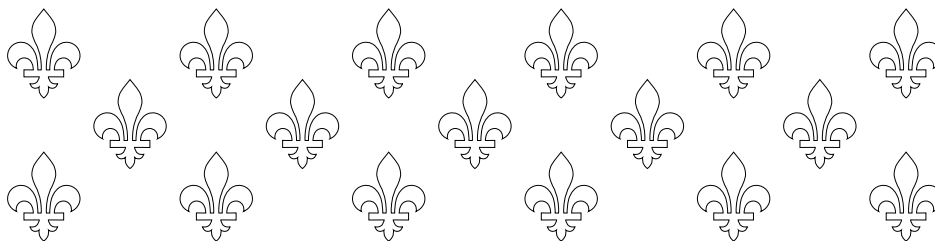
5. The provisions of Part III of the Companies Act (R.S.Q., chapter C-38) that are not inconsistent with this Act apply to the legal person.

6. Every proceeding instituted by or against the legal person may be continued under a name referred to in section 1.

7. In the event of dissolution of the legal person, all property or assets remaining after the payment of all debts and liabilities and the discharge of all obligations shall be transferred to the Seventh-day Adventist Church in Canada or its legal successor, insofar as the Seventh-day Adventist Church in Canada or its legal successor is a charity as defined in the Taxation Act (R.S.Q., chapter I-3). In the event that the Seventh-day Adventist Church in Canada or its legal successor no longer exists, does not wish to accept the property or assets or is no longer a charity as defined in the Taxation Act, the property or assets shall be transferred to any other charity in Canada as defined in the Taxation Act whose objects are the most similar to those of the legal person according to an evaluation of those objects that shall be made by the directors.

8. The Act to incorporate The Quebec Association of Seventh-Day Adventists (1933, chapter 151), amended by the Act to amend the act incorporating The Quebec Association of Seventh-Day Adventists (1935, chapter 159) and the Act respecting The Quebec Association of Seventh-Day Adventists (1964, chapter 125), is replaced by this Act.

9. This Act comes into force on 14 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 213

(Private)

An Act respecting Ville de Saint-Hyacinthe

Introduced 1 May 2002

Passage in principle 14 June 2002

Passage 14 June 2002

Assented to 14 June 2002

**Québec Official Publisher
2002**

Bill 213

(Private)

AN ACT RESPECTING VILLE DE SAINT-HYACINTHE

WHEREAS it is in the interest of Ville de Saint-Hyacinthe that certain powers be granted to the city ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Ville de Saint-Hyacinthe may, by by-law, adopt a program for the purpose of granting a tax credit related to the setting up or enlarging of high technology establishments in the territory described in the schedule, subject to the terms and conditions determined in the by-law.

For the purposes of this section, “high technology” refers in particular to the agri-food, veterinary and agri-environmental biotechnology fields. “High technology” means a use having as its main activity

- (1) scientific or technological research or development ;
- (2) scientific or technological training ;
- (3) the administration of a technological enterprise ; or
- (4) the manufacturing of technological products, including scientific research and experimental development activities.

A by-law adopted under this section may not provide for a tax credit for a period exceeding five years ; the period of eligibility for the program may not extend beyond 31 December 2007.

The effect of the tax credit shall be to offset any increase in property taxes that may result from a reassessment of the immovables after completion of the work. For the fiscal year in which the work is completed and for the next two fiscal years, the amount of the tax credit shall be the difference between the amount of the property taxes that would be payable had the assessment of the immovables not been changed and the amount of the property taxes actually payable. For the next two fiscal years, the amount of the tax credit shall be, respectively, 80 per cent and 60 per cent of the amount of the tax credit for the first fiscal year.

The by-law provided for in the first paragraph may be adopted and, where applicable, applies only if the city's zoning by-law provides that, in the case of the main activities referred to in subparagraphs 1 and 4 of the second paragraph, the use must occupy a gross floor area reserved and intended for scientific research and experimental development activities that is equal to at least 15 per cent of the total gross floor area occupied or intended to be occupied by that use. The zoning by-law must also provide that no use having as its main activity an activity referred to in subparagraph 2 or 3 of the second paragraph may be authorized in respect of more than 30 per cent of the territory described in the schedule.

2. This Act comes into force on 14 June 2002.

SCHEDULE

TECHNICAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF
“CITÉ DE LA BIOTECHNOLOGIE” IN VILLE DE SAINT-HYACINTHE,
MUNICIPALITÉ RÉGIONALE DE COMTÉ LES MASKOUTAINS

The current territory of “Cité de la biotechnologie” in Ville de Saint-Hyacinthe comprising the following lots in the cadastre of Québec : 1 965 682, 1 965 683, 1 966 902, 1 966 904 to 1 966 910, 1 966 940, 1 967 771, 1 967 776 to 1 967 779, 1 967 801, 1 967 814, 1 969 014, 1 969 208 to 1 969 210, 1 969 212, 1 969 214, 1 969 561, 1 969 570 to 1 969 572, 2 507 707, part of lots 1 969 220 and 1 969 221 being the right of way of the Canadian National Railway Company, part of lot 1 969 535 being Casavant Ouest boulevard and part of lot 1 969 538 being Beaudry avenue, the whole within the limits hereinafter described, to wit: starting from the northern extremity of lot 1 967 776 being the intersection of Choquette avenue and Beaudry avenue; thence, successively, the following lines and demarcations: with reference to the cadastre of Québec, southeasterly, the southwest line of lot 1 969 538 being Beaudry avenue and its extension as a straight line in that lot and in lot 1 969 535 being Casavant Ouest boulevard to the southeast line of lot 1 969 535 being Casavant Ouest boulevard; thence, northeasterly, the southeast line of lots 1 969 535 and 1 969 241 being Casavant Ouest boulevard to the northern extremity of lot 1 967 814 being the intersection of Casavant Ouest boulevard and the railway (C.N.); thence, generally southerly, the east line of lot 1 967 814 to the southern extremity of lot 1 967 814; thence, southeasterly, the southwest line of lots 1 969 556 and 1 969 213 being the railway (C.N.) and its extension in lots 1 969 220 and 1 969 221 being the railway (C.N.) to the western extremity of lot 1 969 403, the southwest line of lots 1 969 403 and 1 969 402 being Des Vétérinaires avenue to the eastern extremity of lot 1 969 561 being the intersection of Des Vétérinaires avenue and Sicotte street; thence, southwesterly, the northwest line of lots 1 969 251 and 1 969 252 being Sicotte street to the southern extremity of lot 1 969 210; thence, northwesterly, the southwest line of lot 1 969 210 to the northern extremity of lot 1 966 958; thence, southwesterly, the southeast line of lot 1 966 940 to the northeast line of lot 1 969 400 being Boullé avenue; thence, northwesterly, the northeast line of lot 1 969 400 being Boullé avenue to its northern extremity; thence, southwesterly, the southeast limit of lot 1 966 940; thence, northwesterly, the southwest line of lot 1 966 940; thence, southwesterly, the southeast line of lot 1 966 940 to the northeast limit of lot 1 966 941 being the Saint-Hyacinthe golf club; thence, northwesterly, the northeast line of lot 1 966 941 being the Saint-Hyacinthe golf club and its extension in lots 1 969 220 and 1 969 221 being the railway (C.N.) to the eastern extremity of lot 1 966 909; thence, westerly, the north line of lot 1 969 220 being the railway (C.N.) to the southern extremity of lot 1 966 909; thence, northwesterly, the southwest line of lot 1 966 909 to the northern extremity of lot 2 507 706; thence, westerly, the north line of lot 2 507 706 being the railway (C.N.), part of the north line of lot 1 969 554, to the southwestern extremity of lot 1 969 535 being Casavant Ouest boulevard; thence, northerly, the west line of lot 1 969 535 being Casavant Ouest boulevard and the west line of lots 1 969 571, 1 969 572 and

1 967 778 to the western extremity of lot 1 967 778; thence, northeasterly, the northwest limit of lot 1 967 778 to the southern extremity of lot 1 967 771; thence, northwesterly, the southwest line of lot 1 967 771 to the western extremity of lot 1 967 771; and thence, northeasterly, the southeast line of lot 1 969 539 being Choquette avenue to the starting point.

Those limits define the territory of “Cité de la biotechnologie” in Ville de Saint-Hyacinthe, Municipalité régionale de comté Les Maskoutains.

The lot numbers appearing in this technical description were updated on 6 March 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 215

(Private)

An Act to amend the charter of the City of Laval

Introduced 8 May 2002

Passage in principle 14 June 2002

Passage 14 June 2002

Assented to 14 June 2002

**Québec Official Publisher
2002**

Bill 215

(Private)

AN ACT TO AMEND THE CHARTER OF THE CITY OF LAVAL

WHEREAS it is in the interest of Ville de Laval that its charter, chapter 89 of the statutes of 1965 (1st session), and the Acts amending it, be again amended ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The schedule to the Act to amend the charter of the City of Laval (1999, chapter 92) is replaced by the following schedule :

“SCHEDULE

DESCRIPTION OF THE SCIENCE AND HIGH TECHNOLOGY PARK
(KNOWN BY THE NAME OF CITY OF BIOTECHNOLOGY AND
HUMAN HEALTH OF METROPOLITAN MONTRÉAL)

DESCRIPTION

A parcel of land, irregular in shape and composed of lots 1165667, 1165677, 1165684, 1165687, 1165890, 1165906, 1165907, 1165925, 1165943, 1166090, 1166123, 1166185, 1166218, 1166281, 1166431, 1166432, 1166437, 1166438, 1166439, 1166440, 1166441, 1166442, 1166443, 1166445, 1168839, 1168842, 1168847, 1168850, 1169160, 1169198, 1169199, 1169201, 1169234, 1169235, 1615231, 1697341, 1697342, 1697343, 1697344, 1697346, 1697347, 1918339, 1918341, 1918342, 2171252, 2234254, 2234255, 2547361, 2678327, 2678328, 1165668 Pt, 1165680 Pt, 1165685 Pt, 1165708 Pt, 2447691 Pt, 1918340 Pt and 1918343 Pt, the whole within the limits hereinafter described, to wit :

From the southwest right of way of Autoroute des Laurentides (15) with the southeast right of way of boulevard du Souvenir also known as the north corner of lot 2678328 ;

Thence, southeasterly, along the southwest right of way of Autoroute des Laurentides (15) along the curved lines, to the intersection of boulevard Armand-Frappier and boulevard Notre-Dame, also known as the north corner of lot 1169160 (boulevard Notre-Dame) ;

Thence, southeasterly, crossing boulevard Notre-Dame along the northeast limit of lot 1169160, at the intersection of boulevard Notre-Dame and boulevard Armand-Frappier also known as the east corner of lot 1169160 (boulevard Notre-Dame) ;

Thence, along the southeast, south and southwest right of way of Autoroute des Laurentides (15) also known as the northwest limit of lots 1168842 and 1166439, the north, northeast and east limits of lot 1166439, and the northeast limit of rue Bernard-Belleau to the west corner of avenue Micro ;

Thence, southeasterly, along the southwest limit of avenue Micro to the north right of way of boulevard des Prairies ;

Thence, southwesterly, along the northwest right of way of boulevard des Prairies to the extension northwesterly of the southwest limit of lot 1166339 ;

Thence, southeasterly, along the southwest limit of lot 1166339 to the northwest shore of Rivière des Prairies ;

Thence, southwesterly and westerly, along the northwest and north shores of Rivière des Prairies to the northeast limit of lot 1169233 ;

Thence, northwesterly, along the dividing line between lots 1168850 and 1169233 to the southeast right of way of boulevard des Prairies ;

Thence, northeasterly, along the southeast right of way of boulevard des Prairies, to the south corner of lot 1165685 (boulevard des Prairies) ;

Thence, northwesterly, along the dividing line between lots 1165686 and 1165685 to the northeast right of way of boulevard des Prairies also known as the east corner of lot 1166222 ;

Thence, northwesterly, along the southwest limit of lot 1166218 to the north corner of lot 1166131 ;

Thence, southwesterly, along the northwest limit of lot 1166131 to the northeast right of way of 58^e Avenue ;

Thence, northwesterly, along the northeast limit of 58^e Avenue to the west corner of lot 1169234, that is the east intersection of 58^e Avenue and boulevard Cartier ;

Thence, southwesterly, along the southeast limit of boulevard Cartier to the southwest limit of 58^e Avenue, that is the north corner of lot 1166123 ;

Thence, southeasterly, along the southwest limit of 58^e Avenue to the northwest limit of lot 1166127, that is the east corner of lot 1166123 ;

Thence, southwesterly, along the northwest limit of lots 1166127 and 1166124 to the northeast limit of 59^e Avenue ;

Thence, northwesterly, along the northeast limit of 59^e Avenue to the central axis of boulevard Cartier ;

Thence, northeasterly, along the central axis of boulevard Cartier to the southwest limit of lot 1165667 (boulevard Cartier);

Thence, northwesterly, along the southwest limit of lots 1165667, 1166185, 1166090, 1165684, 1166437 and 1168839, to the north corner of lot 1166428;

Thence, westerly, along the south limit of lots 1168839 and 1165943 to the northwest corner of lot 1165945;

Thence, successively northwesterly and northerly, along the southwest and west limits of lot 1165943;

Thence, northwesterly, along the northeast limit of lots 1166065, 1166068 and 1165930 to the north corner of lot 1165930;

Thence, westerly, along the north limit of lots 1165930, 1165929 and 1165928 to the northwest corner of lot 1165928;

Thence, southerly, along the west limit of lot 1165928 to the northeast corner of lot 1165926;

Thence, westerly, along the north limit of lot 1165926 to the northwest corner of lot 1165926;

Thence, southeasterly, along the southwest limit of lot 1165926 to the north corner of boulevard Daniel-Johnson;

Thence, southwesterly, along the northwest limit of boulevard Daniel-Johnson to the west corner of boulevard Daniel-Johnson;

Thence, southeasterly, along the southeast limit of boulevard Daniel-Johnson to the extension of the northwest limit of lot 2058678;

Thence, southwesterly, along the northwest limit of lot 2058678 to the west corner of lot 2058678;

Thence, southeasterly, along the southwest limit of lot 2058678 to the northeast corner of lot 2058676;

Thence, westerly, along the north limit of lots 2058676, 2058618 and 2058619 to the north corner of lot 2058533;

Thence, southwesterly, along the northwest limit of lots 2058533, 2058531, 2058530, 1638691, 1638692, 1638703, 1638700, 1638699, 1638698, 1638547, 1638556, 1638555, 1638554, 1638553 and 1638551 to the west corner of lot 1638551;

Thence, northwesterly, northeasterly and northwesterly, along the northeast, southeast and northeast limits, successively, of lot 2447690 and the extension of the last-mentioned limit to the central axis of boulevard Notre-Dame;

Thence, successively, northerly and northeasterly, along the central axis of boulevard Notre-Dame, to the extension of the central axis of boulevard Daniel-Johnson;

Thence, northwesterly, along the central axis of boulevard Daniel-Johnson, to the extension of the central axis of Place Alton-Goldbloom;

Thence, southwesterly, to the midpoint of the northeast limit of Place Alton-Goldbloom;

Thence, northwesterly, along the northeast limit of Place Alton-Goldbloom to the north corner of that limit;

Thence, southwesterly, along the northwest limit of lot 1165866 to the intersection with the extension of the northeast limit of lot 1165890;

Thence, northwesterly, along the extension of the northeast limit of lot 1165890, to the east limit of lot 1165890;

Thence, southerly and southwesterly, along the south and southeast limits of lot 1165890, to the south corner of the same lot;

Thence, northwesterly, along the southwest limit of lot 1165890 to the west corner of the same lot, contiguous to rue Dale;

Thence, northeasterly, along the northwest limit of lot 1165890 to the extension southeasterly of the northeast limit of lot 1165736;

Thence, northwesterly, along the northeast limit of lots 1918343 Pt and 1165736 to the west corner of lot 1918342;

Thence, northeasterly, along the northwest limit of lot 1918342 for a distance of about 22.0 metres;

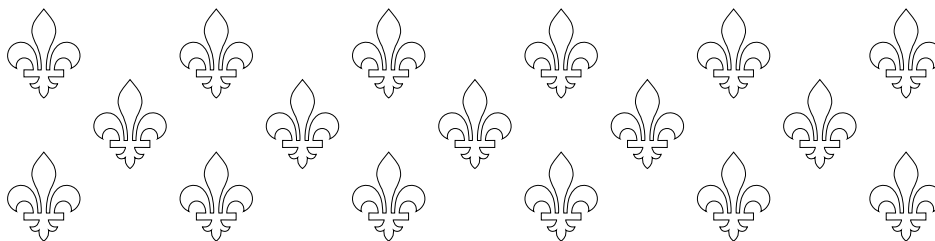
Thence, northwesterly for a distance of about 180.0 metres. That limit is perpendicular to the northwest limit of lot 1918342;

Thence, northeasterly, to the central axis of boulevard Daniel-Johnson. That limit is parallel to the northwest limit of lot 1918342;

Thence, northwesterly, along the central axis of boulevard Daniel-Johnson, to the southeast right of way of boulevard du Souvenir;

Thence, northeasterly, easterly and northeasterly, along a curved line being the southeast, south and southeast right of way of boulevard du Souvenir, to the southwest right of way of Autoroute des Laurentides (15) known as the starting point of this parcel of land.”

2. This Act comes into force on 14 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 216

(Private)

An Act respecting Municipalité de Caplan

Introduced 7 May 2002

Passage in principle 14 June 2002

Passage 14 June 2002

Assented to 14 June 2002

**Québec Official Publisher
2002**

Bill 216

(Private)

AN ACT RESPECTING MUNICIPALITÉ DE CAPLAN

WHEREAS it is in the interest of Municipalité de Caplan that it be granted certain powers ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Municipalité de Caplan may acquire, operate and convert into an industrial, para-industrial, research or commercial complex the immovable situated at 94 boulevard Perron Ouest, in Caplan, to allow, in particular, the establishment of a call centre by Corporation ACI Télécentrics du Québec inc.

2. The municipality may make an agreement with, lend money, and grant subsidies to a non-profit organization pursuing the same purposes as those referred to in section 1 and transfer to that organization, by gratuitous or onerous title, the rights that the municipality acquired in the immovable at an auction sale for non-payment of immovable taxes held on 8 March 2001 by Municipalité régionale de comté de Bonaventure under the certificate of adjudication registered at the registry office of the registration division of Bonaventure No. 1 on 9 March 2001 under number 477, and the lease signed by the municipality on 11 February 2002 with Corporation ACI Télécentrics du Québec inc.

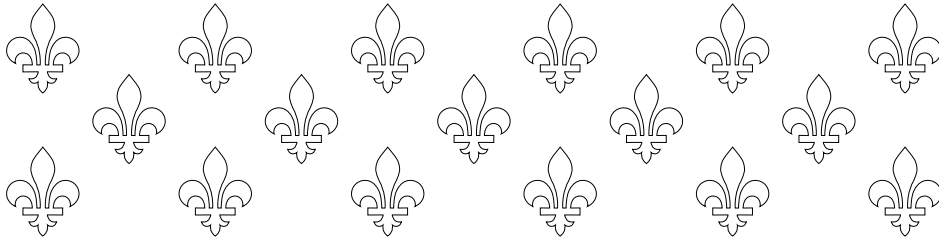
3. To secure the performance of the obligations under the agreement with the non-profit organization, the municipality may require from the organization any hypothec or other security it considers sufficient.

The municipality may also, by reason of its assistance, require it be granted other advantages, in particular, an interest in the revenues and increased value of the industrial and commercial complex.

4. The Minister of Municipal Affairs and Greater Montréal may, on the conditions the Minister determines, exempt the municipality from the requirement to submit a loan by-law adopted in the exercise of the powers granted to the municipality by this Act and any by-law amending the object of loan by-law No. 93-2002, to the qualified voters for approval.

5. The municipality is deemed to have always had the powers granted by this Act which are conferred on it notwithstanding the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) and the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

- 6.** Loan by-law 93-2002, the lease entered into on 11 February 2002 between Municipalité de Caplan and Corporation ACI Télécentrics du Québec inc. in relation to the immovable referred to in section 1 and the other decisions made by the council pursuant to the by-law or the lease may not be invalidated on the ground that the municipality lacked jurisdiction.
- 7.** This Act does not affect any case pending on 2 April 2002.
- 8.** This Act comes into force on 14 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 217

(Private)

**An Act to permit the members of the
Association québécoise des
transporteurs aériens inc. to apply for
the constitution of a mutual aviation
insurance association**

Introduced 8 May 2002

Passage in principle 14 June 2002

Passage 14 June 2002

Assented to 14 June 2002

Bill 217

(Private)

AN ACT TO PERMIT THE MEMBERS OF THE ASSOCIATION QUÉBÉCOISE DES TRANSPORTEURS AÉRIENS INC. TO APPLY FOR THE CONSTITUTION OF A MUTUAL AVIATION INSURANCE ASSOCIATION

WHEREAS the Association québécoise des transporteurs aériens inc. was constituted under Part III of the Companies Act (R.S.Q., chapter C-38) by letters patent issued on 5 March 1976 and amended by supplementary letters patent on 5 March 1979 and 26 January 1990, the object of such constitution being, in particular, to promote, protect and develop in any manner the economic, social and professional interests of its members;

Whereas the active members of the Association operate a commercial air service and hold a licence issued according to law;

Whereas the Association represents that unpredictable changes in the cost of aviation insurance threaten the survival of enterprises carried on by its members;

Whereas the board of directors of the Association resolved, on 20 February 2002, to take the measures necessary to constitute a non-profit legal person whose object is to transact aviation insurance in respect of its members;

Whereas it is expedient to permit the members of the Association to apply for the constitution of a mutual insurance association whose object is the transaction of aviation insurance;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

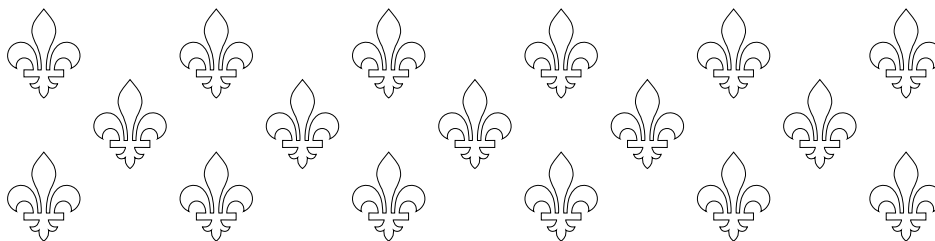
- 1.** Not fewer than 30 members of the Association québécoise des transporteurs aériens inc. who have been so authorized for the purpose by a resolution of the board of directors of the Association may apply for the constitution of a mutual insurance association pursuant to Chapter III.1 of Title III of the Act respecting insurance (R.S.Q., chapter A-32).
- 2.** The number of members of the mutual association may be less than 200 but not less than 30.
- 3.** Notwithstanding the first paragraph of section 93.64 of the Act respecting insurance, unless the internal by-laws of the mutual association provide for a greater number, seven members are a quorum at a general meeting.

- 4.** The mutual insurance association need not be a member of a federation.

If the applicants are unable to fulfil the requirements of paragraphs 5 and 7 and subparagraph *c* of paragraph 6 of section 93.18 of the Act respecting insurance, the mutual association must comply with any condition the Inspector General of Financial Institutions considers appropriate to remedy the lack of affiliation with a federation.

- 5.** If the mutual association holds a licence issued by the Inspector General of Financial Institutions, it may transact, exclusively, aviation insurance within the meaning of the Act respecting insurance.

- 6.** This Act comes into force on 14 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 218

(Private)

An Act respecting Ville de Chandler

Introduced 22 May 2002

Passage in principle 14 June 2002

Passage 14 June 2002

Assented to 14 June 2002

**Québec Official Publisher
2002**

Bill 218

(Private)

AN ACT RESPECTING VILLE DE CHANDLER

WHEREAS it is in the interest of Ville de Chandler that it be granted certain powers;

Whereas Ville de Chandler results from the amalgamation of Ville de Chandler and the municipalities of Newport, Pabos, Pabos Mills and Saint-François-de-Pabos under Order in Council 705-2001 made on 13 June 2001;

Whereas Ville de Chandler considers it necessary for the amalgamation order to be amended;

Whereas the Act respecting municipal territorial organization (R.S.Q., chapter O-9) does not allow amendment of the order except in the case of an error in writing or an obvious omission;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Ville de Chandler may, by by-law, adopt a revitalization program for any sector it delimits within the industrial zone where the paper plant of 9112-9189 Québec inc. (hereinafter called “Gaspésia”) is situated.

The program shall determine the nature of the financial assistance, including a tax credit, that may be granted and the duration of the assistance, which in no case may exceed 31 December 2010.

The amount of the financial assistance may not exceed \$3,000,000. The town may, by by-law approved by the Minister of Municipal Affairs and Greater Montréal, increase that amount.

The council shall fix the terms and conditions that apply to the administration of the program.

2. The town may, by by-law, move McGrath street to permit the construction of new buildings and contract loans for that purpose. Instead of collecting the tax imposed or the compensation required under such a by-law, to defray the expenses incurred each year in connection with the payment of interest and repayment of the principal on the loan, the council shall appropriate, during the term of the loan, the proceeds of the duties collected on the transfers of immovables effected in the sector covered by the revitalization program

adopted under section 1, and that power is granted to the town notwithstanding the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1).

3. The town may acquire from Gaspésia the “red chalet”, an immovable the technical description and plan of which were prepared by Pierrot Joncas, land surveyor in Chandler, dated 3 June 2002 under number 3912 of his minutes, and the curling rink and the golf course, immovables the technical descriptions and plans of which were prepared by Bernard Quirion, land surveyor in Chandler, dated 1 December 2000 under number 1091 of his minutes. The town may operate those immovables.

The town may enter into an agreement with a non-profit organization in order to transfer the immovables to it, gratuitously or for a consideration, lend it money to acquire the immovables, and grant it an annual subsidy in an amount not exceeding the amount of the property taxes and compensations to which the immovables are subject.

To secure the performance of the commitments made in an agreement with a non-profit organization, the town may be granted such hypothec or other security it considers sufficient.

By reason of the assistance it provides, the town may also be granted other advantages, in particular an interest in the revenues and increase in value of the immovables.

4. Section 24 of Order in Council 705-2001 dated 13 June 2001 is repealed.

5. The town may, by by-law, establish a financial reserve for the benefit of the sectors formed by the territories of the former municipalities of Newport, Pabos, Pabos Mills and Saint-François-de-Pabos for the purpose of granting a credit for property taxes or compensations so as to enable the staggering of tax account standardization.

The by-law establishing the reserve must determine its term which may not exceed eight fiscal years beginning on 1 January 2002. The by-law may fix categories of tax or compensations for each sector, grant a different credit according to category, establish the duration of the credit and the terms and conditions of its application.

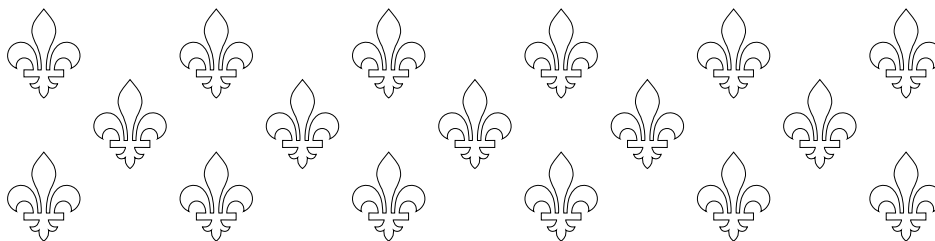
The portion of the reserve established for the benefit of a sector shall be made up only of sums established by the Regulation respecting the equalization scheme made under paragraph 7 of section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), which shall be paid to the town up to an annual maximum of the sums allocated for the fiscal year 2001 in each of the sectors formed by the territories of the former municipalities under the scheme. The ceilings are in force for the five fiscal years subsequent to the fiscal year 2001. For the sixth fiscal year, the ceilings shall be reduced by one-quarter of the sums allocated in 2001, for the seventh fiscal year, they shall be reduced by one-half, and for the eighth fiscal year, by three-quarters.

Any unused balance in the reserve shall be paid into the town's general fund.

6. The town is deemed to have had the powers granted to it by section 5 of this Act since the date of its constituting order.

By-laws Nos. V-14-2001 and V-22-2002 of the town may not be invalidated on the ground that the town did not have jurisdiction to adopt the by-laws and no illegality or irregularity may result from the fact that the town applied them, insofar as the by-laws are amended in accordance with section 5 of this Act.

7. This Act comes into force on 14 June 2002.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 239

(Private)

**An Act respecting the Régie
d'assainissement des eaux usées de
Boischatel, L'Ange-Gardien,
Château-Richer**

Introduced 15 November 2000

Passage in principle 14 June 2002

Passage 14 June 2002

Assented to 14 June 2002

**Québec Official Publisher
2002**

Bill 239

(Private)

AN ACT RESPECTING THE RÉGIE D'ASSAINISSEMENT DES EAUX USÉES DE BOISCHATEL, L'ANGE-GARDIEN, CHÂTEAU-RICHER

WHEREAS it is in the interest of the Régie d'assainissement des eaux usées de Boischatel, L'Ange-Gardien, Château-Richer that certain completed works be validated and that a special borrowing power be conferred upon it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** The works listed in Schedule 1 are deemed to be joint works referred to in the intermunicipal agreement entered into on 12 March 1993 between Municipalité de Boischatel, Ville de Château-Richer and Paroisse de l'Ange-Gardien in respect of the construction and operation of a joint wastewater purification system.
- 2.** The intermunicipal agreement is amended as provided for in Schedule 2.
- 3.** The Régie d'assainissement des eaux usées de Boischatel, L'Ange-Gardien, Château-Richer is authorized to borrow money up to a maximum amount of \$850,000, repayable over a period of 20 years, without any further approval than that of the Minister of Municipal Affairs and Greater Montréal, for the sole purpose of balancing its budget. Each municipality that is party to the agreement shall contribute to the repayment of the loan in a proportion corresponding to the average of the aliquot shares it must assume under the agreement.
- 4.** Sections 1 and 2 have effect from 12 March 1993.
- 5.** This Act comes into force on 14 June 2002.

SCHEDULE 1*(Section 1)***JOINT WORKS***(A) Related interception works:*

1. The interceptors between Allée des Cèdres and pumping station SPB-1 and between the cliff (servitude No. 2) and pumping station SPB-1.
2. The interceptors between Beauvillage street and pumping station SPB-2.
3. The interceptors between Montmorency street and pumping station SPB-2.
4. The interceptors between de la Station street and pumping station SPA-1.
5. The interceptors of servitudes Nos. 4 and 5.
6. The Dumais mobile home park interceptors.
7. Pumping station SPCR-7 and its force main up to Place du Château mobile home park.
8. The interceptors between Bourque street and pumping station SPCR-6.
9. Pumping station SPCR-6 and its force main up to Couillard street.
10. The interceptors between Couillard street, the north of boulevard Sainte-Anne (between Couillard and Gagnon streets) and a section of the south side of the boulevard up to pumping station SPCR-5.
11. The interceptors between Davey street and pumping station SPCR-5.
12. Pumping station SPCR-5 and its force main along boulevard Sainte-Anne up to pumping station SPCR-1.
13. Pumping stations SPCR-3 and SPCR-4 and their force main.
14. The alteration of pumping station SPCR-1.
15. The interceptors on Couillard, Gagnon, Côté, Rhéaume and Giroux streets and along boulevard Sainte-Anne, west of existing pumping station SPCR-2.

(B) Related treatment works:

Pumping station SPB-1 and its force main up to Dugal street.

SCHEDULE 2*(Section 2)***AMENDMENTS TO BE MADE TO THE INTERMUNICIPAL
AGREEMENT ENTERED INTO ON 12 MARCH 1993**

The agreement is amended by inserting the following section after section 2.1.3:

2.1.4. Related interceptions

1. The interceptors between Allée des Cèdres and pumping station SPB-1 and between the cliff (servitude No. 2) and pumping station SPB-1.
2. The interceptors between Beaurivage street and pumping station SPB-2.
3. The interceptors between Montmorency street and pumping station SPB-2.
4. The interceptors between de la Station street and pumping station SPA-1.
5. The interceptors of servitudes Nos. 4 and 5.
6. The Dumais mobile home park interceptors.
7. Pumping station SPCR-7 and its force main up to Place du Château mobile home park.
8. The interceptors between Bourque street and pumping station SPCR-6.
9. Pumping station SPCR-6 and its force main up to Couillard street.
10. The interceptors between Couillard street, the north of boulevard Sainte-Anne (between Couillard and Gagnon streets) and a section of the south side of the boulevard up to pumping station SPCR-5.
11. The interceptors between Davey street and pumping station SPCR-5.
12. Pumping station SPCR-5 and its force main along boulevard Sainte-Anne up to pumping station SPCR-1.
13. Pumping stations SPCR-3 and SPCR-4 and their force main.
14. The alteration of pumping station SPCR-1.

15. The interceptors on Couillard, Gagnon, Côté, Rhéaume and Giroux streets and along boulevard Sainte-Anne, west of existing pumping station SPCR-2.

The agreement is amended by inserting the following section after section 2.2.3:

2.2.4. Related treatment

Pumping station SPB-1 and its force main up to Dugal street.

Section 4.1.1 of the agreement is amended by adding “2.1.4” after “2.1.3”.

The agreement is amended by inserting the following section after section 4.1.1.3:

4.1.1.4 Related interceptions

The financial contribution of each municipality to the related interception works described in section 2.1.4 shall be made in proportion to the hydraulic loads reserved as follows :

Boischatel	3,864 m ³ /d	38.40%
L'Ange-Gardien	1,285 m ³ /d	12.77%
Château-Richer	4,914 m ³ /d	48.83%

Section 4.1.2 of the agreement is amended by adding “2.2.4” after “2.2.2”.

The agreement is amended by inserting the following section after section 4.1.2.2:

4.1.2.3 Related treatment

The financial contribution of each municipality to the capital costs of the treatment works described in section 2.2.4 shall be made in proportion to the hydraulic loads reserved as follows:

Boischatel	3,864 m ³ /d	38.40%
L'Ange-Gardien	1,285 m ³ /d	12.77%
Château-Richer	4,914 m ³ /d	48.83%

The agreement is amended by replacing sections 4.3.1 and 4.3.1.3 by the following section:

4.3.1 The annual financial contribution of each municipality to the operating costs of the interception works is apportioned on the basis of the real hydraulic load of wastewater discharged by the municipality, compared to the total hydraulic load of wastewater conveyed annually by those works to the purification station. The same applies to pumping stations SP-B2 and SP-A1.

It is furthermore agreed that the maintenance and operation of pumping stations SP-CR1, SP-CR2, SP-CR3, SP-CR4 and SP-CR5 are the responsibility of the Régie.

As regards pumping stations SP-CR1, SP-CR3, SP-CR4 and SP-CR5, the apportionment of the costs among the stations is established as follows :

Boischatel	15%
L'Ange-Gardien	30%
Château-Richer	55%

For pumping station SP-CR2, the apportionment is established as follows :

Boischatel	48.66%
L'Ange-Gardien	25.31%
Château-Richer	26.03%

Sections 4.3.1.1 and 4.3.1.2 of the agreement are struck out.

Section 10 of the agreement is amended by replacing the third and fourth paragraphs by the following paragraphs :

With respect to the joint works on its territory, Boischatel undertakes to redeem the aliquot share of L'Ange-Gardien and Château-Richer, where applicable, while the latter both undertake to sell their aliquot share to Boischatel.

Each municipality otherwise remains the owner of the other works on its territory.

Draft Regulations

Draft Regulation

Professional Code
(R.S.Q., c. C-26; 2001, c. 78)

Chartered Accountants

— Code of ethics
— Replacement

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the Bureau of the Ordre des comptables agréés du Québec adopted the Code of Ethics of Chartered Accountants of Québec.

The Regulation, the text of which is attached below, will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment, upon the expiry of 45 days following this publication.

According to the Ordre des comptables agréés du Québec, one of the purposes of this regulation is to harmonize some of its rules with those of the Regulation respecting the practice of the chartered accountancy profession within a partnership or a joint stock company ;

The other amendments are intended to :

— clarify and improve certain rules, including those regarding duties and obligations towards the client, conflict of interest, the setting and payment of fees and more specifically the possibility of charging a contingent fee ;

— update certain provisions and harmonize them with the standards contained in the Canadian Institute of Chartered Accountants Handbook ;

— integrate and update the rules on advertising.

The Ordre will soon be making other changes to the Code of Ethics in matters relating to conflicts of interest, auditor independence rules and, as a result of amendments to the Professional Code, the disclosure of confidential information in order to ensure the protection of the public.

This regulation will have no impact on the economic burden of citizens and enterprises.

Further information may be obtained by contacting M^{re} Christiane Brizard, lawyer, Director of Legal Affairs, Ordre des comptables agréés du Québec, 680, rue Sherbrooke Ouest, 18^e étage, Montréal (Québec) H3A 2S3.

Any interested person having comments to make is requested to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. These comments will be forwarded by the Office to the minister responsible for the administration of legislation respecting the professions. They may also be forwarded to the professional order that has adopted the regulation, as well as to the persons, departments and agencies concerned.

JEAN-K. SAMSON,
*Chairman of the Office des
professions du Québec*

Code of Ethics of Chartered Accountants of Québec

Professional Code
(R.S.Q., c. C-26, s. 87; 2001, c. 78, s. 6)

CHAPTER I DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

DIVISION I GENERAL PROVISIONS

1. Each member of the Ordre shall take reasonable measures to ensure that persons, employees, shareholders or partners who are involved with him in the practice of the profession, comply with the Chartered Accountants Act (R.S.Q., c. C-48), the Professional Code (R.S.Q., c. C-26) and the regulations thereunder. Each member practising the profession within a partnership or joint stock company within the meaning of the Civil Code of Québec or contemplated in chapter VI.3 of the Professional Code who is a partner, shareholder, director or officer of a partnership or company shall make sure that the partnership or company complies with the Chartered Accountants Act, the Professional Code and the regulations thereunder.

The practice of the profession includes, but is not limited to, the practice of public accounting and the following other functions when offered to the public :

(1) management consulting, including investigating and identifying management and business problems related to the policies, technical aspects, structure, operations, finances, systems, procedures, financing or administration of organizations and recommending appropriate solutions ;

(2) insolvency services, including receivership, trusteeship in bankruptcy and liquidation as well as the administration of bankrupt or insolvent partnerships, legal persons, trusts, any other enterprises or estates ;

(3) information processing, including manual record keeping and electronic data processing ;

(4) administratorship, insofar as it involves administering the property of others ;

(5) information technology consulting ;

(6) business brokerage, negotiating and advising on business acquisitions, sales, financing or mergers ;

(7) liquidation of successions and administering the property of successions ;

(8) insurance counselling ;

(9) valuation ;

(10) the preparation of personal tax and other returns or statutory documents, but excluding those set out in subparagraph (3) of the third paragraph of this section.

For the purposes of this Regulation, “public accounting” means the offering of services to the public to improve the quality of financial, accounting or decision-making information, or the context in which it is provided, for decision making. Without limiting the generality of the foregoing, such services shall include :

(1) accounting services, insofar as they involve synthesis, analysis, advice, counsel or interpretation, and compilation engagements, but excluding record keeping ;

(2) assurance services including audit and review engagements, derivative reports and specified auditing procedures engagements within the meaning of the Canadian Institute of Chartered Accountants Handbook ;

(3) taxation services, insofar as they involve advice, counsel or interpretation, including the preparation of tax returns and other statutory documents if required or connected with one of the public accounting services offered, but excluding personal income tax returns ;

(4) investigative and forensic accounting services, including financial investigation and financial litigation support ;

(5) financial planning services.

2. A member shall not permit others to carry out on his behalf acts which, if he carried them out himself, would place him in violation of the Chartered Accountants Act, the Professional Code or a regulation thereunder.

3. A member’s duties and obligations under the Chartered Accountants Act, the Professional Code and regulations thereunder are in no way changed or reduced by the fact that he practises the profession within a partnership or company.

4. A member shall ensure that his obligations towards the partnership or company of which he is a director or officer are not incompatible with his obligations towards his client or employer.

5. A member shall, at all times, act with dignity and avoid any method or attitude that is likely to damage the profession’s good reputation.

6. A member shall keep his knowledge current. He shall keep abreast of developments in the fields of practice of his profession whether or not he offers services to the public and maintain his competence in these fields.

7. A member shall have the personal charge and management of any place of business of a partnership or company holding itself out as a partnership or company of chartered accountants or within which one or more members offer assurance services.

8. A member shall not hold out or imply that he has a place of business in any place where he is in fact only represented by another person who is neither his partner nor a director nor a shareholder of the partnership or company. Conversely, a member who only so represents a member, partnership or company shall not hold out or imply that he maintains a place of business for such member, partnership or company.

9. A member who practises his profession within a general partnership of which not all partners are members of the Ordre is subject to the conditions set out in the Regulation respecting the practice of the chartered accountancy profession within a partnership or a joint stock company except as regards the obligation to maintain security against professional liability.

10. A member shall not adopt any method of obtaining or attracting clients which tends to lower the standard of dignity of the profession and, in particular, he shall not urge anyone pressingly or repeatedly to retain his professional services.

DIVISION II **DEROGATORY ACTS**

11. Shall be guilty of an act derogatory to the dignity of the profession, in addition to those mentioned in sections 57, 58, 59.1 and 59.2 of the Professional Code, any member of the Ordre who :

(1) is found guilty by a final judgment of a court of competent jurisdiction of an offence against any tax act or securities act in Canada or elsewhere ;

(2) makes an assignment of his property or against whom a receiving order is made, within the meaning of the Bankruptcy and Insolvency Act (R.S.C., 1985, c. B-3), or whose partnership or company, of which he is the sole director and shareholder, makes an assignment of its property or has a receiving order made against it, within the meaning of the Bankruptcy and Insolvency Act, by a final judgment of a court of competent jurisdiction ;

(3) having made an assignment of his property or having had a receiving order, as that term is used in the Bankruptcy and Insolvency Act, made against him by a final judgment of a court of competent jurisdiction, fails to inform the Ordre without delay ;

(4) fails to inform the Ordre that he has reason to believe that a member is practising his profession in a manner which is detrimental to his clients, his employer or the public, or has violated the Chartered Accountants Act, the Professional Code or the regulations thereunder, or that he is incompetent ;

(5) communicates with the plaintiff without the prior written permission of the Syndic or Assistant Syndic when he is informed by the Syndic or Assistant Syndic that an inquiry into his professional conduct or competence has been initiated by either of them or when he has been served notice of a complaint under section 132 of the Professional Code.

12. Shall also be guilty of an act derogatory to the dignity of the profession, any member who carries on his professional activities within a partnership or company :

(1) with persons who engage in acts that are derogatory to the honour or dignity of the chartered accountancy profession ;

(2) in which directors, shareholders, partners or employees practise a profession, carry on a trade, enterprise or business or hold an office or function that is inconsistent with the practice of the profession ;

(3) in which a person contemplated in paragraph 2(1) (a) of the Regulation respecting the practice of the chartered accountancy profession within a partnership or a joint stock company, who holds partnership or company shares with voting rights or acts as a director or officer is struck off the roll of his professional order or has his professional permit revoked.

13. Notwithstanding section 12, a member is authorized to practise his profession within a partnership or company in which a person contemplated in subsection 12(3) is struck off the roll of his professional order or the equivalent, or has his professional permit revoked, provided the following conditions are satisfied :

(1) the said person ceases to be a director or officer of the partnership or company within 10 days from the date on which the penalty or measure imposed becomes executory or within any other additional timeframe authorized by the Bureau ;

(2) the said person ceases to attend all shareholder meetings and to exercise his right to vote within 10 days from the date on which the penalty or measure imposed becomes executory or within any other additional timeframe authorized by the Bureau ;

(3) the said person disposes of his partnership or company shares with voting rights within 180 days from the date on which the penalty or measure imposed becomes executory or within any other additional timeframe authorized by the Bureau.

14. Shall be guilty of an act derogatory to the dignity of the profession, any member who carries on his professional activities within a partnership or company that holds out or implies that it is a partnership or company governed by the Professional Code where such partnership or company does not comply with the requirements set out in the Professional Code or the Regulation respecting the practice of the chartered accountancy profession within a partnership or a joint stock company.

15. Shall also be guilty of an act derogatory to the dignity of the profession, any member who concludes or allows to be concluded, within a partnership or company holding itself out to be a partnership or company of chartered accountants, or within which one or more members offer assurance services, any agreement, particularly a unanimous shareholders' agreement, that impairs the independence, objectivity and integrity necessary to provide assurance services or that could lead members to violate the Chartered Accountants Act, the Professional Code and the regulations thereunder.

CHAPTER II DUTIES AND OBLIGATIONS TOWARDS THE CLIENT AND THE EMPLOYER

DIVISION I GENERAL PROVISIONS

16. Whether his duties and obligations be towards the public, a client or an employer, a member shall, in all circumstances before entering into a contract relating to the practice of the profession, consider the extent of his proficiency, knowledge and the means at his disposal. He shall not, in particular, undertake work for which he is not sufficiently prepared without obtaining the necessary assistance.

17. A member shall abstain from practising in conditions likely to impair the quality of his services and the dignity of the profession.

18. A member shall abstain from intervening in the personal affairs of his client or employer on matters outside the scope of his contract.

19. A member shall, depending on the nature of the services provided, perform his contract in keeping with current professional accounting and assurance standards, with the other standards, guidance and guidelines set out in the Canadian Institute of Chartered Accountants Handbook and with current scientific knowledge.

20. A member shall promptly return to a client or, if so instructed by such client, to his successor, the records and documents belonging to the client, whether or not his fees have been paid.

21. A member who performs a contract, in whole or in part, in the practice of his profession, assumes full personal civil liability arising therefrom, regardless of his status within the partnership or company. He is forbidden to include in such contract any clause to the effect of directly or indirectly, fully or partially, excluding this liability. He may not invoke the liability of the partnership or company as a ground for excluding or limiting his own liability.

22. A member shall not prevent a client from consulting a member of the Ordre, a member of the Canadian Institute of Chartered Accountants, another professional of his choice or another person.

DIVISION II INTEGRITY, INDEPENDENCE AND OBJECTIVITY

23. A member shall perform his professional duties with integrity, objectivity, due care, and with independence when required by professional standards and good practice.

24. A member shall avoid any misrepresentation with respect to his level of competence or the efficiency of his own services or the services generally performed by members of the profession. If the interest of a client so requires, he shall, with the authorization of such client, consult another member of the Ordre, a member of the Canadian Institute of Chartered Accountants, another professional or another competent person, or refer such client to one of these persons.

25. A member shall inform a client, as soon as possible, of the scope and terms and conditions of the contract entrusted to him by such client.

26. A member shall not place himself in a situation where his loyalty to his client or employer may be compromised.

27. A member who performs an assurance engagement or a specified auditing procedures engagement shall hold himself free of any influence, interest or relationship which, in respect to his engagement, may impair or be perceived as impairing his professional judgment or objectivity.

28. In particular, shall constitute an infraction of section 27 the fact for a member:

(1) to accept to perform an assurance engagement or a specified auditing procedures engagement for a client:

(a) where, in the case of a corporate client, he or any of the partners, shareholders, directors or officers of the partnership or company within which he practises his profession or his or their immediate families, directly or indirectly hold any investment in:

i. shares, bonds or debentures of the corporation or any associate thereof;

ii. mortgages of the corporation or any associate thereof;

iii. advances to the corporation or any associate thereof;

(b) where, in the case of a client who is not a corporation, he or any of the partners, shareholders, directors or officers of the partnership or company within which he practises his profession or his or their immediate families, directly or indirectly, hold any investment similar to those listed in paragraph *a* in the organization or any associate thereof;

(c) where he or any of the partners, shareholders, directors or officers of the partnership or company within which he practises his profession is a director, officer or employee of the client organization or of any associate thereof, or where a member of his or their immediate families is a director or officer of the client organization or of any associate thereof;

(2) to be or to practise within a partnership or company of which a partner, shareholder, director or officer is a member of a private mutual fund or of an investment club which holds any interest, as set out in paragraph 28(1) (*a*), in a client of the member or of the partnership or company. However, a member would not be in violation of the above rule if he or any partner, shareholder, director or officer of the partnership or company within which he practises his profession invests in a public mutual fund not audited by the member or any partner, shareholder, director or officer of the partnership or company and which holds any interest in a client of the member or of the partnership or company. Nor would a member or any partner, shareholder, director or officer of the partnership or company within which he practises his profession be in violation for holding shares in a social club for which he performs an assurance engagement or a specified auditing procedures engagement where the shareholding is a prerequisite of membership;

(3) to accept to perform an assurance engagement or a specified auditing procedures engagement for a not-for-profit corporation or organization in which he or any partner, shareholder, director or officer of the partnership or company within which he practises his profession is an officer or director or holds any other position where he has the right or responsibility to make decisions affecting the management of such corporation or organization;

(4) to perform an assurance engagement or a specified auditing procedures engagement for:

(a) a trust or estate in which he or any partner, shareholder, director or officer of the partnership or company within which he practises his profession, or his or their immediate families, hold a position as executor or trustee;

(b) an organization in which such a trust or estate holds a material interest;

(c) a pension plan or a profit-sharing plan in which he or any partner, shareholder, director or officer of the partnership or company within which he practises his profession, or his or their immediate families, hold a position as trustee;

(d) an organization in which a private charitable foundation holds an interest, where he or any partner, shareholder, director or officer of the partnership or company within which he practises his profession, or his or their immediate families, hold a position as trustee in such charitable foundation.

For the purposes of this Regulation, the following words and expressions mean:

(1) “immediate family”: the spouse of a person, and any relative of that person or of his or her spouse, provided they have the same home as that person;

(2) “associate,” in relation to a corporate client:

(a) any affiliate thereof, within the meaning given to the term “affiliate” in the Canada Business Corporations Act (R.S.C., 1985, c. C-44), except that the meaning is extended to include any unincorporated body;

(b) any “investor” as that term is used in the Canadian Institute of Chartered Accountants Handbook, where the investor uses the equity method on the bases provided in the Handbook to account for its investment in the corporate client and where the amounts relating to the corporate client reflected in the financial statements of the investor constitute more than 5% of total assets or more than 5% of gross revenues of the investors;

(c) any “investee” as the term is used in the Canadian Institute of Chartered Accountants Handbook, in which the corporate client holds an investment that it accounts for using the equity method and where the materiality criteria outlined in paragraph *b* are met;

(3) “associate”: any person with whom a member is connected as partner, employer or employee for the practice of his profession, or any person who is a shareholder, partner, director, officer or employee of a partnership or company within which the member practises his profession, including the immediate family of such member or such person;

29. Notwithstanding sections 27 and 28, shall not constitute an infraction the fact for a member:

(1) to accept to perform an assurance engagement or a specified auditing procedures engagement for a chartered bank, trust company, finance or acceptance company, savings and loan institution, cooperative, caisse populaire or similar institution, from or in which he or any partner, shareholder, director or officer of the partnership or company within which he practises his profession, or his or their immediate families, borrowed or deposited funds in the normal course of business, provided the amount borrowed or deposited is reasonable in relationship to the institution's assets, to the borrower's or depositor's income and net worth and that the transaction is of the sort that would be made with other customers of the institution in the normal course of business;

(2) to accept to perform an assurance engagement or a specified auditing procedures engagement for a client with whom he or any partner, shareholder, director or officer of the partnership or company within which he practises his profession, or his or their immediate families, carried out a commercial transaction, provided that the transaction was on the same terms and conditions as are normally allowed to other customers, in particular with respect to terms of payment;

(3) to hold a share in a savings and loan institution, cooperative or caisse populaire for which the partnership or company within which the member practises his profession performs an assurance engagement or a specified auditing procedures engagement, provided the member does not exercise his right to vote at general meetings.

30. Generally, a member is unable to give objective advice to two or more clients who are parties to the same transaction. In instances where a member feels that he is able to do so, he must inform each client in writing that he has been engaged by other parties and specify the nature of his engagement.

31. A member shall not accept nor let an associate accept an appointment for a client as trustee in bankruptcy or trustee under a proposal where he has been entrusted with an assurance engagement or performed an assurance engagement in the last two years for that client. Furthermore, where a member or his associate provides the client with any other services than assurance services, the member should accept an appointment as trustee only when he can act with objectivity.

32. Before accepting or letting an associate accept an assignment under the Bankruptcy and Insolvency Act, the member should be satisfied that his or his associates' relationship with any other clients having an interest in the bankrupt estate is not such as to impair his objectivity.

33. If a member, or his associate, who is performing or who has performed an assurance engagement or a specified auditing procedures engagement or who was a business advisor for an organization is asked by the shareholders or owners of such organization to act as administrator or liquidator, he may not accept the appointment if he finds himself in a conflict of interest or in a situation such that he would lose his professional independence.

In no case shall a member accept to act as administrator, agent, receiver or liquidator for a secured creditor of an organization for which he or his associate is performing or has performed an assurance engagement or whose assurance service contract for the said organization ended less than 2 years before. Anyone who accepts such a contract may not accept to perform an assurance engagement with respect to the same organization for any year during which he is acting or has acted as administrator, agent, receiver or liquidator.

34. Whether his duties and obligations be towards the public, a client or an employer, a member shall not, under any circumstances, even when subject to a disclaimer of responsibility, sign, prepare, produce or even associate himself with:

(1) any letter, report, statement, representation or financial statement which he knows, or should know, is false or misleading;

(2) any financial statement which he knows, or should know, has not been prepared in accordance with this Regulation.

35. Any assurance report prepared by one or more members shall indicate that it was prepared by one or more chartered accountants.

36. A member who performs an assurance engagement or a specified auditing procedures engagement shall:

(1) reveal any material fact known to him which is not disclosed in the financial statements or other subject matter of the engagement, the omission of which renders the financial statements misleading; and

(2) report any material misstatement known to him to be contained in the financial statements or other subject matter of the engagement.

37. A member shall inform his client or employer of any interests, business connections and affiliations of which the client or employer should normally be informed.

This does not necessarily include disclosure to his client of professional services that he may be rendering or proposing to render to other clients.

38. A member shall not, in connection with any matter involving a client or an employer, hold, receive, bargain for, become entitled to or acquire any fee, remuneration or benefit without the knowledge and consent of the client or employer.

39. Other than in relation to the sale and purchase of the clientele of a member or of a partnership or company, a member engaged in the practice of public accounting shall not directly or indirectly pay to any person who is not in the practice of public accounting a commission or other compensation to obtain a client, nor shall he accept directly or indirectly from any person who is not in the practice of public accounting a commission or other compensation for referring the products or services of such person to a client.

40. A member who receives, handles or holds money or other property as a trustee, guardian, administrator, agent or liquidator shall maintain such records as are necessary to properly account for his management, mandate or contract.

The money or other property thus received, handled or held shall be kept in a separate trust bank account or accounts.

Except when specifically authorized in writing by a client, a member shall not use, transfer, withdraw or otherwise employ such money or property as payment for his fees or for any other purpose not provided for in his contract.

41. A member shall not agree on a contingent fee, *i.e.* offer or undertake to perform a professional service for a fee payable only where there is a specified result of the service or determined by reference to the result of the service:

(1) for any professional act requiring the member to hold himself free of any influence, interest or relationship which, in respect to his contract, may impair or be perceived as impairing his professional judgment or objectivity;

(2) for a compilation engagement.

42. A member shall not agree on a contingent fee for a professional act when such an agreement is liable to:

(1) impair or be perceived as impairing his professional judgment or objectivity in the performance of a contract provided for under subsection 41(1);

(2) influence or be perceived as influencing the results of a compilation engagement.

43. Sections 41 and 42 do not apply in the case of a professional act provided for a fee established by a court or other public authority.

44. Notwithstanding the rule set out in section 42, a member may, in particular, agree on a contingent fee for the following professional acts:

(1) tax refund claims;

(2) assisting in tax appeals and preparing notices of objection to tax or tax assessments and reassessments;

(3) executive search services;

(4) personal financial planning services.

45. A member who charges a contingent fee shall have agreed with the client in writing to the basis for determining the fee before the start of the contract.

Even when the member has agreed on a contingent fee, if the nature of the contract changes while it is being carried out, the member shall reassess whether the conditions set out in sections 41 and 42 are still met and, where appropriate, make the necessary changes.

46. A member shall respect the right of his client, or of a representative of his client authorized to that effect, to take cognizance and obtain copy of any documents concerning the client in any file developed in connection with him in the performance of a contract. Particularly, a member shall, on request, hand to his client, or to a representative of his client authorized to that effect, copy of any documents which are part of the accounting records of his client.

47. A member shall handle with reasonable care any property entrusted to him by a client or employer.

48. A member is bound by professional secrecy and may not disclose confidential information revealed to him by reason of his profession, unless he is authorized to do so by the person who confided such information to him or by an express provision of law.

49. A member shall not make use of confidential information in a manner which may be prejudicial to a client or employer or with a view to obtaining directly or indirectly a benefit for himself or for another person.

DIVISION III AVAILABILITY AND DILIGENCE

50. In the practice of his profession, a member shall display reasonable availability and diligence.

51. A member shall report to his client or employer when the client or employer so requests.

52. Unless for good and sufficient reason, a member may not cease to act on behalf of a client. The following shall, in particular, constitute good and sufficient reasons:

- (1) loss of the client's confidence;
- (2) the fact that the member is placed in a conflict of interest situation or in circumstances where his professional independence could be questioned;
- (3) inducement by the client to perform illegal, unjust or fraudulent acts.

53. Before ceasing to act on behalf of a client, a member shall give such client reasonable advance notice of withdrawal and shall make sure that such withdrawal will not prejudice the client.

DIVISION IV SETTING AND PAYMENT OF FEES

54. A member shall charge just and reasonable fees. In determining his fees, he shall in particular take the following factors into account:

- (1) the time devoted to the performance of the professional service;
- (2) the difficulty and importance of such service;
- (3) the performance of unusual services or of services requiring exceptional competence or celerity;
- (4) his experience and expertise;
- (5) the importance of the responsibility assumed.

55. A member shall provide a client with all the explanations necessary to understand his account for fees and shall, in particular, ensure that the account is broken down so that the professional services performed can be identified.

56. A member shall not require full advance payment for his services.

57. A member shall make sure that his client is informed of the approximate and foreseeable cost of his services. A member shall inform his client without undue delay if he expects to exceed the approximate cost.

58. A member shall avoid setting his fees without obtaining all important information allowing him to establish such fees.

59. Where a member carries on his professional activities within a joint stock company, the revenue generated by the member while rendering professional services within and on behalf of the company belongs to the company, unless agreed to otherwise.

In such a case, the setting, billing and payment of fees are subject to the conditions set out in sections 54 to 58 and the member remains personally responsible for their application.

CHAPTER III DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

60. A member shall cooperate with the Ordre or any person appointed to assist it and reply without undue delay to any letter from the Ordre or such person.

61. A member shall ensure that the information he provides to the Ordre is accurate.

62. Before opening any new place of business for the practice of the profession, a member shall notify the Ordre in writing and indicate the address of such office and the names of the members who will practise there.

A member shall notify the Secretary of the Ordre of any change with respect to his status as a member, his home address or work address or his relevant telephone numbers.

A post office box is not considered to be an address for the purposes of this section.

CHAPTER IV DUTIES AND OBLIGATIONS TOWARDS PROFESSIONAL COLLEAGUES

63. Before accepting an engagement contemplated in subsection 2 of the second paragraph of section 1 or a compilation engagement where he is replacing another accountant, a member shall first communicate with such accountant and enquire whether there are any circumstances he should take into account which might influence his decision to accept or refuse the engagement.

64. Pursuant to section 63, if the accountant being replaced is another member, the latter shall respond on a timely basis to the requests of the member communicating with him.

65. A member who accepts a contract in public accounting or another function jointly with another member who practises within another partnership or company shall be solidarily liable for the entire contract; no member shall proceed in any matter relating to such contract without due notice to the other member.

66. When not limited or restricted in writing by the terms of his contract, a member engaged in the practice of public accounting shall, before commencing an engagement contemplated under subsection 2 of the second paragraph of section 1 for a client who has mandated another accountant to perform an assurance or compilation engagement, first notify the other accountant of his engagement.

67. A member shall not damage the reputation of the profession or of another member of the Ordre or of a member of the Canadian Institute of Chartered Accountants by denigrating the competence, knowledge or services of such members. In particular, a member shall not be guilty of breach of trust or disloyal practices towards such members.

68. A member acting as a training employer shall inform without delay any candidate for the practice of the profession who is serving a professional training period in accordance with the Regulation respecting the terms and conditions for the issue of a permit of the Ordre des comptables agréés du Québec approved by decree No. 679-93 dated May 12, 1993, when he is no longer approved as a training employer or when his partnership or company or, if such partnership or company has several offices, when the office within which the member practises his profession, is no longer approved as a training employer.

CHAPTER V PROVISIONS RESPECTING ADVERTISING

69. A member may not advertise, or have advertised, in any manner whatsoever, material that is false, misleading or incomplete, or that is derogatory to the honour or dignity of the profession.

70. A member may not, in his advertisements or in advertisements of the partnership or company within which he practises, confer upon himself or have conferred specific qualities or skills, in particular with respect to his level of competence or the extent or effectiveness of his services, unless they can be supported.

71. A member may not, in his advertisements, compare the quality of his services with that of services offered by other members.

72. A member who advertises the cost of his services shall provide such explanations and information that are necessary to appropriately inform a person with no specific knowledge of the field of practice about the professional services being offered and the cost of such services. The member shall in particular indicate whether additional services may be required that are not included in the cost.

All costs for services shall remain in effect for a reasonable period of time after they were last issued or published.

73. A member may not allow the partnership or company within which he practises to advertise assurance services or imply that it is a partnership or company of chartered accountants unless such partnership or company complies with the requirements set out in the Regulation respecting the practice of the chartered accountancy profession within a partnership or a joint stock company and section 9 of this Regulation.

74. A member shall keep a complete copy of all advertising material in its original form for a period of 12 months following its last issue or publication. Upon request, this copy shall be handed over to the Syndic or Assistant Syndic, the Professional Inspection Committee or an inspector.

CHAPTER VI ORDRE GRAPHIC SYMBOL

75. The Ordre des comptables agréés du Québec is represented by a graphic symbol, which is an official mark of the Canadian Institute of Chartered Accountants.

A member may use the Ordre graphic symbol in advertisements, provided the symbol does not imply that the advertisements originate from the Ordre des comptables agréés du Québec or the Canadian Institute of Chartered Accountants.

A member may not allow a partnership or company that does not comply with the requirements of the Regulation respecting the practice of the chartered accountancy profession within a partnership or a joint stock company to use the Ordre's graphic symbol.

CHAPTER VII FIRM NAME

76. A member shall not carry on his profession within a partnership or company under a firm name or any other name or designation which is misleading, derogatory to the honour or dignity of the profession or is a numbered name.

A member may consult an advisor designated for this purpose by the Ordre to determine whether the use of a name or designation is in keeping with the honour or dignity of the profession.

CHAPTER VIII FINAL PROVISIONS

77. This Regulation replaces the Code of Ethics of Chartered Accountants (R.R.Q., 1981, c. C-48, r.2) and the Chartered Accountants (Advertising) Regulation approved by decree No. 2408-84 dated October 31, 1984.

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

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Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Chartered Accountants — Practice of the profession within a partnership or a joint stock company

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the the Bureau of the Ordre des comptables agréés du Québec adopted the Regulation respecting the practice of the chartered accountancy profession within a partnership or a joint stock company.

The Regulation, the text of which is attached below, will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. It will then be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment, upon the expiry of 45 days following this publication.

The main purpose of this regulation is to set out the terms, conditions and restrictions under which members of the Ordre may practise their profession within a joint stock company or limited liability partnership.

This new regulation contains specific provisions respecting the management of the partnership or company and the holding of partnership or company shares. Specific rules are established for a partnership or company holding itself out as a partnership or company of chartered accountants or within which one or more members offer assurance services.

According to Chapter VI.3 of the Professional Code, the conditions also include the obligation to take out insurance to cover the partnership's or company's liability arising from fault or negligence on the part of members in the practice of the profession within such partnership or company. Furthermore, members will be required to provide the Ordre, and to keep up to date, information concerning the partnership or company as well as the partners, directors and shareholders as the case may be.

This Regulation will have no impact on enterprises.

Further information may be obtained by contacting M^e Christiane Brizard, lawyer, Director of Legal Affairs, Ordre des comptables agréés du Québec, 680, rue Sherbrooke Ouest, 18^e étage, Montréal (Québec) H3A 2S3.

Any interested person having comments to make is requested to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. These comments will be forwarded by the Office to the minister responsible for the administration of legislation respecting the professions. They may also be forwarded to the professional order that has adopted the regulation, as well as to the persons, departments and agencies concerned.

JEAN-K. SAMSON,
*Chairman of the Office des
professions du Québec*

Regulation respecting the practice of the chartered accountancy profession within a partnership or a joint stock company

Professional Code

(R.S.Q., c. C-26, par. *g* and *h*, s. 94, par. *p*;
2001, c. 34, s. 5 and 6)

CHAPTER I PURPOSE

1. Members of the Ordre des comptables agréés du Québec are authorized to practise their profession within a limited liability partnership or joint stock company holding itself out as a partnership or company of chartered accountants or within which one or more members offer assurance services provided the following conditions are met:

(1) at all times, more than 50% of the voting rights attached to the shares of the partnership or company are held:

(*a*) by members of the Ordre or members of the Canadian Institute of Chartered Accountants practising the profession within the partnership or company;

(*b*) by legal persons, trusts or any other enterprise, the voting rights or partnership shares of which are held wholly by one or more members of the Ordre or by members of the Canadian Institute of Chartered Accountants practising the profession within the partnership or company;

(*c*) by a combination of persons contemplated in *a* and *b*;

(2) a majority of the directors of the board of directors of the joint stock company, a majority of the partners or, where applicable, of the managers appointed by the partners to manage the affairs of the limited liability partnership, are members of the Ordre or members of the Canadian Institute of Chartered Accountants practising the profession within the partnership or company;

(3) the board of directors or a similar internal management board is made up of a majority of members of the Ordre or members of the Canadian Institute of Chartered Accountants who shall, at all times, constitute the majority of the quorum of such boards;

(4) one or more members of the Ordre practising the profession within the partnership or company hold a partnership share or company share with voting rights;

(5) the chair of the board of directors of the joint stock company, or in the case of a limited liability partnership, the person who performs similar functions, is a partner or shareholder with voting rights and a member of the Ordre or members of the Canadian Institute of Chartered Accountants;

(6) only a member of the Ordre or a member of the Canadian Institute of Chartered Accountants practising the profession within the partnership or company is granted, by voting agreement or proxy, the voting right attached to a company share or partnership share held by another member of the Ordre or another member of the Canadian Institute of Chartered Accountants, or by a legal person, a trust or another enterprise contemplated in paragraph 1(1)(*b*).

The member of the Ordre shall ensure that the conditions set out in the first paragraph are included in the articles of incorporation of the joint stock company or in the contract creating the limited liability partnership and that these documents also stipulate that the partnership or company is constituted for the purpose of carrying on professional activities.

2. In all other circumstances, members of the Ordre are authorized to practise their profession within a limited liability partnership or joint stock company provided the following conditions are met:

(1) at all times, more than 50% of the voting rights attached to the shares of the partnership or company are held:

(*a*) by persons governed by the Professional Code (R.S.Q., c. C-26), by real estate brokers or agents who are members in good standing of the Association des Courtiers et Agents Immobiliers du Québec and, provided they are duly accredited by a competent authority, by securities brokers or advisors, financial planners, life or group insurance representatives, damage insurance agents or brokers, or by persons governed by an act of another Canadian province recognizing and subjecting them to similar rules or by members in good standing of the corporation incorporated under An Act to Incorporate the Canadian Institute of Actuaries, S.C., 1964-65, c. 76 and practising within the partnership or company;

(*b*) by legal persons, trusts or any other enterprise, the voting rights or partnership shares of which are held wholly by one or more persons contemplated in *a*;

(*c*) by a combination of persons contemplated in *a* and *b*;

(2) a majority of the directors of the board of directors of the joint stock company as well as a majority of partners or managers appointed by the partners to manage the affairs of the limited liability partnership are persons contemplated in paragraph 2(1)(a);

(3) the board of directors or a similar internal management board is made up of a majority of persons contemplated in paragraph 2(1)(a) who shall, at all times, constitute the majority of the quorum of such boards.

The member of the Ordre shall ensure that the conditions set out in the first paragraph are included in the articles of incorporation of the joint stock company or in the contract creating the limited liability partnership and that these documents also stipulate that the partnership or company is constituted for the purpose of carrying on professional activities.

CHAPTER II OTHER CONDITIONS

DIVISION I TERMS AND CONDITIONS

3. A member of the Ordre may practise his profession within a partnership or company if he :

(1) has provided written confirmation to the Ordre from a competent authority attesting that the partnership or company has taken out professional liability coverage in accordance with Division II of this chapter;

(2) has provided written confirmation to the Ordre from a competent authority attesting to the existence of the company where the member practises within a joint stock company;

(3) where applicable, has provided to the Ordre a certified true copy of the declaration from the competent authority attesting to the continuance of the general partnership as a limited liability partnership;

(4) has provided written confirmation to the Ordre attesting that the partnership or company is duly registered in Quebec;

(5) has provided written confirmation to the Ordre attesting that the partnership or company maintains a place of business in Quebec;

(6) has provided an irrevocable written authorization to the Ordre from the partnership or company within which the member practises allowing a person, committee, disciplinary body, or tribunal referred to in section 192 of the Professional Code to obtain from any person any document referred to in section 15 or a copy thereof;

(7) has paid, where applicable, the fees determined by the Ordre pursuant to paragraph 93*h* of the Professional Code, amended by section 5 of chapter 34 of the statutes of 2001.

4. Furthermore, a member shall send the Ordre a sworn statement, duly completed on the form provided by the Ordre, which shall include the following information :

(1) the partnership or company name and the other names used in Quebec by every partnership or company within which the member practises the profession as well as the registration number issued by the Inspector General of Financial Institutions for such partnership or company;

(2) the legal form of the partnership or company;

(3) the address of the head office of the partnership or company and the addresses of its places of business in Quebec;

(4) the professional activities carried on by the member within the partnership or company;

(5) the name, home and business address of the member and his status within the partnership or company;

(6) where a member practises his profession within a joint stock company, the names and home addresses of the directors of such company and, where applicable, the professional order or equivalent to which they belong;

(7) where a member practises his profession within a limited liability partnership, the names and home addresses of all partners domiciled in Quebec and, where applicable, the names and home addresses of the managers appointed to manage the partnership's affairs, whether or not they be domiciled in Quebec, as well as the professional order or equivalent to which these partners or managers belong;

(8) a written confirmation provided by the member attesting that the holding of company or partnership shares and the rules respecting the management of the partnership or company satisfy the conditions set out in this Regulation;

(9) the names of the shareholders contemplated in subsection 1(1), specifying the percentage of voting rights held by each shareholder;

(10) where shareholders referred to in paragraph 1(1)(b) are concerned, a confirmation that the conditions set out in this paragraph are met.

5. A member who fails to satisfy the conditions set out in sections 3 and 4, prior to practising the profession within a partnership or company, shall not be authorized to practise his profession within a partnership or company.

6. Where two or more members practise their profession within a partnership or company, a representative may satisfy the conditions set out in sections 3 and 4 on behalf of the members of such partnership or company. Under this Regulation, the representative is thus mandated by these members to respond to requests made by the syndic, an inspector, an investigator or any other Ordre representative, and to provide, where applicable, the documents that Ordre members are required to submit.

Where a partnership or company contemplated in section 1 is concerned, a representative shall be designated.

The representative shall be a member of the Ordre, a partner or company director and a shareholder with voting rights.

Except for subsections 4(4) and (5), the representative shall ensure that the information provided in the statement is accurate.

7. A member shall be exempt from satisfying the conditions set out in sections 3 and 4 if another member or a representative of the partnership or company has already fulfilled these conditions.

8. The documents referred to in subsections 3(1), (4) and (5), together with the statement contemplated in section 4, shall be updated annually by the member or the representative no later than March 31 of each year.

9. A member who no longer satisfies one of the conditions set out in this Regulation or in Chapter VI.3 of the Professional Code shall immediately cease to be authorized to practise the profession within a partnership or company.

10. A member or his representative shall immediately inform the Ordre of the cancellation of the insurance coverage specified in Division II, of the striking off, dissolution, assignment of property or bankruptcy, or voluntary or forced liquidation of the partnership or company or of any other event that would prevent the partnership or company from carrying on its activities, and of any amendment to the information included in the statement that would contravene the conditions set out in section 1 or 2.

DIVISION II PROFESSIONAL LIABILITY COVERAGE

11. To be authorized to practise the profession in accordance with this Regulation, a member of the Ordre practising his profession within a partnership or company shall furnish and maintain, on behalf of the partnership or company, by means of an insurance or suretyship contract or by joining a group insurance plan contract entered into by the Ordre or by contributing to a professional liability insurance fund established in accordance with section 86.1 of the Professional Code, amended by section 4 of chapter 34 of the statutes of 2001, coverage for liabilities of the partnership or company arising from fault or negligence on the part of members in the practise of the profession within such partnership or company.

12. The following minimal conditions for such coverage shall be set out in a specific rider or contract:

(1) an undertaking by the insurer or surety to pay on behalf of the partnership or company any amount that the partnership or company may be legally bound to pay to injured third parties on a claim made during the period of coverage and arising from the member's fault or negligence in the practice of his profession, over and above the amount of the insurance coverage the member must take out in accordance with the Ordre des comptables agréés du Québec (Professional Liability Insurance) Regulation approved by decree No. 332-85 dated February 21, 1985 or the insurance coverage actually taken out by the member if it is higher; the insurer's obligation shall extend to all claims to which the member's liability insurance coverage does not apply as a result of the member's fault or negligence in the practice of the profession;

(2) an undertaking by the insurer or surety to take up the cause of the partnership or company and defend it in any lawsuit launched against it and to pay, in addition to the amounts covered by the liability insurance, all legal costs of lawsuits against the partnership or company, including the investigation and defence costs and interest on the amount of coverage;

(3) an undertaking that the coverage shall extend to all claims submitted in the five years following the period of coverage during which a member of the partnership or company dies, withdraws from the partnership or company or ceases to be a member of the Ordre, so as to maintain coverage for the partnership or company for the faults or negligence of the member while he practised the profession within the partnership or company;

(4) the coverage shall be at least \$1,000,000 per claim and for the aggregate of claims made against the partnership or company in a 12-month period of coverage;

(5) where a member is a sole practitioner, as the unique shareholder of a joint stock company in which no other member is an employee, the coverage shall be at least \$500,000 per claim and for the aggregate of claims made against the company in a 12-month period of coverage;

(6) an undertaking by the insurer or surety to provide the secretary of the Ordre with a 30-day notice of intent to cancel the insurance or suretyship contract, or to amend one of the conditions set out in this section;

(7) an undertaking by the insurer or surety to provide the secretary of the Ordre with a notice that the insurance or suretyship contract has not been renewed; such notice shall be sent within 15 days following the expiration of the contract.

13. The suretyship shall be granted by a bank, savings and credit union, trust or insurance company which shall be domiciled in Canada and hold and maintain sufficient property in Quebec to satisfy the liability coverage required under this division.

The institution referred to above shall undertake to provide the coverage in accordance with the conditions set out in this Division, without availing itself of the benefits of division and discussion.

DIVISION III ADDITIONAL INFORMATION

14. On the date when a general partnership continues as a limited liability partnership or when a joint stock company is constituted, the member of the Ordre shall send his clients a notice informing them of the nature and consequences of such change in status, particularly as concerns his professional liability and the liability of the partnership or company.

15. The documents which the Ordre member has been authorized by the partnership or company to communicate or copy in accordance with subsection 3(6) are as follows:

(1) if the member practises within a joint stock company:

(a) the up-to-date register of the company's articles and by-laws;

(b) the up-to-date share register;

(c) the up-to-date register of directors;

(d) any shareholder agreement, voting agreement and related amendments;

(e) the declaration of registration and any update thereof;

(f) the names and home addresses of the company's main officers;

(2) if the member practises within a limited liability partnership:

(a) the declaration of registration and any update thereof;

(b) the partnership agreement and amendments;

(c) the up-to-date register of partners;

(d) if applicable, the up-to-date register of managers;

(e) the names and home addresses of the partnership's main officers.

CHAPTER III DESIGNATIONS

16. In addition to the mention required under section 187.13 of the Professional Code and introduced by section 9 of chapter 34 of the statutes of 2001, a member of the Ordre who practises his profession within a limited liability partnership is authorized to include in or after its name the words "firm of professionals governed by the Professional Code" or the abbreviation "FPGPC."

A member of the Ordre who practises his profession within a joint stock company is also authorized to include such words in or after its name or use such abbreviation.

CHAPTER IV TRANSITIONAL AND FINAL PROVISIONS

17. A member of the Ordre who practises his profession within a joint stock company incorporated for that purpose before the coming into force of this Regulation shall, no later than in the year following such date, satisfy the conditions set out in this Regulation.

18. This Regulation comes into force on the fifteenth day following its publication in the *Gazette Officielle du Québec*.

Treasury Board

Gouvernement du Québec

T.B. 198509, 25 June 2002

An Act respecting the Government and
Public Employees Retirement Plan
(R.S.Q., c. R-10)

Government and Public Employees Retirement Plan — Partition and assignment of benefits accrued — Amendments

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan

WHEREAS, under subparagraphs 14.2 to 14.6 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, after the Commission administrative des régimes de retraite et d'assurances has consulted the Comité de retraite referred to in section 164 of that Act, make regulations on the matters set out therein;

WHEREAS, under subparagraphs 14.2 to 14.6 of the first paragraph of that section, the Government made the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan by Order in Council 351-91 dated 20 March 1991;

WHEREAS it is expedient to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan so as to amend the formula used to establish the value of accrued benefits under the retirement plan of a member, when they correspond to a pension or deferred pension in order to provide for a new indexing formula applicable since 1 January 2000 and that corresponds to the higher rate between:

(1) 50% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan (R.S.Q., c. R-9); and

(2) the amount by which the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan exceeds 3%;

WHEREAS those amendments are required by the coming into force of the Act to amend the pension plans of the public and parapublic sectors (2000, c. 32);

WHEREAS, under section 97 of that Act, the first regulation made after 16 June 2000 and amending the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan may, where it so provides, have effect from 1 January 2000 if it gives effect to an amendment resulting from that Act;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 394 of chapter 31 of the Statutes of 2001, the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 13 February 2002 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were received following that publication;

WHEREAS the Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan has been consulted;

WHEREAS the Minister of Finance has been consulted;

WHEREAS it is expedient to make the Regulation;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan*

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 134, 1st par., subpars. 14.2 to 14.6; 2000, c. 32, s. 97)

1. Section 8 of the Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan is amended by substituting the following for the first paragraph :

“**8.** Where the accrued benefits correspond to a pension, a deferred pension or a pension credit, the value of those benefits shall be equal to the amount “D” in the following formula :

$$d_1 + d_2 + d_3 + d_4 = D, \text{ where}$$

“ d_1 ” represents the actuarial value of the part of any person which, from the date on which it is paid, is indexed according to the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan ;

“ d_2 ” represents the actuarial value of the part of any pension which, from the date on which it is paid, is indexed according to the amount by which that rate exceeds 3%. That value includes, where applicable, the amount of life pension added and corresponding to 1.1% of the average pensionable salary for each of the years considered under section 73.1 of the Act and the temporary pension amount that is added, payable until 65 years of age and equivalent to \$230 for each of the years considered under that section ;

“ d_3 ” represents the actuarial value of the part of any person which, from the date on which it is paid, is indexed according to the highest of the following rates :

(1) 50% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan ; or

* The Regulation respecting the partition and assignment of benefits accrued under the Government and Public Employees Retirement Plan, made by Order in Council 351-91 dated 20 March 1991 (1991, *G.O.* 2, 1307), was last amended by the Regulation made by Order in Council 1428-98 dated 27 November 1998 (1998, *G.O.* 2, 4779). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

(2) the amount by which the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan exceeds 3% ;

“ d_4 ” represents the actuarial value of each pension credit.”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* but has effect from 1 January 2000.

5179

Gouvernement du Québec

T.B. 198510, 25 June 2002

An Act respecting the Pension Plan of Certain Teachers
(R.S.Q., c. R-9.1)

Pension Plan of Certain Teachers — Partition and assignment of benefits accrued — Amendments

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers

WHEREAS, under paragraphs 1 to 5 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1), the Government may, after the Commission administrative des régimes de retraite et d'assurances has consulted the Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), make regulations on the matters set out therein ;

WHEREAS, under paragraphs 1 to 5 of that section, the Government made the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers by Order in Council 840-91 dated 19 June 1991 ;

WHEREAS it is expedient to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers so as to amend the formula used to establish the value of accrued benefits under the retirement plan of a member, when they correspond to a pension or deferred pension in order to provide for a new indexing formula applicable since 1 January 2000 and that corresponds to the higher rate between :

(1) 50% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan (R.S.Q., c. R-9); and

(2) the amount by which the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan exceeds 3% ;

WHEREAS those amendments are required by the coming into force of the Act to amend the pension plans of the public and parapublic sectors (2000, c. 32);

WHEREAS, under section 97 of that Act, the first regulation enacted after 16 June 2000 and amending the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers may, where it so provides, have effect from 1 January 2000 if it operates to give effect to an amendment resulting from that Act;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 394 of chapter 31 of the Statutes of 2001, the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by the Act respecting the Pension Plan of Certain Teachers;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 13 February 2002 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were received following that publication;

WHEREAS the Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan has been consulted;

WHEREAS the Minister of Finance has been consulted;

WHEREAS it is expedient to make the Regulation;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES :

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers*

An Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1, s. 41.8, pars. 1 to 5; 2000, c. 32, s. 97)

1. Section 8 of the Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers is amended by substituting the following for the first paragraph :

“8. Where the accrued benefits correspond to a pension, a deferred pension or a pension credit, the value of those benefits shall be equal to the amount “D” in the following formula :

$$d_1 + d_2 + d_3 + d_4 = D, \text{ where}$$

“d₁” represents the actuarial value of the part of any person which, from the date on which it is paid, is indexed according to the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan;

“d₂” represents the actuarial value of the part of any person which, from the date on which it is paid, is indexed according to the amount by which that rate exceeds 3%. That value includes, where applicable, the amount of life pension added and corresponding to 1.1% of the average pensionable salary for each of the years considered under section 73.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) and the temporary pension amount that is added, payable until 65 years of age and equivalent to \$230 for each of the years considered under that section;

“d₃” represents the actuarial value of the part of any person which, from the date on which it is paid, is indexed according to the highest of the following rates :

(1) 50% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan ; or

* The Regulation respecting the partition and assignment of benefits accrued under the Pension Plan of Certain Teachers, made by Order in Council 840-91 dated 19 June 1991 (1991, *G.O.* 2, 2114), was last amended by the Regulation made by Order in Council 1429-98 dated 27 November 1998 (1998, *G.O.* 2, 4781). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

(2) the amount by which the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan exceeds 3% ;

“d_i” represents the actuarial value of each pension credit.”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* but has effect from 1 January 2000.

5180

Gouvernement du Québec

T.B. 198511, 25 June 2002

An Act respecting the Civil Service Superannuation Plan
(R.S.Q., c. R-12)

Pension plans

— Partition and assignment of benefits accrued

— Amendments

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan

WHEREAS, under paragraphs 8.2 to 8.6 of section 109 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12), the Government may, after the Commission administrative des regimes de retraite et d'assurances has consulted the Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), make regulations on the matters set out therein ;

WHEREAS, under paragraphs 8.2 to 8.6 of that section, the Government made the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan by C.T. 176507 dated 19 March 1991 ;

WHEREAS it is expedient to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan so as to amend the formula used to establish the value of accrued benefits under the retirement plan of a member, when they

correspond to a pension or deferred pension in order to provide for a new indexing formula applicable since 1 January 2000 and that corresponds to the higher rate between :

(1) 50% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) ; and

(2) the amount by which the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan exceeds 3% ;

WHEREAS it is expedient to adjust the Regulation so as to take into account the notion of pension credit that is introduced into the Civil Service Superannuation Plan ;

WHEREAS those amendments are required by the coming into force of the Act to amend the pension plans of the public and parapublic sectors (2000, c. 32) ;

WHEREAS, under section 97 of that Act, the first regulation enacted after 16 June 2000 and amending the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan may, where it so provides, have effect from 1 January 2000 if it operates to give effect to an amendment resulting from that Act ;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 394 of chapter 31 of the Statutes of 2001, the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by the Act respecting the Civil Service Superannuation Plan ;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 13 February 2002 with a notice that it could be made by the Government upon the expiry of 45 days following that publication ;

WHEREAS no comments were received following that publication ;

WHEREAS the Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan has been consulted ;

WHEREAS the Minister of Finance has been consulted ;

WHEREAS it is expedient to make the Regulation;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan*

An Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12, s. 109, pars. 8.2 to 8.6; 2000, c. 32, s. 97)

1. Section 4 of the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan is amended by adding the words “or counted” after the word “credited” wherever it appears in section 4.

2. The words “or counted” are added after the word “credited” wherever it appears in section 5.

3. The following sentence is added after the word “assessment” in section 7: “Where those benefits also consist in a refund of the sums paid to purchase a pension credit, a separate calculation shall be made for the refund of those sums.”

4. The following is substituted for paragraph 2 of section 8:

“(2) actuarial assumptions:

(a) for the pension credits acquired under section 95 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the assumptions used shall be those used to establish the rates mentioned in Schedule IV to the Act;

(b) for the benefits based on the salary for the best-paid years and for the pension credits not acquired under section 95 of that Act:

i. mortality rate: GAM-83 men and GAM-83 women (The 1983 Group Annuity Mortality Table, Transactions of the Society of Actuaries, Vol. XXXV, pp. 880 and 881), weighted equally;

ii. interest rate: 9% for the first 15 years following the date of assessment and 6.5% for subsequent years;

iii. rate of increase in the Pension Index within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9): 5.5% for the first 15 years following the date of assessment and 3% for subsequent years.”

5. The following is substituted for the first paragraph of section 9:

“**9.** Where the accrued benefits correspond to a pension, to a deferred pension or a pension credit, the value of those benefits is equal to “D” in the following formula:

$$d_1 + d_2 + d_3 + d_4 = D, \text{ where}$$

“d₁” represents the actuarial value of the part of any pension which, from the date on which it is paid, is indexed according to the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan;

“d₂” represents the actuarial value of the part of any pension which, from the date on which it is paid, is indexed according to the amount by which that rate exceeds 3%. That value includes, where applicable, the amount of life pension added and corresponding to 1.1% of the average pensionable salary for each of the years considered under section 99.17.1 of the Act respecting the Civil Service Superannuation Plan and the temporary pension amount that is added, payable until 65 years of age and equivalent to \$230 for each of the years considered under that section;

“d₃” represents the actuarial value of the part of any pension which, from the date on which it is paid, is indexed according to the highest of the following rates:

* The Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan, made by Decision 176507 dated 19 March 1991 of the Conseil du trésor (1991, G.O. 2, 1327), was last amended by the Regulation made by Decision 192648 dated 17 November 1998 of the Conseil du trésor (1998, G.O. 2, 4543). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

(1) 50% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan; or

(2) the amount by which the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan exceeds 3% ;

“ d_4 ” represents the actuarial value of each pension credit.”.

6. The words “, to a deferred pension or to a pension credit” are substituted for the words “or to a deferred pension” in the first paragraph of section 15.

7. The following is substituted for sections 17 to 21 :

“**17.** If the amount paid to the spouse comes from an entitlement to a refund of contributions, to a deferred pension or a pension credit, the benefits of the public officer or former public officer shall be established in accordance with the Act and shall be recalculated as follows:

(1) where the public officer or former public officer is entitled to a refund of contributions, the amount of his refund shall be reduced by the sums awarded to the spouse at the date of assessment and a separate calculation shall also be made in the case of a pension credit;

(2) where the public officer or former public officer is entitled to a payment of actuarial value or to the transfer of an amount under a transfer agreement entered into in accordance with section 158 of the Act respecting the Government and Public Employees Retirement Plan, the amount of the payment of actuarial value or the amount to be transferred shall be reduced by the sums awarded to the spouse at the date of assessment with interest compounded annually at the rate determined for each period under Schedule VI to that Act and accrued from the date of assessment to the date on which the payment or transfer is made;

(3) where the public officer or former public officer is entitled to a deferred pension, a pension or a pension credit, his pension or pension credit shall be reduced, from the date on which it becomes payable or from the date of payment, as the case may be, by the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

17.1. If the amount paid to the spouse comes from an entitlement to the pension referred to in subparagraph 1.1 of the first paragraph of section 3 or to a pension credit

payable on the date on which that pension is payable, the benefits of the public officer or former public officer shall be established in accordance with the Act and his pension or pension credit shall be reduced, from the date on which it becomes payable or from the date of payment, as the case may be, by the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

18. If the amount paid to the spouse comes from an entitlement to a pension, to a pension credit or to any benefit that would otherwise be paid at the date of assessment, that pension or pension credit shall be reduced, from the date of payment or from the date on which it becomes payable in the case of a public officer aged 65 or over on the date of assessment, by the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

The first paragraph also applies to a female public officer, with the age “60” substituted for the age “65”.

19. Each part of any pension corresponding to each of the indexing formulas applicable to it and each pension credit shall be reduced by the amount of any pension corresponding to each of the indexing formulas applicable to it and by the amount of each pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment. The same applies where the amount paid to the spouse comes partly from the value of any pension corresponding to years or parts of a year of service relative to the Teachers Pension Plan that were transferred to the Civil Service Superannuation Plan.

20. For the purposes of sections 17 and 19, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date according to the actuarial method and assumptions provided for in section 8. That amount is presumed applicable at the date of the public officer’s or former public officer’s 60th birthday, in the case of a woman, or at the date of the public officer’s or former public officer’s 65th birthday, in the case of a man.

If the amount of pension or pension credit obtained pursuant to the first paragraph begins to apply before the date of the pensioner’s 65th birthday, it shall be reduced by 0.50% per month, calculated for each month between the date on which that amount of pension or pension credit begins to apply and the date of the pensioner’s 65th birthday, without exceeding 65% in the case of the reduction applicable to the amount of pension.

If the pensioner retired before the date of payment and if that date occurs after the date of the pensioner's 65th birthday, the amount of pension obtained pursuant to the first paragraph shall be increased by 0.50% per month, calculated for each month between the date of the pensioner's 65th birthday and the date on which that amount of pension begins to apply, if the pensioner retired before the date of his or her 65th birthday, or for each month between the date on which the pensioner retired and the date on which that amount of pension begins to apply, if the pensioner retired on the date of his or her 65th birthday or thereafter.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply after the determined date but before the date of the pensioner's 65th birthday, it shall be increased by 0.50% per month, calculated for each month between the determined date and the date on which that amount of pension credit begins to apply.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply on the date of the pensioner's 65th birthday or thereafter, it shall be increased by 0.50% per month, calculated for each month between the determined date and the date of the pensioner's 65th birthday and 0.75% per month, calculated for each month between the latter date and the date on which that amount of pension credit begins to apply.

The second and third paragraphs also apply to a female pensioner, with "60" and "60th birthday" substituted for "65" and "65th birthday", respectively.

20.1. For the purposes of sections 17.1 and 19, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established on that date according to the actuarial method and assumptions provided for in section 8. That amount is presumed applicable at the date determined pursuant to subparagraph 1.1 of the first paragraph of section 3.

The amount of pension obtained pursuant to the first paragraph shall be indexed in the same manner as the pension would be if it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply.

If the amount of pension obtained pursuant to the first and second paragraphs or the amount of pension credit begins to apply before the determined date, that amount of pension or pension credit shall be reduced by 0.50% per month, calculated for each month between the date on which that amount of pension begins to apply and the determined date, without exceeding 65% in the case of the reduction applicable to the amount of pension.

If the pensioner retired before the date of payment and if that date occurs after the determined date, the amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50% per month, calculated for each month between the determined date and the date on which that amount of pension begins to apply, if the pensioner retired before the determined date, or for each month between the retirement date and the date on which that amount of pension begins to apply, if the pensioner retired on the determined date or thereafter.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply after the determined date but before the date of the pensioner's 65th birthday, it shall be increased by 0.50% per month, calculated for each month between the determined date and the date on which that amount of pension credit begins to apply.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply on the date of the pensioner's 65th birthday or thereafter, it shall be increased by 0.50% per month, calculated for each month between the determined date and the date of the pensioner's 65th birthday and 0.75% per month, calculated for each month between the latter date and the date on which that amount of pension credit begins to apply.

21. For the purposes of sections 18 and 19, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date in accordance with the actuarial method and assumptions provided for in section 8. That amount is presumed applicable at the date of assessment.

The amount of pension obtained pursuant to the first paragraph shall be indexed in the same manner as the pension or in the same manner as though it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply.

The amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50% per month, calculated for each month between the date of assessment and the date on which that amount of pension begins to apply, if the pension was being paid at the date of assessment or would have been if the former public officer had made an application to that effect, or for each month between the date of retirement and the date on which that amount of pension begins to apply, if the pensioner retired between the date of assessment and the date of payment.

The amount of pension credit obtained pursuant to the first paragraph shall be increased, for each month between the date of assessment and the date on which it begins to apply, by 0.50% for each month prior to the date of the pensioner's 65th birthday and by 0.75% for each month after that date.”.

8. The following sentence is added at the end of section 27: “A separate calculation shall be made for the refund of the sums paid to purchase a pension credit.”.

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* but has effect from 1 January 2000.

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Gouvernement du Québec

T.B. 198512, 25 June 2002

An Act respecting the Teachers Pension Plan
(R.S.Q., c. R-11)

Teachers Pension Plan

— Partition and assignment of benefits accrued — Amendments

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan

WHEREAS, under paragraphs 9.1 to 9.5 of section 73 of the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11), the Government may, after the Commission administrative des régimes de retraite et d'assurances has consulted the Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), make regulations on the matters set out therein;

WHEREAS, under paragraphs 9.1 to 9.5 of that section, the Government made the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan by C.T. 176506 dated 19 March 1991;

WHEREAS it is expedient to amend the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan so as to amend the formula used to establish the value of accrued benefits under the retirement plan of a member, when they correspond to a pension or deferred pension in order to provide for a new indexing formula applicable since 1 January 2000 and that corresponds to the higher rate between:

(1) 50% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan (R.S.Q., c. R-9); and

(2) the amount by which the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan exceeds 3%;

WHEREAS it is expedient to adjust the Regulation so as to take into account the notion of pension credit that is introduced into the Teachers Pension Plan;

WHEREAS those amendments are required by the coming into force of the Act to amend the pension plans of the public and parapublic sectors (2000, c. 32);

WHEREAS, under section 97 of that Act, the first regulation enacted after 16 June 2000 and amending the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan may, where it so provides, have effect from 1 January 2000 if it operates to give effect to an amendment resulting from that Act;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 394 of chapter 31 of the Statutes of 2001, the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by the Act respecting the Teachers Pension Plan;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 13 February 2002 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were received following that publication;

WHEREAS the Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan has been consulted;

WHEREAS the Minister of Finance has been consulted;

WHEREAS it is expedient to make the Regulation;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan *

An Act respecting the Teachers Pension Plan (R.S.Q., c. R-11, s. 73, pars. 9.1 to 9.5; 2000, c. 32, s. 97)

1. Section 4 of the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan is amended by adding the words “or counted” after the word “credited” wherever it appears in section 4.

2. The words “or counted” are added after the word “credited” wherever it appears in section 5.

3. The following sentence is added after the word “assessment” in section 7: “Where those benefits also consist in a refund of the sums paid to purchase a pension credit, a separate calculation shall be made for the refund of those sums.”

4. The following is substituted for paragraph 2 of section 8:

“(2) actuarial assumptions:

(a) for the pension credits acquired under section 95 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the assumptions used shall be those used to establish the rates mentioned in Schedule IV to the Act;

(b) for the benefits based on the salary for the best-paid years and for the pension credits not acquired under section 95 of that Act:

i. mortality rate: GAM-83 men and GAM-83 women (The 1983 Group Annuity Mortality Table, Transactions of the Society of Actuaries, Vol. XXXV, pp. 880 and 881), weighted equally;

ii. interest rate: 9% for the first 15 years following the date of assessment and 6.5% for subsequent years;

iii. rate of increase in the Pension Index within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9): 5.5% for the first 15 years following the date of assessment and 3% for subsequent years.”.

5. The following is substituted for the first paragraph of section 9:

“**9.** Where the accrued benefits correspond to a pension, to a deferred pension or a pension credit, the value of those benefits is equal to “D” in the following formula:

$$d_1 + d_2 + d_3 + d_4 = D, \text{ where}$$

“d₁” represents the actuarial valuation of the part of any pension which, from the date on which it is paid, is indexed according to the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan;

“d₂” represents the actuarial valuation of the part of any pension which, from the date on which it is paid, is indexed according to the amount by which that rate exceeds 3%. That value includes, where applicable, the amount of life pension added and corresponding to 1.1% of the average pensionable salary for each of the years considered under section 28.5.6 of the Act respecting the Teachers Pension Plan and the temporary pension amount that is added, payable until 65 years of age and equivalent to \$230 for each of the years considered under that section;

“d₃” represents the actuarial value of the part of any pension which, from the date on which it is paid, is indexed according to the highest of the following rates:

(1) 50% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan; or

(2) the amount by which the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan exceeds 3%;

“d₄” represents the actuarial valuation of each pension credit.”.

6. The words “, to a deferred pension or to a pension credit” are substituted for the words “or to a deferred pension” in the first paragraph of section 15.

7. The following is substituted for sections 17 to 21:

* The Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan, made by Decision 176506 dated 19 March 1991 of the Conseil du trésor (1991, G.O. 2, 1334), was last amended by the Regulation made by Decision 192649 dated 17 November 1998 of the Conseil du trésor (1998, G.O. 2, 4545). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 March 2002.

17. If the amount paid to the spouse comes from an entitlement to a refund of contributions, to a deferred pension or a pension credit, the benefits of the teacher or former teacher shall be established in accordance with the Act and shall be recalculated as follows :

(1) where the teacher or former teacher is entitled to a refund of contributions, the amount of his or her refund shall be reduced by the sums awarded to the spouse at the date of assessment and a separate calculation shall also be made in the case of a pension credit ;

(2) where the teacher or former teacher is entitled to a payment of actuarial value or to transfer an amount under a transfer agreement concluded in accordance with section 158 of the Act respecting the Government and Public Employees Retirement Plan, the amount of the payment of actuarial valuation or the amount to be transferred shall be reduced by the sums awarded to the spouse at the date of assessment with interest compounded annually at the rate determined for each period under Schedule VI to that Act and accrued from the date of assessment to the date on which the payment or transfer is made ;

(3) where the teacher or former teacher is entitled to a deferred pension, a pension or a pension credit, his pension or pension credit shall be reduced, from the date on which it becomes payable or from the date of payment, as the case may be, by the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

17.1. If the amount paid to the spouse comes from an entitlement to the pension referred to in subparagraph 1.1 of the first paragraph of section 3 or to a pension credit payable on the date on which that pension is payable, the benefits of the teacher or former teacher shall be established in accordance with the Act and his or her pension or pension credit shall be reduced, from the date on which it becomes payable or from the date of payment, as the case may be, by the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

18. If the amount paid to the spouse comes from an entitlement to a pension, to a pension credit or to any benefit that would otherwise be paid at the date of assessment, that pension or pension credit shall be reduced, from the date of payment or from the date on which it becomes payable in the case of a teacher aged 65 or over on the date of assessment, by the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

The first paragraph also applies to a female teacher, with the age "60" substituted for the age "65".

19. Each part of any pension corresponding to each of the indexing formulas applicable to it and each pension credit shall be reduced, respectively, by the amount of any pension corresponding to each of the indexing formulas applicable to it and by the amount of each pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment. The same applies where the amount paid to the spouse comes partly from the value of any pension corresponding to years or parts of a year of service relative to the Civil Service Superannuation Plan that were transferred to the Teachers Pension Plan.

20. For the purposes of sections 17 and 19, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date according to the actuarial method and assumptions provided for in section 8. That amount is presumed applicable at the date of the teacher's or former teacher's 60th birthday, in the case of a woman, or at the date of the teacher's or former teacher's 65th birthday, in the case of a man.

If the amount of pension or pension credit obtained pursuant to the first paragraph begins to apply before the date of the pensioner's 65th birthday, it shall be reduced by 0.50% per month, calculated for each month between the date on which that amount of pension or pension credit begins to apply and the date of the pensioner's 65th birthday, without exceeding 65%.

If the pensioner retired before the date of payment and if that date occurs after the date of the pensioner's 65th birthday, the amount of pension obtained pursuant to the first paragraph shall be increased by 0.50% per month, calculated for each month between the date of the pensioner's 65th birthday and the date on which that amount of pension begins to apply, if the pensioner retired before the date of his or her 65th birthday, or for each month between the date on which the pensioner retired and the date on which that amount of pension begins to apply, if the pensioner retired on the date of his or her 65th birthday or thereafter.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply after the determined date but before the date of the pensioner's 65th birthday, it shall be increased by 0.50% per month, calculated for each month between the determined date and the date on which that amount of pension credit begins to apply.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply on the date of the pensioner's 65th birthday or thereafter, it shall be increased by 0.50% per month, calculated for each month between the determined date and the date of the pensioner's 65th birthday and 0.75% per month, calculated for each month between the latter date and the date on which that amount of pension credit begins to apply.

The second and third paragraphs also apply to a female pensioner, with "60" and "60th birthday" substituted for "65" and "65th birthday", respectively.

20.1. For the purposes of sections 17.1 and 19, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established on that date according to the actuarial method and assumptions provided for in section 8. That amount is presumed applicable at the date determined pursuant to subparagraph 1.1 of the first paragraph of section 3.

The amount of pension obtained pursuant to the first paragraph shall be indexed in the same manner as the pension would be if it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply.

If the amount of pension obtained pursuant to the first and second paragraphs or the amount of pension credit begins to apply before the determined date, that amount of pension or pension credit shall be reduced by 0.50% per month, calculated for each month between the date on which that amount of pension begins to apply and the determined date, without exceeding 65% in the case of the reduction applicable to the amount of pension.

If the pensioner retired before the date of payment and if that date occurs after the determined date, the amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50% per month, calculated for each month between the determined date and the date on which that amount of pension begins to apply, if the pensioner retired before the determined date, or for each month between the retirement date and the date on which that amount of pension begins to apply, if the pensioner retired on the determined date or thereafter.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply after the determined date but before the date of the pensioner's 65th birthday, it shall be increased by 0.50% per month, calculated for each month between the determined date and the date on which that amount of pension credit begins to apply.

If the amount of pension credit obtained pursuant to the first paragraph begins to apply on the date of the pensioner's 65th birthday or thereafter, it shall be increased by 0.50% per month, calculated for each month between the determined date and the date of the pensioner's 65th birthday and 0.75% per month, calculated for each month between the latter date and the date on which that amount of pension credit begins to apply.

21. For the purposes of sections 18 and 19, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date in accordance with the actuarial method and assumptions provided for in section 8. That amount is presumed applicable at the date of assessment.

The amount of pension obtained pursuant to the first paragraph shall be indexed in the same manner as the pension or in the same manner as though it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply.

The amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50% per month, calculated for each month between the date of assessment and the date on which that amount of pension begins to apply, if the pension was being paid at the date of assessment or would have been if the former teacher had made an application to that effect, or for each month between the date of retirement and the date on which that amount of pension begins to apply, if the pensioner retired between the date of assessment and the date of payment.

The amount of pension credit obtained pursuant to the first paragraph shall be increased, for each month between the date of assessment and the date on which it begins to apply, by 0.50% for each month prior to the date of the pensioner's 65th birthday and by 0.75% for each month after that date."

8. The following sentence is added at the end of section 27: "A separate calculation shall be made for the refund of the sums paid to purchase a pension credit."

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* but has effect from 1 January 2000.

Gouvernement du Québec

T.B. 198513, 25 June 2002

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

Amendments to Schedule I

An Act respecting the Pension Plan of Management Personnel (2001, c. 31)

Amendments to Schedule II

Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under the first paragraph of section 220 of that Act, amended by section 358 of chapter 31 of the Statutes of 2001, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and where it amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel (2001, c. 31), the Pension Plan of Management Personnel applies to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the second paragraph of section 1 of that Act, the plan also applies to the extent provided for in Chapter 1 of that Act, from 1 January 2001, to employees and persons referred to in Schedule II, appointed or engaged before that date to hold, with the corresponding classification, non-unionizable employment designated in Schedule I, to the extent that, on 31 December 2000, they were members of the Government and Public Employees Retirement Plan as employees governed by the special provisions enacted under Title IV.0.1 of the Act respecting the Government and Public Employees

Retirement Plan, and to the extent that, on 1 January 2001, they would have maintained their membership in the plan under the said special provisions if those provisions had not been replaced by the Act respecting the Pension Plan of Management Personnel;

WHEREAS, under the first paragraph of section 207 of that Act, the Government may, by order, amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan and any such order may have effect 12 months or less before it is made;

WHEREAS, in accordance with section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 394 of chapter 31 of the Statutes of 2001, the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers conferred by paragraphs 1 to 6 of that provision;

WHEREAS the Minister of Finance was consulted;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988, determines the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1, in accordance with subparagraph 25 of the first paragraph of section 134 of that Act;

WHEREAS, under the first paragraph of section 416 of the Act respecting the Pension Plan of Management Personnel, the regulations and orders made under the provisions of the Act respecting the Government and Public Employees Retirement Plan that are in force on 20 June 2001 shall be considered, for the purposes of that Act, as the regulations and orders made under the corresponding provisions of that Act, and they shall apply, with the necessary modifications, until they are replaced by regulations and orders made under such corresponding provisions;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan has not been replaced and must be considered, for the purposes of the Act respecting the Pension Plan of Management Personnel, as a regulation made under subparagraph 25 of the first paragraph of section 196 of that Act;

WHEREAS the Association des pharmaciens des établissements de santé du Québec and the Syndicat des infirmières et infirmiers de l'Est du Québec meet the conditions provided for in that Regulation;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES :

THAT the Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan¹ and to Schedule II to the Act respecting the Pension Plan of Management Personnel²

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.; 2001, c. 31, s. 358)

An Act respecting the Pension Plan of Management Personnel
(2001, c. 31, s. 207, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following bodies in alphabetical order in paragraph 1 :

(1) The Association des pharmaciens des établissements de santé du Québec ;

(2) The Syndicat des infirmières et infirmiers de l'Est du Québec.

2. Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) is amended by inserting the following bodies in alphabetical order in paragraph 1 :

(1) The Association des pharmaciens des établissements de santé du Québec ;

(2) The Syndicat des infirmières et infirmiers de l'Est du Québec.

3. This Decision comes into force on the date it is made by the Conseil du trésor and has had effect since the dates mentioned beside each of the following cases :

(1) Association des pharmaciens des établissements de santé du Québec 1 January 2002 ;

(2) Syndicat des infirmières et infirmiers de l'Est du Québec 12 months before the date this Decision is made

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¹ Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last updating to the Revised Statutes of Québec to 1 April 2001, by T.B. 196698 dated 26 June 2001 (2001, G.O. 2, 4033), 196963 dated 21 August 2001 (2001, G.O. 2, 4911), 197036 dated 11 September 2001 (2001, G.O. 2, 5107), 197037 dated 11 September 2001 (2001, G.O. 2, 5108), 197300 dated 20 November 2001 (G.O. 2, 6166), 197301 dated 20 November 2001 (2001, G.O. 2, 6168), 197302 dated 20 November 2001 (2001, G.O. 2, 6170), 197303 dated 20 November 2001 (2001, G.O. 2, 6172), 197373 dated 4 December 2001 (2001, G.O. 2, 6451), 197375 dated 4 December 2001 (2001, G.O. 2, 6452) and 197464 dated 18 December 2001 (2002, G.O. 2, 257) as well as by section 361 of chapter 31 of the Statutes of 2001.

² Schedule II to the Act respecting the Pension Plan of Management Personnel (2001, c. 31) came into force on 1 January 2001 and was amended by T.B. 197299 dated 20 November 2001 (2001, G.O. 2, 6165), 197300 dated 20 November 2001 (2001, G.O. 2, 6166), 197301 dated 20 November 2001 (2001, G.O. 2, 6168), 197302 dated 20 November 2001 (2001, G.O. 2, 6170), 197303 dated 20 November 2001 (2001, G.O. 2, 6172), 197373 dated 4 December 2001 (2001, G.O. 2, 6451), 197375 dated 4 December 2001 (2001, G.O. 2, 6452) and 197464 dated 18 December 2001 (2002, G.O. 2, 257).

Index Statutory Instruments

Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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