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NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 88
(2002, chapter 57)

An Act to amend the Religious Corporations Act

Introduced 7 June 2002
Passage in principle 13 June 2002
Passage 17 December 2002
Assented to 18 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill amends the Religious Corporations Act, in particular to review the powers of the visitor and to enable the visitor to delegate such powers.

In addition, the bill provides that the affairs of a corporation whose objects are to organize, administer and maintain a congregation may be administered by the person exercising the function of superior of the congregation.

Lastly, the bill enables any corporation constituted under a special Act or general law to be continued under the Religious Corporations Act to the extent that its objects are not inconsistent with that Act.

Bill 88

AN ACT TO AMEND THE RELIGIOUS CORPORATIONS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Religious Corporations Act (R.S.Q., chapter C-71) is amended by replacing paragraph *f* by the following paragraph:

"(*f*) "visitor": the person designated by the competent religious authority or any person exercising the visitor's powers in accordance with section 9."

2. The said Act is amended by inserting the following section after section 5.1:

"**5.2.** A church or a congregation may, by written notice, with a copy thereof transmitted to the work, inform the Inspector General of the fact that the work incorporated under this Act has ceased to be connected with it.

If, within 90 days of receiving the notice, the work has not furnished the Inspector General with evidence that it is connected with another church or congregation, the work is deemed to apply for new letters patent in accordance with section 221 of the Companies Act. The Inspector General shall, in that case, issue new letters patent, taking into account the information already furnished by the work at the time of its incorporation pursuant to this Act.

If the work furnishes the Inspector General with evidence that it is connected with another church or congregation, the Inspector General shall accept the evidence and deposit it in the register.

The church, the congregation or any interested person may apply to the Inspector General for the issuance of supplementary letters patent to change the corporate name of the new legal person constituted under the second paragraph if it is not in compliance with section 9.1 of the Companies Act."

3. Section 8 of the said Act is amended by adding the following paragraph after the first paragraph:

"Such corporations may exercise all the powers of a legal person thus constituted, including, in particular, the following powers:

(*a*) acquire and alienate property by gratuitous or onerous title;

(*b*) carry out new constructions;

(*c*) invest its funds in its own name or as depositary and administrator;

(*d*) assist any person, including its members, pursuing any object similar to one of its own, cede any property gratuitously or not and lend money to such person, and secure or guarantee the person's obligations or commitments;

(*e*) establish and maintain cemeteries and erect vaults in its chapels for the mortal remains of its members, its benefactors, or any person connected in any way with the corporation, in conformity with the Burial Act (chapter I-11);

(*f*) provide for the education, instruction, sustenance and support of its members, persons in its service and those connected with it."

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

"**8.1.** The letters patent constituting a corporation whose objects are to organize, administer and maintain a congregation may provide that the affairs of the corporation shall be administered by the person exercising the function of superior of the congregation or any equivalent function.

In such a case, the letters patent may provide that the corporation must first be authorized by a board of consultors to exercise its power to pass by-laws and to perform any act specified therein."

5. Section 9 of the said Act is amended

(1) by replacing subsection 1 by the following subsection:

"**9.** (1) The letters patent may provide for a visitor; the visitor shall be designated therein by the office by which he is recognized by the competent religious authority.

The letters patent may also provide that the visitor may delegate his function to any person.

A delegation or the revocation of a delegation must be made in writing. Notice thereof shall be given to the Inspector General, who shall deposit it in the register.";

(2) by replacing subsection 3 by the following subsection:

"(3) If the corporation has a visitor, it must be previously authorized by the visitor to exercise the powers set out in subparagraphs *a*, *b*, *c* and *d* of the second paragraph of section 8 and to accept the endowments referred to in section 12.";

(3) by inserting the following subsection after subsection 4:

"(5) The letters patent may also provide restrictions to the powers of the visitor."

6. Section 11 of the said Act is replaced by the following section:

"**11.** If there is a visitor, the by-laws of the corporation may not provide for classes of voting members. If there is no visitor or if the powers of the visitor referred to in subsection 2 of section 9 have been restricted under subsection 5 of that section, the by-laws must provide for at least one class of members entitled to vote, and the annual and special general meetings of the members shall consist of those voting members."

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

"**14.1.** Where no mandate is given in accordance with article 2166 of the Civil Code by a member of a congregation in anticipation of the member's incapacity, the corporation whose objects are to organize, administer and maintain the congregation shall have the mandate and responsibility to fully ensure the care and administer the property of the member for as long as the member remains a member of the congregation.

The corporation shall appoint one of its officers to carry out the mandate.

"**14.2.** The performance of the mandate is subordinate to the occurrence of the incapacity and to homologation by the court, on the application of the corporation.

The application for homologation or the revocation of the mandate of the corporation shall be effected in accordance with the provisions of the Code of Civil Procedure (chapter C-25). The application for homologation must identify the officer appointed to carry out the mandate.

Proof that the mandator is a member of the congregation is proof of the mandate of the corporation."

8. Section 15 of the said Act is amended

(1) by replacing "constituting its members a corporation governed by this Act" in the third and fourth lines of the first paragraph by "continuing the corporation under this Act";

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

"The Inspector General shall deposit the letters patent in the register and, subject to such deposit but from the date of the letters patent, the corporation

shall be continued under this Act. The rights, obligations and deeds of the corporation are not affected by such continuance."

9. Section 17 of the said Act, amended by section 153 of chapter 42 of the statutes of 2000, is again amended by replacing "sections 15 and" in the second line by "section", and by replacing "these sections" in the fifth line by "that section".

10. This Act comes into force on 18 December 2002.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 100
(2002, chapter 58)

An Act to amend the Act respecting offences relating to alcoholic beverages, the Act respecting lotteries, publicity contests and amusement machines and the Act respecting liquor permits

Introduced 7 May 2002
Passage in principle 7 June 2002
Passage 17 December 2002
Assented to 18 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

The bill amends certain rules most of which govern the sale of alcoholic beverages.

Under the bill, business hours are made uniform for all permits authorizing alcoholic beverages to be sold or served, and bar, public house or tavern permit holders are authorized, on certain conditions, to admit customers between 6:00 a.m. and 8:00 a.m.

In addition, the holder of a restaurant sales permit will be authorized to sell, for take out or delivery, alcoholic beverages with a meal, between the hours of eight in the morning and eleven in the evening. In addition, customers of a restaurant holding a restaurant service permit will be authorized to bring not only wine to the establishment but any other alcoholic beverage except alcohol and spirits. Furthermore, holders of a public house or tavern permit may henceforth allow a reception in their establishment to be held in a room or on a terrace other than where their permit is normally used.

As well, the bill alters, lifts or introduces prohibitions concerning advance preparation of carafes of wine, the mixing of alcoholic beverages, the keeping of alcoholic beverages in a tubing system and the keeping of alcoholic beverages containing an insect.

In another connection, the bill prohibits anyone from having in his or her possession, owning or using an amusement machine that is not registered with the Régie des alcools, des courses et des jeux.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) ;

– Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) ;

– Act respecting liquor permits (R.S.Q., chapter P-9.1) ;

– Act respecting the Québec sales tax (R.S.Q., chapter T-0.1).

Bill 100

AN ACT TO AMEND THE ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES, THE ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES AND THE ACT RESPECTING LIQUOR PERMITS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

1. Section 84.1 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is amended

(1) by adding "or in a tubing system that meets the standards prescribed by regulation of the board" at the end of the first paragraph;

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

"However, the holder of a restaurant sales permit may, between 11 a.m. and 2 p.m. and between 5 p.m. and 8 p.m., prepare carafes of wine in advance, provided that outside those hours, the wine remaining in the carafes is destroyed or eliminated."

2. Section 91 of the said Act is amended by adding the following paragraph at the end:

"(*j*) by a person if it has been acquired legally from the holder of a restaurant sales permit."

3. Section 92 of the said Act is amended by adding the following paragraphs at the end:

"(*g*) by any person who acquired it legally from a holder of a restaurant sales permit;

"(*h*) by any holder of a restaurant sales permit, for purposes authorized by his permit."

4. Section 93 of the said Act is amended by adding the following paragraphs at the end of the first paragraph:

"(*f*) by a person who acquired it legally from a holder of a restaurant sales permit;

"(*g*) by a holder of a restaurant sales permit, for purposes authorized by his permit."

5. Section 108 of the said Act, amended by section 3 of chapter 77 of the statutes of 2001, is again amended by inserting the following subparagraph after subparagraph 2 of the first paragraph:

"(2.1) keeps or allows to be kept in his establishment an alcoholic beverage containing an insect, unless that insect is an ingredient in the making of the alcoholic beverage;".

6. Section 109 of the said Act is amended by inserting ", subject to the second paragraph of section 28 of the Act respecting liquor permits," after "but" in the third line of paragraph 1.

7. Section 110 of the said Act is amended by striking out paragraph 4.

ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

8. Section 53 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., chapter L-6) is amended by replacing "he has a registration marker placed on it by" in the second and third lines by "the device is registered with".

ACT RESPECTING LIQUOR PERMITS

9. Section 28 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by adding the following paragraph at the end:

"In the case of an establishment that primarily and ordinarily sells meals for consumption on the premises, the restaurant sales permit also entitles the holder to sell, for take out or delivery, alcoholic beverages with a meal, except draught beer, alcohol or spirits."

10. Section 28.1 of the said Act is amended by replacing "beer, alcohol, spirits or mixed alcoholic beverages commonly called "cooler"" by "alcohol or spirits".

11. Sections 56 to 58 of the said Act are repealed.

12. Section 59 of the said Act is amended

(1) by striking out ", except a public house or "pub" permit or a tavern permit," in the first paragraph;

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

"However, the sale of alcoholic beverages, for take out or delivery, authorized by the restaurant sales permit may take place only during the period between 8 a.m. and 11 p.m.";

(3) by replacing "However" in the first line of the second paragraph by "In addition" and by replacing "these hours" in that line by "the hours referred to in the first paragraph".

13. Section 61 of the said Act is amended by replacing "sections 57, 58 and 59" in the second line of the first paragraph by "the first and third paragraphs of section 59".

14. Section 63 of the said Act is amended by inserting the following paragraph after the first paragraph:

"Section 62 does not apply, between 6:00 a.m. and 8:00 a.m., to a room or terrace where a bar permit, a public house or "pub" permit or a tavern permit is used if, between those hours, a device complying with the standards prescribed by regulation prevents access to the place where the alcoholic beverages are kept, if no alcoholic beverage is consumed and if no video lottery machine registered under the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) may be played."

15. Section 68 of the said Act is amended

(1) by striking out "In the case of the holder of a restaurant permit or bar permit," in the first line of the second paragraph;

(2) by replacing "his establishment" in the second and third lines of the second paragraph by "the establishment".

16. Section 111 of the said Act is amended by adding the following paragraph at the end:

"A member of a police force authorized for such purpose by the Minister of Public Security or a member of the Sûreté du Québec may, in the exercise of his functions and to ascertain compliance with this Act and the regulations, stop a vehicle operated on a public highway, if he has reasonable grounds to believe that the vehicle is used by the holder of a permit to deliver alcoholic beverages, inspect any alcoholic beverages that is in the vehicle and examine any document relevant to the application of this Act and the regulations."

17. Section 114 of the said Act is amended by inserting the following paragraph after paragraph 10:

"(10.1) prescribe the standards according to which the holder of a permit authorizing alcoholic beverages to be sold for consumption on the premises may keep the alcoholic beverages in a tubing system;".

ACT RESPECTING THE QUÉBEC SALES TAX

18. Section 677 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1), amended by section 311 of chapter 51 of the statutes of 2001, section 385 of chapter 53 of the statutes of 2001 and section 174 of chapter 9 of the statutes of 2002, is again amended by replacing subparagraph 22 of the first paragraph by the following subparagraph:

"(22) determine that any beverage of a prescribed class intended for use or consumption in an establishment described in paragraph 18 of section 177 or outside such establishment, be in a container identified as prescribed by the Minister or of a prescribed size, and sold and delivered in that container; in addition, the Government may prescribe that such containers be used exclusively by the establishment;".

19. This Act comes into force on 18 December 2002.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 111
(2002, chapter 60)

An Act to amend the Act respecting the Ministère du Conseil exécutif as regards Canadian intergovernmental affairs

Introduced 13 June 2002
Passage in principle 30 October 2002
Passage 17 December 2002
Assented to 18 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTE

This bill amends the provisions of the Act respecting the Ministère du Conseil exécutif which concern Canadian intergovernmental affairs. The bill clarifies the rules that must be followed for the conservation of agreements and confers on the Minister the responsibility of ensuring that the integrity of Québec institutions is respected in conducting Canadian intergovernmental affairs. In addition, the bill extends the application of the Act to agreements with federal public agencies, revises certain definitions concerning municipal bodies, school bodies and Québec public agencies that are subject to the Act, and replaces the present ban on agreements involving municipal or school bodies by a prior government authorization mechanism.

Bill 111

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF AS REGARDS CANADIAN INTERGOVERNMENTAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 3.2 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is amended

(1) by replacing "; he is the depositary of the original copy of every Canadian intergovernmental agreement and of a true copy of every other agreement and, as such, he" in the second, third and fourth lines of the second paragraph by ". The Minister is the depositary of Canadian intergovernmental agreements and, as such, the Minister";

(2) by adding the following sentences at the end of the second paragraph: "The original or, failing that, a true copy of each Canadian intergovernmental agreement must be deposited in the bureau des ententes. In addition, the Minister may at any time require a copy of any agreement referred to in section 3.11, 3.12, 3.12.1 or the first paragraph of section 3.13."

2. Section 3.5 of the said Act is amended

(1) by replacing "is respected" at the end of the first paragraph by "are respected";

(2) by adding "and the integrity of its institutions" after "Québec" in the second line of the first paragraph.

3. The said Act is amended by inserting the following section after the heading of subdivision 2 of Division II:

"**3.6.2.** In this subdivision,

"Canadian intergovernmental agreement" means an agreement between the Government or one of its departments or government agencies and another government in Canada, one of its departments or government agencies, or a federal public agency;

"federal public agency" means

(1) a legal person or agency that, although not a federal government agency, has one of the following characteristics:

(*a*) a majority of its members come from the federal public sector, that is, are appointed by the federal government, a federal minister, a federal government agency or another federal public agency;

(*b*) its personnel is appointed in accordance with the Public Service Employment Act (Revised Statutes of Canada, 1985, chapter P-33);

(*c*) more than half of its financing is derived from federal public funds, that is, from the federal Consolidated Revenue Fund, a federal government agency or another federal public agency;

(*d*) a periodic financial or other report concerning its activities is required by law to be tabled in the Federal Parliament;

(2) a group of federal public agencies;

"government agency" means a legal person or agency that, under its constituting Act, is empowered to make inquiries, issue permits or licences or make regulations for purposes other than its internal management and, if it is a legal person, has one of the following characteristics:

(1) it is the mandatary or agent of the State or of another government in Canada;

(2) it enjoys the rights and privileges of a mandatary or agent referred to in paragraph 1;

"municipal body" means

(1) a municipality;

(2) a metropolitan community;

(3) a legal person or body that has one of the following characteristics:

(*a*) a majority of its members are appointed by one or more municipal bodies;

(*b*) more than half of its financing is provided by one or more municipal bodies;

(4) a group of municipal bodies;

"public agency" means

(1) a legal person or agency that, although not a government agency, a municipal body or a school body, has one of the following characteristics:

(*a*) a majority of its members come from the Québec public sector, that is, are appointed by the Government, a minister, a government agency, a municipal body, a school body or another public agency;

(*b*) its personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1);

(*c*) more than half of its financing is derived from Québec public funds, that is from the consolidated revenue fund, a government agency, a municipal body, a school body or another public agency;

(2) a group of public agencies;

"school body" means

(1) a school board;

(2) the Conseil scolaire de l'île de Montréal;

(3) a legal person or body that has one of the following characteristics:

(*a*) a majority of its members are appointed by one or more school bodies;

(*b*) more than half of its financing is provided by one or more school bodies;

(4) a group of school bodies."

4. Section 3.7 of the said Act is amended by striking out the third paragraph.

5. Section 3.8 of the said Act is amended by adding the following paragraph at the end:

"The Minister may authorize, in writing, any person to sign a Canadian intergovernmental agreement on behalf of the Minister; that person's signature shall have the same effect as the Minister's signature. The authorization may pertain to a specific agreement or a class of agreements."

6. Section 3.11 of the said Act is replaced by the following section:

"**3.11.** Except to the extent expressly provided for by law, no municipal body or school body may, without the prior authorization of the Government, enter into any agreement with another government in Canada or one of its departments or government agencies, or with a federal public agency.

The Government may attach such conditions as it determines to the authorization.

Any contravention of the provisions of the first paragraph or any failure to comply with the conditions referred to in the second paragraph entails the nullity of the agreement.

The Minister, concurrently with the minister responsible for or the minister who subsidizes the municipal or school body, shall see to the negotiation of the agreement."

7. Section 3.12 of the said Act is replaced by the following section:

"**3.12.** No public agency may, without the prior written authorization of the Minister, enter into any agreement with another government in Canada or one of its departments or government agencies, or with a federal public agency.

The minister responsible for or the minister who subsidizes the public agency shall give an advisory opinion on the draft agreement to the Minister before the decision on the application for authorization is made.

The Minister may attach such conditions as he or she determines to the authorization. The Minister may, in particular, fix as a condition that the financing obtained under the agreement referred to in the first paragraph will not be subsequently taken into consideration to determine whether or not the agency is subject to this section.

Any contravention of the provisions of the first paragraph or any failure to comply with the conditions referred to in the third paragraph entails the nullity of the agreement.

The Minister, concurrently with the minister responsible for or the minister who subsidizes the public agency, shall see to the negotiation of the agreement."

8. The said Act is amended by inserting the following section after section 3.12:

"**3.12.1.** No government agency, municipal body or school body may, without the prior authorization of the Government, permit or tolerate being affected by any agreement entered into between a third person and another government in Canada or one of its departments or government agencies, or a federal public agency.

The Government may attach such conditions as it determines to the authorization.

The first paragraph also applies to a public agency which, in that case, must obtain prior authorization in writing from the Minister, who may attach such conditions as he or she determines to the authorization. The minister responsible

for or the minister who subsidizes the public agency shall give an advisory opinion to the Minister before the decision on the application for authorization is made.

For the purposes of the first paragraph, an agency or body is permitting or tolerating being affected by an agreement when, for instance, it enters into an agreement that is related to an agreement referred to in that paragraph.

Any contravention of the first or third paragraph or any failure to comply with the conditions referred to in the second or third paragraph entails, for the agency or body, the nullity of any stipulation or agreement having any effect whatever in its respect."

9. Section 3.13 of the said Act is amended by replacing "Act" in the third line of the first and second paragraphs by "division".

10. This Act comes into force on 18 December 2002.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 115
(2002, chapter 62)

An Act to amend the Highway Safety Code and the Act respecting the Ministère du Revenu

Introduced 7 November 2002
Passage in principle 27 November 2002
Passage 13 December 2002
Assented to 18 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill amending the Highway Safety Code and the Act respecting the Ministère du Revenu enables implementation of the International Registration Plan. To that end, the bill authorizes the Minister of Revenue to verify the operational records of fleets of road vehicles and permits the necessary exchanges of information.

In another connection, the bill amends the Highway Safety Code to allow drivers and cyclists to make a right turn on a red light at an intersection where right turns are not prohibited by a sign or signal, after stopping and yielding the right of way to pedestrians, vehicles and cyclists crossing the intersection and to vehicles and cyclists approaching so closely that to proceed would constitute a hazard.

The bill allows the Minister of Transport to designate all or part of the territory of a municipality as an area where making a right turn on a red light is prohibited.

As well, the bill allows the person responsible for the maintenance of a public highway to identify certain intersections, by means of appropriate signs or signals, as intersections where making a right turn on a red light is prohibited. In the case of a municipality, such power is to be exercised by by-law or, if the law so permits, by ordinance.

In addition, the bill reintroduces, as grounds for the seizure of a vehicle, the driving of a vehicle while under a 30 or 90-day driving prohibition that arises from a refusal to provide a breath sample at the request of a peace officer.

LEGISLATION AMENDED BY THIS BILL:

– Highway Safety Code (R.S.Q., chapter C-24.2);

– Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

Bill 115

AN ACT TO AMEND THE HIGHWAY SAFETY CODE AND THE ACT RESPECTING THE MINISTÈRE DU REVENU

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Highway Safety Code (R.S.Q., chapter C-24.2) is amended by inserting the following section after section 13:

"**13.1.** The Minister of Revenue may, at the request of the Société, verify the operational records of the fleets of road vehicles registered under apportioned registration pursuant to a regulation under section 631.

Sections 37.7, 38 and 42 of the Act respecting the Ministère du Revenu (chapter M-31) apply to such verification with the necessary modifications."

2. Section 209.2 of the said Code, amended by section 16 of chapter 29 of the statutes of 2001 and by section 30 of chapter 29 of the statutes of 2002, is again amended by replacing "and 202.4" by ", 202.4 and 202.5".

3. Section 250.3 of the said Code, enacted by section 38 of chapter 29 of the statutes of 2002, is amended by replacing "except on the authorization of the Société" in the English text by "except by means of a device installed by the manufacturer of the vehicle before its sale to the first user. The Société may, on the conditions it determines and for reasons of safety, exempt a person from that prohibition".

4. Section 359.1 of the said Code is replaced by the following section:

"**359.1.** Notwithstanding section 359 and unless otherwise directed by a sign or signal, the driver of a road vehicle or a cyclist facing a red light may make a right turn, after stopping before the pedestrian crosswalk or the stop-line or, if none, at the near side of the roadway the driver or cyclist is about to enter and yielding the right of way to pedestrians, drivers and cyclists crossing the intersection and to road vehicles and cyclists approaching so closely that to proceed would constitute a hazard.

The Minister of Transport may, by an order published in the *Gazette officielle du Québec*, designate all or any part of the territory of a municipality as an area where making a right turn on a red light is prohibited."

5. The said Code is amended by inserting the following section after section 359.1:

"**359.2.** The person responsible for the maintenance of a public highway may, by means of proper signs or signals, determine certain intersections as intersections where making a right turn on a red light is prohibited. In the case of a municipality, that power is exercised by by-law or, where the law so permits, by ordinance."

6. The said Code is amended by inserting the following sections after section 610:

"**610.1.** The Société may, without the consent of the person concerned, transmit to the Minister of Revenue information necessary for the application of section 13.1.

The Société may also, without the consent of the person concerned, transmit to a jurisdiction having joined the International Registration Plan, to the mandatary or designated agent of such a jurisdiction and to any person responsible for the implementation of the Plan information necessary for the administration of the Plan.

"**610.2.** The Minister of Revenue may, without the consent of the person concerned, transmit to the Société information necessary for the administration of the International Registration Plan.

The Minister of Revenue may also, without the consent of the person concerned, transmit information provided for in section 610.1 to a jurisdiction and a person referred to in that section and for the purposes provided therein."

7. Section 69.0.0.7 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), enacted by section 7 of chapter 5 of the statutes of 2002, is amended by adding the following subparagraph after subparagraph iii of subparagraph *b* of the first paragraph:

"iv. section 13.1 of the Highway Safety Code (chapter C-24.2);".

8. Section 69.0.1 of the said Act, amended by section 8 of chapter 5 of the statutes of 2002, is again amended by inserting the following paragraph after paragraph *a*:

"(*a*.0.1) for the administration of the International Registration Plan, be communicated to a jurisdiction having joined the Plan, to the mandatary or designated agent of such a jurisdiction and to any person responsible for the implementation of the Plan;".

9. Section 69.1 of the said Act, amended by section 136 of chapter 9 and section 30 of chapter 44 of the statutes of 2001 and by section 12 of chapter 5 and section 73 of chapter 23 of the statutes of 2002, is again amended by adding the following subparagraph after subparagraph *s* of the second paragraph:

"(*t*) the Société de l'assurance automobile du Québec, solely to the extent that the information is required for the administration of the International Registration Plan."

10. The said Act is amended by inserting the following section after section 69.5 :

"**69.5.1.** The Société de l'assurance automobile du Québec may communicate, without the consent of the person concerned, to a jurisdiction having joined the International Registration Plan, to the mandatary or designated agent of such a jurisdiction and to any person responsible for the implementation of the Plan, for the administration of the Plan, information obtained from the Minister under subparagraph *t* of the second paragraph of section 69.1."

11. A regulation made before 1 April 2003 under paragraph 5 of section 620 of the Highway Safety Code is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

12. The provisions of this Act come into force on 18 December 2002, except those of section 2, which come into force on 23 February 2003 and those of section 4, which come into force on the date to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 120
(2002, chapter 49)

An Act to amend the Act respecting transportation services by taxi

Introduced 24 October 2002
Passage in principle 5 November 2002
Passage 13 December 2002
Assented to 17 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill makes various adjustments to the Act respecting transportation services by taxi. More specifically, it confirms that holders of taxi owner's permits carry on an economic activity, authorizes such a holder to provide service to handicapped persons in any area if no permit to which a handicapped accessible taxi is attached has been issued to service the area, harmonizes the provisions concerning background investigations of taxi owners and taxi drivers with current practices, and authorizes a legal person to acquire a taxi owner's permit issued for the first time after 15 November 2000.

The bill also provides for an examination to test the knowledge of taxi drivers and for a new examination in the case of failure. The bill makes certain clarifications and clerical corrections.

Bill 120

AN ACT TO AMEND THE ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting transportation services by taxi (2001, chapter 15) is amended by adding the following section after section 4:

"**4.1.** The holder of a taxi owner's permit is deemed to be carrying on an organized economic activity consisting in providing services of a commercial nature. The taxi owner's permit and the automobile attached to the permit constitute capital appropriated for the operation of an enterprise."

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

"A taxi owner's permit to which a handicapped accessible taxi is attached authorizes the holder to provide transportation services to handicapped persons in any area if no permit to which a handicapped accessible taxi is attached has been issued to serve the area."

3. Section 11 of the said Act is amended by inserting "or be charged with a criminal or indictable offence referred to in those paragraphs" after "18" in the second paragraph.

4. Section 12 of the said Act is amended

(1) by replacing "designated with respect to" in the first paragraph by ", city or town designated for the purposes of";

(2) by replacing "designated with respect to" in the second paragraph by ", city or town designated for the purposes of" and by inserting ", city or town" after "of the supramunicipal authority" in the second paragraph;

(3) by inserting "and the cities or towns" after "supramunicipal authorities" in the fourth paragraph.

5. Section 13 of the said Act is amended by replacing "The body known as the "Bureau du taxi de la Communauté urbaine de Montréal" on 15 November 2000" in the second paragraph by "The Bureau du taxi de la Ville de Montréal".

6. Section 18 of the said Act is amended

(1) by replacing "related to" in the first paragraph by "committed in connection with";

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

"(1) an indictable or criminal offence which is connected with the aptitudes and conduct required for the operation of a taxi transportation enterprise;";

(3) by replacing "The third paragraph does" in the fourth paragraph by "The first and third paragraphs do".

7. Section 19 of the said Act is amended by striking out the second paragraph.

8. Section 25 of the said Act is amended by adding the following sentence at the end of the first paragraph: "The Société and an authority may not issue a taxi driver's permit to a person charged with a criminal or indictable offence referred to in subparagraphs 2 to 4 of the first paragraph of section 26."

9. Section 26 of the said Act is amended

(1) by replacing "related to" in subparagraph 2 of the first paragraph by "committed in connection with";

(2) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) if the person has been convicted, in the last five years, of an indictable or criminal offence which is connected with the aptitudes and conduct required to carry on the occupation of taxi driver;";

(3) by striking out ", except in the case of an offence or act referred to in subparagraph 2 of that paragraph" in the third paragraph.

10. Section 27 of the said Act is amended

(1) by replacing "topographical" in paragraph 1 by "toponymic";

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

"A person who fails an examination on the knowledge required under subparagraph 1 or 2 of the first paragraph is entitled to take a new examination within 30 days of the day on which the results of the examination are communicated to the person. A person who fails the second examination must again attend the training course required to obtain, maintain or renew a taxi driver's permit. Passing the examination will allow the person to obtain any renewal of his or her taxi driver's permit. Every person holding a taxi driver's permit on 30 June 2002 is deemed to have passed such an examination."

11. The said Act is amended by inserting the following after Chapter III:

"CHAPTER III.1

"OBLIGATION OF POLICE FORCES

"**31.1.** Police forces in Québec are required to provide, in the cases and according to the conditions determined by regulation, any information that is needed to ascertain the existence of an impediment under the second paragraph of section 11, the first paragraph and subparagraphs 1 and 2 of the third paragraph of section 18, the first paragraph of section 25 and subparagraphs 2, 3 and 4 of the first paragraph of section 26, including an indictment.

"**31.2.** For the purposes of section 31.1, the investigation must be in regard to any sexual misconduct, failure to provide necessities of life, criminal operation of a motor vehicle, violent behaviour, criminal negligence, fraud, theft, arson and drug or narcotic-related offences."

12. Section 40 of the said Act is amended by inserting "The board of directors of the Association shall adopt the by-law establishing the amount of the first annual contribution and submit the by-law to the vote of all holders of a taxi driver's permit without any other procedure or formality." before "The Commission shall determine" in the third paragraph.

13. Section 82 of the said Act is amended by adding the following paragraph after the second paragraph:

"The Commission may also, when it is informed or becomes aware that the holder of a taxi driver's permit is charged with a criminal or indictable offence referred to in any of subparagraphs 2 to 4 of the first paragraph of section 26, make an inquiry to determine whether the impediment compromises the safety of users and, where appropriate, order the Société or the authority referred to in section 25 to suspend that person's taxi driver's permit until a court has rendered judgment. The Société or authority must suspend the taxi driver's permit of a holder as soon as a notice of suspension is received from the Commission."

14. The said Act is amended by inserting the following section after section 82:

"**82.1.** Where information relating to an indictment is transmitted to the Commission by a police force in accordance with a regulation made under subparagraph 7 of the first paragraph of section 88, the Commission may, in particular, use the information on taking a measure under subparagraph 12 of the first paragraph of section 79."

15. Section 88 of the said Act is amended

(1) by replacing subparagraph 7 of the first paragraph by the following subparagraph:

"(7) determining, for the purposes of this Act, the cases in which and the conditions according to which a certificate containing the information referred to in section 31.1 must be furnished, the form and content of the certificate and the time when it must be furnished, and determining the servicing areas where a person must file such a certificate to obtain or renew a taxi owner's permit or a taxi driver's permit;";

(2) by replacing "topographical" in subparagraph 9 of the first paragraph by "toponymic".

16. Section 89 of the said Act is amended by replacing "under subparagraph 1" in the third paragraph by "under subparagraph 2".

17. Section 142 of the said Act is amended by replacing "21 June 2001" in the first paragraph by "30 June 2002".

18. Section 1, paragraph 1 of section 10, paragraph 2 of section 15 and section 16 have effect from 30 June 2002.

19. This Act comes into force on 17 December 2002.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 123
(2002, chapter 50)

An Act to amend the General and Vocational Colleges Act and the Act respecting the Commission d'évaluation de l'enseignement collégial

Introduced 24 October 2002
Passage in principle 31 October 2002
Passage 13 December 2002
Assented to 17 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill amends the General and Vocational Colleges Act to provide for the establishment of a strategic plan by the governing board of each college. This plan sets out all the objectives and the measures the governing board proposes to implement in the pursuit of the mission of the college, and includes a success plan to improve student success.

The bill also amends the Act respecting the Commission d'évaluation de l'enseignement collégial so as to broaden the mission of the Commission, add a member to it and allow the Minister of Education to ask the Commission to pay special attention to certain aspects of the activities related to the educational mission of one or more educational institutions.

Bill 123

AN ACT TO AMEND THE GENERAL AND VOCATIONAL COLLEGES ACT AND THE ACT RESPECTING THE COMMISSION D'ÉVALUATION DE L'ENSEIGNEMENT COLLÉGIAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The General and Vocational Colleges Act (R.S.Q., chapter C-29) is amended by inserting the following section after section 16:

"**16.1.** The board of each college shall establish a strategic plan covering a period of several years, having regard to the situation prevailing at the college and the directions of the strategic plan established by the Ministère de l'Éducation. The plan shall state the objectives and the measures that are to be implemented to fulfil the mission of the college. The strategic plan shall include a success plan, which is a special plan to improve student success.

The strategic plan shall be reviewed annually and updated if necessary.

The board of each college shall send a copy of its strategic plan and of any updated plan to the Minister and to the Commission d'évaluation de l'enseignement collégial, and shall make the plans public."

2. The said Act is amended by inserting the following section after section 16.1:

"**16.2.** A document explaining the success plan shall be distributed to the students and the staff of the college. The board of the college shall see to it that the wording of the document is clear and accessible."

3. Section 17.0.2 of the said Act is amended by adding the following subparagraph at the end of the second paragraph:

"(*f*) the draft strategic plan of the college as regards matters within the jurisdiction of the council."

4. Section 27.1 of the said Act is amended by adding the following sentence at the end: "The report must set forth the results obtained in relation to the objectives fixed in the strategic plan."

5. Section 46 of the said Act is amended

(1) by inserting "16.1, 16.2," after "Sections" in the first line of the first paragraph;

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

"For the purposes of section 16.1, the strategic plan of a regional college shall include the success plans established by the governing boards of its constituent colleges. The regional college shall consult the constituent colleges concerning its draft strategic plan."

6. Section 51 of the said Act is amended by adding the following paragraph at the end:

"The governing board shall establish the success plan of each constituent college for inclusion in the strategic plan, having regard to the situation prevailing at the college and the directions of the strategic plan established by the Ministère de l'Éducation. For that purpose, the governing board shall review the success plan annually and update it if necessary."

7. Section 2 of the Act respecting the Commission d'évaluation de l'enseignement collégial (R.S.Q., chapter C-32.2) is amended by replacing "three" in the first line by "four".

8. Section 13 of the said Act is amended by adding the following paragraph at the end:

"In addition, for general and vocational colleges and private educational institutions accredited for purposes of subsidies under the Act respecting private education (chapter E-9.1), the Commission shall evaluate the activities related to their educational mission as regards administrative and academic planning and management as well as instruction and support services. Such evaluation includes an evaluation of the strategic plan established pursuant to section 16.1 of the General and Vocational Colleges Act."

9. Section 16 of the said Act is amended by inserting the following paragraph after the first paragraph:

"The Minister may ask the Commission to pay special attention, in carrying out its evaluation, to one or more aspects of the activities related to the educational mission of one or more educational institutions."

10. Section 17 of the said Act is amended by inserting "planning," after "concern the" in the fourth line of the second paragraph and by replacing ", operation and academic management of" in the fourth line of that paragraph by "and operation of the institution and the management of the activities related to the educational mission of".

11. Sections 1 to 6 and 8 to 10 of this Act only apply for the purposes of the school year 2004-2005 and subsequent school years.

12. Not later that 1 July 2004, the board of each college shall establish, in accordance with section 16.1 of the General and Vocational Colleges Act, a strategic plan applicable from the 2004-2005 school year.

13. The provisions of this Act come into force on 17 December 2002, except section 7, which comes into force on the date to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 124
(2002, chapter 63)

An Act to amend the Act respecting the Conseil supérieur de l'éducation and the Education Act

Introduced 24 October 2002
Passage in principle 31 October 2002
Passage 13 December 2002
Assented to 18 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill amends the Education Act to provide that each school and each vocational training centre and adult education centre is required to adopt a success plan that includes the measures to be taken based on stated aims, policies and objectives. The bill establishes the rules under which the plan is to be developed and approved.

The bill contains a mandatory requirement for each school board to establish a strategic plan that states the main challenges it faces, particularly as regards success issues, and that contains strategic directions and objectives, the lines of intervention selected and the results targeted over the period covered by the plan.

The bill defines the informational and reporting obligations of the governing boards of schools and centres as well as those of the school boards, principally in relation to the success plan and the strategic plan.

The bill modifies the rules of quorum at meetings of the governing board of a centre and provides for the possibility of holding videoconference meetings that do not require the physical presence of a majority of the commissioners.

Lastly, the bill amends the Act respecting the Conseil supérieur de l'éducation to enable the Deputy Minister of Education to designate a substitute to sit as an associate member of the Conseil supérieur de l'éducation.

Bill 124

AN ACT TO AMEND THE ACT RESPECTING THE CONSEIL SUPÉRIEUR DE L'ÉDUCATION AND THE EDUCATION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 7 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) is amended by adding the following sentence at the end of the first paragraph: "The Deputy Minister may designate a substitute."

2. Section 36 of the Education Act (R.S.Q., chapter I-13.3) is amended by replacing the third paragraph by the following paragraph:

"A school shall pursue its mission within the framework of an educational project implemented by means of a success plan."

3. The said Act is amended by inserting the following section after section 36:

"**36.1.** The educational project shall be defined, implemented and periodically evaluated with the participation of the students, the parents, the principal, the teachers and other school staff members, representatives of the community and the school board."

4. Section 37 of the said Act is amended

(1) by replacing "the means by which the educational project is to be implemented and evaluated" in the second and third lines of the first paragraph by "objectives for improving student success. It may include actions to promote those aims and objectives and integrate them into the life of the school";

(2) by replacing ", and the means by which it is to be implemented," in the first and second lines of the second paragraph by "objectives" and by striking out "to reflect the needs of the students and the priorities of the school" in the fourth and fifth lines of the second paragraph.

5. The said Act is amended by inserting the following section after section 37:

"**37.1.** The success plan of a school shall comprise

(1) the measures to be taken based on the aims and objectives of the educational project, in particular, those relating to the supervision of students;

(2) methods for evaluating the implementation of the success plan.

The success plan shall be reviewed each year and updated, if necessary."

6. Section 74 of the said Act is amended

(1) by inserting "shall analyze the situation prevailing at the school, principally the needs of the students, the challenges tied to student success and the characteristics and expectations of the community served by the school. Based on the analysis and the strategic plan of the school board, the governing board" after "board" in the first line of the first paragraph;

(2) by adding "periodically" before "evaluate" in the last line of the first paragraph;

(3) by striking out "academic" in the fourth line of the third paragraph.

7. Section 75 of the said Act is amended

(1) by replacing "the student supervision policy proposed" in the first and second lines of the first paragraph by "the school's success plan, and any updated version of the plan, proposed";

(2) by striking out the second paragraph.

8. Section 83 of the said Act is replaced by the following section:

"**83.** Each year, the governing board shall inform the parents and the community served by the school of the services provided by the school and report on the level of quality of such services.

The governing board shall make public the educational project and the success plan of the school.

Each year, the governing board shall report on the evaluation of the implementation of the success plan.

A document explaining the educational project and reporting on the evaluation of the implementation of the success plan shall be distributed to the parents and the school staff. The governing board shall see to it that the wording of the document is clear and accessible."

9. Section 96.2 of the said Act is amended by striking out "academic" in the fourth line.

10. Section 96.6 of the said Act is amended by striking out "academic" in the third line of the first paragraph.

11. Section 96.13 of the said Act is amended

(1) by inserting "the analysis of the situation prevailing at the school and" after "coordinate" in the first line of subparagraph 1 of the first paragraph;

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

"(1.1) coordinate the development, the review and any updating of the school's success plan;";

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

"(2.1) ensure that the governing board is provided all necessary information before approving the proposals made under this chapter;";

(4) by striking out "academic" in the third line of subparagraph 3 of the first paragraph.

12. Section 96.25 of the said Act is amended by inserting "strategic plan," after "defining the" in the first line.

13. Section 97 of the said Act is amended by inserting the following paragraph after the second paragraph:

"Centres shall pursue their mission within the framework of the policies and the objectives determined pursuant to section 109 and implemented by means of a success plan."

14. The said Act is amended by inserting the following section after section 97:

"**97.1.** The success plan of the centre shall comprise

(1) the measures to be taken based on the policies and objectives determined under section 109;

(2) methods for evaluating the implementation of the success plan.

The success plan shall be reviewed each year and updated, if necessary."

15. The said Act is amended by inserting the following section after section 107:

"**107.1.** A majority of the members in office is a quorum of the governing board."

16. Section 108 of the said Act is amended by inserting "60 and 62 to" after "57 to" in the first line.

17. Section 109 of the said Act is amended

(1) by replacing "determine, oversee the implementation of and evaluate periodically the policies and action plan of the centre" in the first and second lines of the first paragraph by "analyze the situation prevailing at the centre, particularly the challenges tied to student success and the characteristics and expectations of the community served by the centre. Based on the analysis and the strategic plan of the school board, the governing board shall determine, oversee the implementation of and periodically evaluate the centre's specific policies and objectives for improving student success";

(2) by adding the following sentence at the end of the first paragraph: "The governing board may also determine actions to promote those policies and integrate them into the life of the centre."

18. The said Act is amended by inserting the following section after section 109:

"**109.1.** The governing board is responsible for approving the centre's success plan, and any updated version of the plan, proposed by the principal.

The proposals shall be developed in collaboration with the staff of the centre.

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal."

19. The said Act is amended by inserting the following section after section 110.3:

"**110.3.1.** Each year, the governing board shall inform the community served by the centre of the services provided by the centre and report on the level of quality of such services.

The governing board shall make public the policies, objectives and success plan of the centre.

Each year, the governing board shall report on the evaluation of the implementation of the success plan.

A document explaining the policies and objectives of the centre and reporting on the evaluation of the implementation of the success plan shall be distributed to the students and the staff. The governing board shall see to it that the wording of the document is clear and accessible."

20. Section 110.4 of the said Act is amended by replacing "83" in the first line by "82".

21. Section 110.10 of the said Act is amended

(1) by inserting "the analysis of the situation prevailing at the centre and" after "coordinate" in the first line of subparagraph 1 of the first paragraph and by replacing "centre's action plan" in the second line of that subparagraph by "objectives of the centre";

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

"(1.1) coordinate the development, the review and any updating of the centre's success plan;";

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

"(2.1) ensure that the governing board is provided all necessary information before approving the proposals made under this chapter."

22. Section 169 of the said Act is amended by inserting the following paragraph after the second paragraph:

"The requirement that commissioners be physically present shall not, however, prevent a meeting from being held if the majority of the commissioners participating in the meeting consent to any commissioner participating and voting by videoconference. A commissioner may only exercise such a right if the director general and the chairman are present at the place where the council meeting is held."

23. Section 193 of the said Act is amended by inserting the following paragraph after paragraph 1:

"(1.1) the school board's strategic plan and any updated version of the strategic plan;".

24. The said Act is amended by inserting the following section after section 209:

"**209.1.** For the exercise of its functions and powers, every school board shall adopt a strategic plan covering a period of several years stating

(1) the context in which it acts, particularly the needs of its schools and centres, and the characteristics and expectations of the community it serves;

(2) the main challenges it faces, including success issues, in line with the national indicators established by the Minister pursuant to section 459.1;

(3) strategic directions and objectives in line with the directions and objectives of the strategic plan established by the Ministère de l'Éducation;

(4) the lines of intervention selected for the achievement of the objectives;

(5) the results targeted over the period covered by the plan; and

(6) methods for assessing the achievement of objectives.

The school board's strategic plan shall be reviewed at intervals determined by the school board and updated, if necessary.

Every school board shall send a copy of its strategic plan and, where applicable, its updated plan to the Minister and shall make them public."

25. Section 218 of the said Act is amended

(1) by replacing "accomplishment" in the first line by "implementation, by means of the success plan,";

(2) by inserting "et des objectifs" after "orientations" in the second line of the French text.

26. Section 220 of the said Act is replaced by the following section:

"**220.** Every school board shall inform the population in its territory of the educational and cultural services provided by the school board and report on the level of quality of such services.

Every school board shall prepare an annual report giving the population in the territory an account of the implementation of its strategic plan.

The report shall also give an account to the Minister of the results obtained with regard to the directions and objectives of the strategic plan established by the Ministère de l'Éducation.

A copy of the report shall be sent to the Minister."

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

"**221.1.** The school board shall ensure, without encroaching upon the functions and powers conferred on schools, that each school has adopted an educational project to be implemented by means of a success plan."

28. The said Act is amended by inserting the following section after section 245:

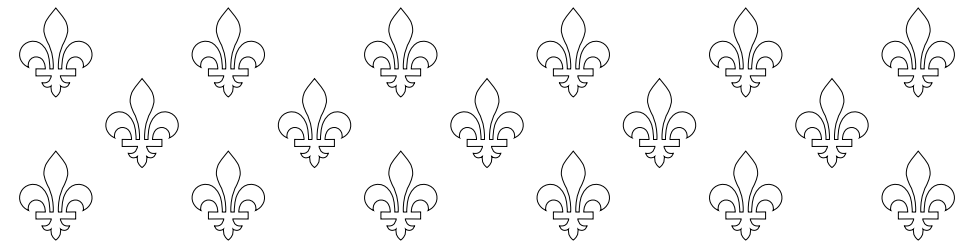
"**245.1.** The school board shall ensure, without encroaching upon the functions and powers conferred on centres, that each centre has adopted policies and objectives to be implemented by means of a success plan."

29. The said Act is amended by inserting the following section after section 459:

"**459.1.** After consultation with the school boards, the Minister shall establish national indicators and make them available to all school boards, particularly so that they may define, in their strategic plans, the main challenges they face."

30. Sections 2 to 14, 17 to 21 and 23 to 29 only apply for the purposes of the school year 2003-2004 and subsequent school years.

31. This Act comes into force on 18 December 2002.



NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 125
(2002, chapter 64)

An Act to amend the National Museums Act

Introduced 6 November 2002
Passage in principle 27 November 2002
Passage 17 December 2002
Assented to 18 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill changes the current designation "Musée du Québec" to that of "Musée national des beaux-arts du Québec". The bill changes the rules governing the appointment of the members of the board of directors of a museum and provides that socio-economic and cultural organizations must be consulted.

The bill reduces governmental control over national museums, particularly by eliminating the provisions requiring that the internal by-laws of a museum be approved by the Government. In addition, a museum will be authorized to lease an immovable for a period of up to two years without having to obtain the authorization of the Government.

The bill also provides that museums will be required to submit a three-year plan of activities to the Minister that must be consistent with the orientations and objectives established by the Minister.

LEGISLATION AMENDED BY THIS BILL :

– Financial Administration Act (R.S.Q., chapter A-6.001) ;

– National Museums Act (R.S.Q., chapter M-44).

Bill 125

AN ACT TO AMEND THE NATIONAL MUSEUMS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the National Museums Act (R.S.Q., chapter M-44) is amended by replacing "du Québec" by "national des beaux-arts du Québec".

2. Section 7 of the said Act is amended

(1) by striking out the third paragraph;

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

"The remaining members are appointed after consultation with socio-economic and cultural organizations, in particular organizations interested in museology."

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

"**10.1.** The members of the board of directors shall designate a vice-chairman from among their number.

If the chairman is absent or unable to act, the vice-chairman shall act as chairman of the board of directors."

4. Section 20 of the said Act is replaced by the following section:

"**20.** A museum may make by-laws to provide for its internal management.

The by-laws may, in particular,

(1) establish internal management standards and surveillance and security measures for the property found in its establishment;

(2) determine conditions for the acquisition, alienation, leasing, lending, donation, exchange, preservation or restoration of objects that are the works of man or the products of nature;

(3) establish classes of non-voting members and determine their duties, powers and obligations;

(4) establish an executive committee composed of not fewer than three members of the board of directors, including the chairman, determine its functions and powers and fix the term of office of its members;

(5) establish committees to advise the museum on the acquisition of property and any other matter within the scope of its functions, determine their functions and powers and fix the term of office of their members.

The members of the committees formed under subparagraph 5 of the second paragraph shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. The members are entitled, however, to the reimbursement of the expenses they incur in the exercise of their functions, on the conditions and to the extent determined by the Government."

5. Section 22 of the said Act is amended by replacing "the secretary" in the second line of the first paragraph by "any person authorized to do so by a museum".

6. Section 23 of the said Act is amended by replacing "du Québec" in the first line by "national des beaux-arts du Québec".

7. Section 25 of the said Act is amended

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

"(1.1) enter into agreements or participate in joint projects with any person or body;

"(1.2) enter into an agreement authorized by law with a government other than the government of Québec, with a department of such a government, with an international organization or with a body or agency of such a government or organization;";

(2) by replacing "and dispose thereof" in the first and second lines of subparagraph 2 of the first paragraph by ", provided that any attached conditions are consistent with the exercise of its functions";

(3) by striking out the second and third paragraphs.

8. Section 26 of the said Act is amended

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

"(1) acquire, alienate or hypothecate an immovable;

"(1.1) lease an immovable for more than two years;";

(2) by striking out paragraph 2.

9. Section 27 of the said Act is repealed.

10. Section 31 of the said Act is replaced by the following section:

"**31.** A museum shall, on the date fixed by the Minister, submit a three-year plan of its activities to the Minister. The plan must be consistent with the orientations and objectives given to the museum by the Minister.

The plan shall be established in the form determined by the Minister and contain the information the Minister requires.

The plan must be submitted to the Minister for approval."

11. Section 32 of the said Act is repealed.

12. Section 38 of the said Act is amended by adding the following sentence at the end: "Any surplus shall be retained by the museum unless the Government decides otherwise."

13. Chapter VII of the said Act, comprising sections 39 and 40, is repealed.

14. Section 41 of the said Act is amended by replacing "du Québec" in the first line by "national des beaux-arts du Québec".

15. Section 44 of the said Act is amended

(1) by replacing "du Québec" in the first line of the first paragraph by "national des beaux-arts du Québec";

(2) by replacing "du Québec" at the end of the second paragraph by "national des beaux-arts du Québec".

16. Section 47 of the said Act is amended by replacing "du Québec" in the seventh line of the first paragraph by "national des beaux-arts du Québec".

17. Section 48 of the said Act is amended by replacing "du Québec" in the first line of the first paragraph by "national des beaux-arts du Québec".

18. Section 49 of the said Act is amended by replacing "du Québec" in the second line by "national des beaux-arts du Québec".

OTHER AMENDMENT

19. Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by replacing "Musée du Québec" by "Musée national des beaux-arts du Québec".

TRANSITIONAL AND FINAL PROVISIONS

20. Unless the context indicates otherwise, in any text or document, a reference to the Musée du Québec is a reference to the Musée national des beaux-arts du Québec.

21. This Act comes into force on 18 December 2002.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 128

(2002, chapter 52)

An Act to amend the Act respecting the Québec Pension Plan and other legislative provisions

Introduced 31 October 2002
Passage in principle 26 November 2002
Passage 12 December 2002
Assented to 17 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill amends the Act respecting the Québec Pension Plan to give same sex spouses entitlement to the surviving spouse's pension in respect of deaths occurring between 4 April 1985 and 16 June 1999, provided that an application therefor is filed with the Régie des rentes du Québec after 1 March 2002, even where a previous application has been rejected on the ground that the spouses were of the same sex.

The bill authorizes the Régie des rentes du Québec to conduct research into any field governed by an Act it administers and to carry out, in fields related to its powers and jurisdiction, such mandates and functions as may be conferred on the Board by the Government or a minister, the costs related thereto being borne by the latter. With the Minister's authorization, the Board will be permitted to alienate its expertise and any products it develops in the exercise of its functions and to derive revenue from the transactions.

The bill removes a provision from the Act respecting the Québec Pension Plan which allows the Board to make a regulation establishing the conditions and circumstances permitting a person to be considered to be disabled within the meaning of that Act. The bill subjects the Board, however, to the requirement of publishing its directives that concern the medical evaluation of disability.

The bill also amends the Supplemental Pension Plans Act to provide that a regulation made by the Government under section 2 of that Act pertaining to a pension plan administered by the Commission de la construction du Québec may have retroactive effect.

Lastly, the bill amends the Act respecting family benefits and the Supplemental Pension Plans Act to strike out provisions that duplicate the new provisions introduced into the Act respecting the Québec Pension Plan that concern the powers and functions of the Board.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting family benefits (R.S.Q., chapter P-19.1) ;

– Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) ;

– Supplemental Pension Plans Act (R.S.Q., chapter R-15.1).

Bill 128

AN ACT TO AMEND THE ACT RESPECTING THE QUÉBEC PENSION PLAN AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE QUÉBEC PENSION PLAN

1. Section 12 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing the third paragraph by the following paragraph:

"In particular, the Board may carry out or cause to be carried out research and studies in any field to which an Act administered by the Board applies, and make recommendations to the Minister responsible for the application of that Act. The Board may also, in any field related to its powers and jurisdiction, carry out any mandate and exercise any function conferred on it by the Government or a minister and the costs of which are borne by the latter."

2. The said Act is amended by inserting the following section after section 12:

"**12.1.** With the authorization of the Minister responsible for the application of this Act, the Board may, by agreement with any government, a department or body of such a government, or with any person, association or partnership, transfer its expertise and the products it develops or causes to be developed in the exercise of its functions. The Board may also, with the same authorization, offer services related to its expertise or these products.

The Board may, within the framework of these agreements, incur expenses. The Board shall include in its revenues any amount collected in the carrying out of these agreements."

3. The said Act is amended by inserting the following section after section 91.1:

"**91.2.** A person may qualify as a surviving spouse if, on or after 2 March 2002, the person makes an application for a surviving spouse's pension following the death of a same-sex contributor that occurred between 4 April 1985 and 16 June 1999 whether or not such an application was made before 2 March 2002 and even where such pension was refused on the sole ground that the person was of the same sex as the contributor.

If the payment is authorized, the pension is payable from the twelfth month preceding the month following the month the application made on or after 2 March 2002 was received."

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

"The Board shall periodically publish its directives on medical disability evaluation."

5. Section 219 of the said Act, amended by section 173 of chapter 6 of the statutes of 2002, is again amended by striking out paragraph *j.*1.

ACT RESPECTING FAMILY BENEFITS

6. Section 30 of the Act respecting family benefits (R.S.Q., chapter P-19.1) is amended by striking out the second paragraph.

SUPPLEMENTAL PENSION PLANS ACT

7. Section 2 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by adding the following paragraph after the second paragraph:

"A regulation made under the second paragraph in relation to a pension plan administered by the Commission de la construction du Québec or a mandatary of the Commission de la construction du Québec may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force."

8. Section 246 of the said Act is amended by striking out paragraphs 1 and 7.

9. Section 3 of this Act has effect from 2 March 2002.

10. This Act comes into force on 17 December 2002.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 130
(2002, chapter 53)

An Act to amend the Environment Quality Act and other legislative provisions

Introduced 6 November 2002
Passage in principle 28 November 2002
Passage 13 December 2002
Assented to 17 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill amends the Environment Quality Act to transfer certain powers to determine fees from the Government to the Minister of the Environment. It provides that any regulation prescribing fees or charges relating to water must also provide that they are to be paid to the Fonds national de l'eau. In addition, the bill authorizes the Government to prescribe the payment to RECYC-QUÉBEC of waste-disposal charges or elimination fees. As well, the bill removes the requirement to hold a permit to bore and drill for groundwater and introduces a requirement to have certain notices entered in a register kept by the Minister for the purpose of making the notices public.

The bill amends the Act respecting the Ministère de l'Environnement, the Cities and Towns Act and the Municipal Code of Québec to specify the conditions under which the State and the municipalities will have access to private lands to assess the location, quantity, quality and vulnerability of the groundwater.

LEGISLATION AMENDED BY THIS BILL:

– Cities and Towns Act (R.S.Q., chapter C-19);

– Municipal Code of Québec (R.S.Q., chapter C-27.1);

– Act respecting the Ministère de l'Environnement (R.S.Q., chapter M-15.2.1);

– Environment Quality Act (R.S.Q., chapter Q-2).

Bill 130

AN ACT TO AMEND THE ENVIRONMENT QUALITY ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 24.4 of the Environment Quality Act (R.S.Q., chapter Q-2), enacted by section 2 of chapter 35 of the statutes of 2002, is repealed.

2. Section 31 of the said Act, amended by section 1 of chapter 59 of the statutes of 2001, is again amended

(1) in paragraph *e*.1, by inserting "fees or charges" after "waste-disposal", by replacing "and" before "advance elimination" by a comma, by inserting "or charges, and fees or charges related to the use, management or purification of water" after "elimination fees" and by adding "pertaining in particular to the determination of the persons or municipalities required to pay such fees or charges, the conditions applicable to their collection and the interest and penalties exigible in case of non-payment" at the end of that paragraph;

(2) by striking out ", and fix the duties and fees exigible for its issue and, in such cases as he shall determine, for its amendment or renewal; these duties and fees may vary depending upon the class, nature, extent or cost of the project in respect of which any such document is requested, amended or renewed" in paragraph *g*;

(3) by adding the following paragraphs:

"A regulation made under subparagraph *e*.1 of the first paragraph prescribing fees or charges related to the use, management or purification of water must provide that those fees or charges are to be paid to the Fonds national de l'eau for the purpose for which that fund is intended.

A regulation made under subparagraph *e*.1 of the first paragraph prescribing waste-disposal or elimination fees or charges may provide that all or part of those fees or charges are to be paid to the Société québécoise de récupération et de recyclage for the purpose of the carrying out of its functions in the field of residual materials recovery and reclamation."

3. The said Act is amended by inserting the following section after section 31:

"**31.0.1.** The Minister may, by order, determine

(1) the fees payable by an applicant for the issue, renewal or modification of an authorization, approval, certificate, permit, depollution attestation or permission under this Act or the regulations. The fees shall be fixed on the basis of the costs incurred to process the application;

(2) the annual fees payable by the holder of an authorization, approval, certificate, permit, depollution attestation or permission and who, each year, is subject to control or monitoring measures, in particular the submitting of information or documents to the Minister. The fees shall be fixed on the basis of the costs incurred by the control or monitoring measures; and

(3) the fees payable by a person who must file with the Minister an attestation of environmental conformity under section 95.1 or a notice in relation to a project exempt from the application of section 22 under a regulatory provision. The fees shall be fixed on the basis of the costs incurred to examine the documents.

The fees may vary according to the nature, scope or cost of the project, the class of source of contamination or the complexity of the technical and environmental aspects of the file.

The Minister may also fix the terms and conditions of payment of the fees.

Every ministerial order made under this section shall be published in the *Gazette officielle du Québec* and come into force in accordance with the provisions of the Regulations Act (chapter R-18.1)."

4. Section 31.41 of the said Act, amended by section 6 of chapter 35 of the statutes of 2002, is again amended

(1) by striking out paragraph 6;

(2) by replacing "fees and annual duties" by "annual fees" in paragraph 6.2.

5. Section 31.69 of the said Act, enacted by section 2 of chapter 11 of the statutes of 2002, is amended by striking out paragraph 4.

6. Section 32.9 of the said Act is amended by adding "and give them effect from the date of the application for approval or any later date the Minister indicates" at the end of the first paragraph.

7. Sections 45.4 and 45.5 of the said Act are repealed.

8. Section 46 of the said Act is amended

(1) by striking out paragraph *q*;

(2) by inserting the following subparagraph after subparagraph 3 of paragraph *s*:

"(3.1) prescribe, where a standard requires the delimitation of the supply area or a protection area of a water collection facility, the requirement for the owner or any other custodian of land that may be subject to the delimitation to allow free access to the land for that purpose at any reasonable time, conditional, however, on prior notification of at least twenty-four hours of the intention to enter upon the land, restoration of the premises to their former state and compensation for any damage suffered by the owner or custodian;".

9. Section 70.11 of the said Act is amended by striking out "and" after "Minister," in the first paragraph and by adding "and who pays the fees prescribed by an order made under section 31.0.1" at the end of that paragraph.

10. Section 70.14 of the said Act is amended by adding "and pays the fees prescribed by an order made under section 31.0.1" at the end.

11. Section 70.15 of the said Act is amended by inserting the following subparagraph after subparagraph 3 of the first paragraph:

"(3.1) fails to pay the fees prescribed by an order made under section 31.0.1; or".

12. Section 70.16 of the said Act is amended by adding "and pays the fees prescribed by an order made under section 31.0.1" at the end of the first sentence of the first paragraph.

13. Section 70.19 of the said Act is amended by striking out subparagraph 11 of the first paragraph.

14. Section 109 of the said Act, amended by section 7 of chapter 11 of the statutes of 2002, is again amended by adding the following paragraph:

"Whoever, in contravention of the provisions of an order made under subparagraph 2 or 3 of the first paragraph of section 31.0.1, fails to pay the fees prescribed is also guilty of an offence and is liable to the penalties provided for in the first paragraph."

15. Section 118.5 of the said Act, amended by section 11 of chapter 11 of the statutes of 2002, is again amended by inserting the following subparagraph after subparagraph *b* of the first paragraph:

"(*b*.1) all notices that, under a regulation, must be given to the Minister in relation to projects exempt from the application of section 22;".

16. Section 119 of the said Act is amended by adding the following paragraph:

"Every functionary or employee of a municipality designated by the Minister to perform the duties of inspector for the purposes of enforcing the regulatory

provisions made under this Act and specified in the instrument of designation may also exercise the powers conferred by the first paragraph."

17. Section 121 of the said Act is amended

(1) in the first paragraph by striking out "an inspector appointed pursuant to section 69.3 or" and replacing "contemplated in" by "or employee referred to in";

(2) in the second paragraph by striking out "inspector or" and inserting "or employee" after "functionary".

18. Section 122.1 of the said Act is amended

(1) by striking out "or" at the end of subparagraph *c* of the first paragraph;

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

"(*c*.1) the holder of the certificate fails to pay the fees prescribed by an order made under section 31.0.1; or".

19. Section 14 of the Act respecting the Ministère de l'Environnement (R.S.Q., chapter M-15.2.1) is amended by adding the following paragraphs:

"The person who, as owner or lessee or in any other capacity has the custody of the land shall give free access to the land at any reasonable time to the person referred to in the first paragraph, in particular for the purpose of carrying out the research, inventories, studies or analyses required to assess the location, quantity, quality or vulnerability of groundwater present in the land, subject, however, to that person restoring the premises to their former state and compensating the owner or custodian of the land, as the case may be, for any damage. In addition, access to the land is subject to the requirement that the owner or custodian be given prior notice of at least 48 hours of the person's intention to enter upon the land for the above-mentioned purposes.

Whoever contravenes the provisions of the second paragraph or hinders an authorized person in the exercise of the person's duties, is liable to a fine of not less than $500 and not more than $5,000. The fine is doubled in the case of a second or subsequent offence."

20. Section 427 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by adding the following paragraphs:

"In addition to the officers and employees, any person authorized by the municipality may also enter upon any land, including land within a 48 km radius outside the territory of the municipality, for the purpose of

(1) searching for a new source of water supply intended to supply a waterworks or public well and carrying out the inventories, studies and analyses required to assess the location, quantity, quality and vulnerability of the groundwater;

(2) delimiting the supply area and protection areas of any existing or planned source of water supply intended to supply a waterworks or public well and assessing the vulnerability of the groundwater present in those areas.

The exercise of the powers under this section is subject, however, to restoring the premises to their former state and compensating the owner or person in charge of the land, as the case may be, for any damage. In addition, in the cases described in the second paragraph, the municipality is bound, except in the case of emergency, to give the owner or any other person in charge of the land prior notice of at least 48 hours of the person's intention to enter upon the land for the purposes mentioned in that paragraph."

21. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 563.3:

"**563.4.** The owners or occupants of lands situated in the territory of a municipality or in neighbouring local municipal territories not more than 48 km distant, must give free access to their lands at any reasonable time to persons authorized by the municipality for the purpose of

(1) searching for a new source of water supply intended to supply water to the inhabitants of the municipality or supply a waterworks or public well referred to in article 557 and carrying out the inventories, studies and analyses required to assess the location, quantity, quality and vulnerability of the groundwater;

(2) delimiting the supply area and protection areas of any existing or planned source of water supply intended to supply water to the inhabitants of the municipality or supply a waterworks or public well referred to in article 557 and assessing the vulnerability of the groundwater present in those areas.

Access to the lands is subject, however, to restoring the premises to their former state and compensating the owners or occupants, as the case may be, for any damage; the municipality is also bound, except in the case of emergency, to give the owners or occupants prior notice of at least 48 hours of the person's intention to enter upon their lands for the above-mentioned purposes."

22. This Act comes into force on 17 December 2002, except section 1, paragraph 2 of section 2, sections 3 to 5, 9 to 14 and 18, which come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 132
(2002, chapter 54)

An Act to amend certain provisions of the Code of Civil Procedure

Introduced 7 November 2002
Passage in principle 26 November 2002
Passage 13 December 2002
Assented to 17 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTE

This bill makes corrections and consequential adjustments relative to certain amendments to the Code of Civil Procedure made by chapter 7 of the statutes of 2002.

LEGISLATION AMENDED BY THIS BILL :

– Code of Civil Procedure (R.S.Q., chapter C-25) ;

– Act to reform the Code of Civil Procedure (2002, chapter 7).

Bill 132

AN ACT TO AMEND CERTAIN PROVISIONS OF THE CODE OF CIVIL PROCEDURE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Article 39 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by striking out "211,".

2. Article 200 of the said Code, replaced by section 33 of chapter 7 of the statutes of 2002, is amended by replacing "service" in the third paragraph by "notification".

3. Article 501 of the said Code, amended by section 94 of chapter 7 of the statutes of 2002, is again amended by replacing "based on subparagraph 5" in the third paragraph by "for a reason set out in subparagraph 4.1 or 5".

4. Article 835 of the said Code, amended by section 137 of chapter 7 of the statutes of 2002, is again amended by replacing "10" by "15".

5. Article 953 of the said Code, replaced by section 148 of chapter 7 of the statutes of 2002, is amended by adding "to a tutor, a curator or a mandatary in the execution of a mandate given in anticipation of the mandator's incapacity or to any other administrator of the property of another," at the end of subparagraph *b* of the first paragraph.

6. Article 965 of the said Code, replaced by section 148 of chapter 7 of the statutes of 2002, is amended

(1) by striking out "de" in the French text of subparagraph 1 of the second paragraph;

(2) by inserting "or to another court" after "judicial district" in subparagraph 2 of the second paragraph.

7. Article 967 of the said Code, replaced by section 148 of chapter 7 of the statutes of 2002, is amended by inserting "or to another court" after "judicial district" in the second paragraph.

8. Article 971 of the said Code, replaced by section 148 of chapter 7 of the statutes of 2002, is amended by replacing "and transfers the case so that it may be continued pursuant to this Book" in the second paragraph by "; the decision of the clerk may be reviewed by a judge, following a request in

writing filed within 15 days of the notification. On the expiry of that time limit, the clerk transfers the case so that it may be continued pursuant to this Book".

9. Article 980 of the said Code, replaced by section 148 of chapter 7 of the statutes of 2002, is amended by replacing "ten" in the second line by "15".

10. Article 1048 of the said Code, amended by section 156 of chapter 7 of the statutes of 2002, is again amended by striking out the second paragraph.

11. Section 94 of the Act to reform the Code of Civil Procedure (2002, chapter 7) is amended by replacing "fourth" in paragraph 5 by "third".

12. This Act comes into force on 1 January 2003.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 133
(2002, chapter 76)

An Act to amend the Act respecting occupational health and safety and other legislative provisions

Introduced 7 November 2002
Passage in principle 13 December 2002
Passage 18 December 2002
Assented to 19 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill amends the Act respecting occupational health and safety to provide for the establishment of a social trust patrimony within the meaning of the Civil Code of Québec, to be known as the Fonds de la santé et de la sécurité du travail. The fund will be made up, for the greater part, of the assets of the Commission de la santé et de la sécurité du travail, which is to be the trustee of the fund. The patrimony of the fund will be dedicated to the payment of the sums or benefits to which any person may be entitled under the Acts administered by the Commission and to the achievement of any purpose provided for in those Acts.

The bill also exempts the Commission from the application of the Financial Administration Act, the Act respecting the Service des achats du gouvernement, the Act respecting government services to departments and public bodies, the Act respecting the Société immobilière du Québec and, in part, from the application of the Public Administration Act. The bill, however, imposes on the Commission the obligation to prepare and publish a service statement setting out its objectives as regards the level and quality of the services provided, to prepare a strategic plan that must be transmitted to the Minister of Labour and tabled in the National Assembly and to adopt policies concerning the terms of its contracts and the security and management of its information resources. The Commission is also made subject to reporting obligations.

The bill eliminates the office of chairman and chief of operations of the Commission. Lastly, the bill provides that certain draft regulations of the Commission do not require government approval.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) ;

– Financial Administration Act (R.S.Q., chapter A-6.001) ;

– Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) ;

– Act respecting occupational health and safety (R.S.Q., chapter S-2.1).

Bill 133

AN ACT TO AMEND THE ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

1. Section 1 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), amended by section 168 of chapter 26 of the statutes of 2001 and section 10 of chapter 38 of the statutes of 2002, is again amended by inserting the following definition after the definition of "establishment":

""**fund**" means the Fonds de la santé et de la sécurité du travail established under section 136.1;".

2. The said Act is amended by inserting the following chapter after section 136:

"CHAPTER VIII.1

"THE FONDS DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

"**136.1.** The Commission shall transfer to a fund known as the Fonds de la santé et de la sécurité du travail the sums in its possession on 31 December 2002, including the securities deposited with the Caisse de dépôt et placement du Québec, except the sums kept on deposit in accordance with the Acts administered by the Commission.

"**136.2.** The fund, established as a social trust patrimony, shall be dedicated to

(1) the payment of the sums or benefits to which any person may be entitled under the Acts administered by the Commission;

(2) the achievement of any purpose provided for in those Acts.

"**136.3.** The Commission is the trustee of the fund.

The Commission is deemed to have accepted the trusteeship and the obligations arising therefrom as of 1 January 2003.

The Commission shall act in the best interest of the purpose pursued by the fund.

"**136.4.** Articles 1260 to 1262, 1264 to 1266, 1270, 1274, 1278, 1280, 1293, 1299, 1306 to 1308, 1313 and 1316 are the only provisions of Title VI and Title VII of Book IV of the Civil Code of Québec that apply to the fund and the Commission in its capacity of trustee, with the necessary modifications.

"**136.5.** The Commission shall transfer to the fund all the sums it collects, as and when collected, except the sums kept on deposit in accordance with the Acts administered by the Commission.

"**136.6.** The sums transferred to the fund by the Commission shall be deposited with a bank governed by the Bank Act (Statutes of Canada, 1991, chapter 46) or a financial services cooperative governed by the Act respecting financial services cooperatives (chapter C-67.3).

"**136.7.** Any of the sums making up the fund that are not required immediately shall be deposited with the Caisse de dépôt et placement du Québec.

"**136.8.** The expenses related to the administration of the fund are payable by the fund.

The expenses of the Commission related to the application of the Acts administered by the Commission are also payable by the fund, except those that are paid out of the sums it keeps on deposit.

"**136.9.** Where the Commission takes a sum of money out of the fund, the Commission is acting in its capacity of trustee.

"**136.10.** The Commission must, not less than three months before 31 December each year, transmit to the fund its budget estimates for the following fiscal year.

"**136.11.** The fiscal year of the fund ends on 31 December each year.

"**136.12.** Before 30 June each year, the Commission shall submit to the Minister a report on the activities of the fund for the previous fiscal year. The report must contain all the information prescribed by the Minister.

The Minister must table the report before the National Assembly within 15 days of receiving it if the National Assembly is sitting or, if it is not sitting, within 15 days of resumption.

"**136.13.** The books and accounts of the fund shall be examined by the Auditor General every year and whenever ordered by the Government.

The certificate of the Auditor General must accompany the report referred to in section 136.12."

3. Section 141.1 of the said Act is repealed.

4. Section 143 of the said Act is amended by striking out ", the chairman and chief of operations" in the first and second lines.

5. Section 145 of the said Act is amended

(1) by replacing ", the chairman of the Conseil du trésor and the Minister of Health and Social Services shall each" in the first paragraph by "shall";

(2) by replacing "The observers" in the second paragraph by "The observer".

6. Section 146 of the said Act is amended by striking out ", the chairman and chief of operations" in the first and second lines.

7. Section 147 of the said Act is amended by striking out ", the chairman and chief of operations" in the first and second lines.

8. Section 148 of the said Act is amended by striking out ", of the chairman and chief of operations" in the second line.

9. Section 149 of the said Act is amended by striking out ", of the chairman and chief of operations" in the third line of the first paragraph.

10. Section 152 of the said Act is amended

(1) by striking out ", the chairman and chief of operations" in the second line of the first paragraph;

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

"The members of the board of directors are not in conflict of interest for the sole reason that they are required to perform the duties imposed on the Commission under section 136.3."

11. Sections 154.1 and 154.2 of the said Act are repealed.

12. Section 155 of the said Act is amended by striking out ", the chairman and chief of operations" in the first and second lines.

13. Section 161 of the said Act is amended by striking out "its chairman and chief of operations," in the first and second lines.

14. The said Act is amended by inserting the following after section 161:

"DIVISION I.1

"SERVICE STATEMENT AND STRATEGIC PLAN

"**161.1.** The Commission shall publish a service statement setting out its objectives with regard to the level and quality of the services provided.

The statement shall specify the time frame within which services are to be provided and give clear information on their nature and accessibility.

"**161.2.** The Commission must

(1) remain receptive to the expectations of its clients;

(2) simplify service delivery rules and procedures to the greatest extent possible;

(3) encourage the members of its personnel to provide quality services and to collaborate in achieving the results targeted by the Commission.

"**161.3.** The Commission must adopt a strategic plan covering a period of more than one year.

"**161.4.** The strategic plan must state

(1) the mission of the Commission;

(2) the context in which the Commission acts and the main challenges it faces;

(3) the strategic directions, objectives and lines of intervention selected;

(4) the results targeted over the period covered by the plan;

(5) the performance indicators to be used in measuring results.

"**161.5.** The Commission shall transmit the strategic plan to the Minister, who shall table it in the National Assembly.

"DIVISION I.2

"REPORTING".

15. Section 163 of the said Act is amended by replacing the first paragraph by the following paragraphs:

"**163.** Before 30 June each year, the Commission shall submit to the Minister a report stating the results achieved measured against the objectives fixed in the strategic plan referred to in section 161.4.

In addition, the report must state

(1) the mandates conferred on the Commission;

(2) the service statement referred to in section 161.1;

(3) the programs placed under the administration of the Commission;

(4) the personnel turnover;

(5) a statement by the chairman of the board of directors and chief executive officer concerning the reliability of the information and of the monitoring mechanisms."

16. The said Act is amended by inserting the following section after section 163:

"**163.1.** The chairman of the board of directors and chief executive officer is, as provided by law, in particular as concerns the exercise of the authority and powers of the minister under whose authority he falls, accountable to the National Assembly for his administrative management.

The competent parliamentary committee of the National Assembly shall hear the minister at least once each year, if the minister considers it appropriate and, where applicable, shall also hear the chairman of the board of directors and chief executive officer to examine their administrative management.

The parliamentary committee may examine

(1) the service statement and the results achieved in relation to the administrative aspects of the strategic plan;

(2) the results achieved in relation to the objectives of an affirmative action program or hiring plan for handicapped persons that is applicable to the Commission;

(3) any other matter of an administrative nature under the authority of the Commission that is noted in a report of the Auditor General or the Public Protector."

17. The said Act is amended by inserting the following sections after section 167:

"**167.1.** The Commission must adopt policies concerning the terms of its contracts and the security and management of its information resources.

"**167.2.** The policy concerning the terms of the contracts of the Commission must be made public not later than 30 days after its adoption.

Such policy must be consistent with the agreements on the liberalization of public procurement applicable to the Commission and reflect general government policy on public procurement."

18. The said Act is amended by inserting the following section after section 170:

"**170.1.** Notwithstanding sections 176.0.1 and 176.0.2, the Commission may enter with the Government or with any of its departments or bodies into an agreement enabling the Commission to obtain resources or services placed at the disposal of the Government or that government department or body under the Acts referred to in those sections."

19. Section 172 of the said Act is amended by striking out "the chairman and chief of operations," in the second and third lines of the first paragraph.

20. The said Act is amended by inserting the following division after section 176:

"DIVISION III

"PROVISIONS NOT APPLICABLE

"**176.0.1.** The Financial Administration Act (chapter A-6.001), the Act respecting the Service des achats du gouvernement (chapter S-4), the Act respecting government services to departments and public bodies (chapter S-6.1) and the Act respecting the Société immobilière du Québec (chapter S-17.1) do not apply to the Commission.

"**176.0.2.** The Public Administration Act (chapter A-6.01) does not apply to the Commission, except sections 30 and 31, the first paragraph of section 32, sections 33 to 40 and, as concerns human resources management, section 78."

21. Section 224 of the said Act is replaced by the following section:

"**224.** Every draft regulation made by the Commission under section 223 shall be submitted to the Government for approval."

22. Section 226 of the said Act is repealed.

23. Section 246 of the said Act is amended by replacing "to the Commission" in the first paragraph by "to the fund".

24. Section 247 of the said Act is amended

(1) by striking out ", subject to section 250" at the end of the first paragraph;

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

"The Commission shall exercise for that purpose all the powers and duties vested in it by the Act respecting industrial accidents and occupational diseases (chapter A-3.001)."

25. Section 248 of the said Act is replaced by the following section:

"**248.** The Commission shall reimburse to the Régie de l'assurance maladie du Québec the sums disbursed for the purposes of Chapter VIII."

26. Section 250 of the said Act is repealed.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

27. Section 2 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), amended by section 76 of chapter 6 of the statutes of 2002, is again amended by inserting the following definition after the definition of "establishment":

""**fund**" means the Fonds de la santé et de la sécurité du travail established under section 136.1 of the Act respecting occupational health and safety;".

28. Section 205 of the said Act is amended by replacing "and chief of operations" in the first line of the third paragraph by "of the board of directors and chief executive officer".

29. Section 282 of the said Act is amended by replacing "of the Commission" in the second line by "of the fund".

30. Section 283 of the said Act is amended by replacing "of the Commission" in the second line by "of the fund".

31. Sections 287 and 288 of the said Act are repealed.

32. Section 348 of the said Act is amended by replacing "its assets" in the third line of the second paragraph by "the fund".

33. Section 455 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**455.** Every draft regulation made by the Commission under subparagraphs 1, 2, 3 to 4.1 and 14 of the first paragraph of section 454 shall be submitted to the Government for approval."

34. Section 474 of the said Act is amended by replacing "to the Commission" in the first paragraph by "to the fund".

FINANCIAL ADMINISTRATION ACT

35. The Financial Administration Act (R.S.Q., chapter A-6.001) is amended by striking out "Commission de la santé et de la sécurité du travail" in Schedule 3.

ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT DU QUÉBEC

36. Section 19 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) is amended by replacing "of which the latter is owner" by "of the Fonds de la santé et de la sécurité du travail established under section 136.1 of the Act respecting occupational health and safety (chapter S-2.1)".

TRANSITIONAL AND FINAL PROVISIONS

37. From 1 January 2003, the fund shall assume all the obligations of a financial nature contracted by the Commission before that date and any document evidencing such an obligation is deemed to evidence an obligation of the fund.

38. Any reference to the chairman and chief of operations of the Commission de la santé et de la sécurité du travail in an Act, a regulation, an order, a contract, an agreement or any other document is a reference to the chairman of the board of directors and chief executive officer of the Commission.

39. The first strategic plan of the Commission de la santé et de la sécurité du travail described in Division I.1 of Chapter IX of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) may include a period prior to 1 January 2003.

40. Subject to the second and third paragraphs of this section, the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies enacted by Order in Council 961-2000 (2000, G.O. 2, 4377) constitutes the policy of the Commission as regards the terms of its contracts until the Commission adopts another policy.

Any power of authorization granted by the regulation to a person or body outside the Commission is deemed to be a power of authorization granted to the chairman of the board of directors and chief executive officer of the Commission or a person he designates.

Any obligation to submit a report or a document towards a person or body outside the Commission under that regulation is deemed to be an obligation towards the chairman of the board of directors and chief executive officer of the Commission or a person he designates.

Such policy is deemed to have been made public within the meaning of section 167.2 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), enacted by section 17 of this Act.

41. This Act comes into force on 1 January 2003.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 134
(2002, chapter 65)

An Act to establish the Fonds national de l'eau

Introduced 6 November 2002
Passage in principle 28 November 2002
Passage 13 December 2002
Assented to 18 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTE

This bill provides for the creation of the Fonds national de l'eau. The measures proposed provide a framework for the establishment and management of the fund, which is intended principally to support the measures taken by the Minister of the Environment to ensure water governance.

Bill 134

AN ACT TO ESTABLISH THE FONDS NATIONAL DE L'EAU

WHEREAS water resources are essential to the environmental, economic and social well-being of Québec;

WHEREAS water resources, both surface water and groundwater, constitute a common heritage which is important to conserve to meet the needs of present and future generations;

WHEREAS it is necessary to develop better tools of water governance that enable the State, the custodian of the collective interests of citizens in the water resources, to meet the modern-day challenges of water resource management;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. A fund to be known as the "Fonds national de l'eau" is hereby established at the Ministère de l'Environnement.

The fund shall be dedicated to the financing of measures taken by the Minister of the Environment to ensure water governance and in particular, to the financing of measures conducive to the protection and development of water resources and to ensuring a sufficient quality and quantity of water in a perspective of sustainable development.

2. The Government shall fix the date on which the fund begins to operate and determine its assets and liabilities and the nature of the costs that may be charged to the fund.

3. The fund shall be made up of the following sums:

(1) the sums paid into the fund by the Minister of Finance pursuant to sections 5, 6 and 11;

(2) the gifts, legacies and other contributions paid into the fund to further the attainment of the objects of the fund;

(3) the sums paid into the fund by a department out of the appropriations granted for that purpose by Parliament;

(4) the revenues, in the proportion determined by the Government, from the collection of duties, royalties, fees or other types of charges connected with water use or water resource management; and

(5) the revenues from investment of the sums making up the fund.

4. The management of the sums making up the fund shall be entrusted to the Minister of Finance. The sums shall be paid to the order of the Minister of Finance and deposited with the financial institutions the Minister designates.

The Minister of the Environment shall keep the books of account of the fund and record the financial commitments chargeable to it. The Minister of the Environment shall also ensure that such commitments and the payments arising therefrom do not exceed and are consistent with the available balances.

5. The Minister of Finance may, with the authorization of the Government and on the conditions it determines, advance to the fund sums taken out of the consolidated revenue fund.

The Minister may, conversely, advance to the consolidated revenue fund, on a short-term basis and subject to the conditions the Minister determines, any part of the sums making up the fund that is not required for its operation.

Any advance paid to a fund shall be repayable out of that fund.

6. The Minister of the Environment may, as the administrator of the fund, borrow from the Minister of Finance sums taken out of the financing fund of the Ministère des Finances.

7. Sections 20, 21, 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (R.S.Q., chapter A-6.001) apply to the fund, with the necessary modifications.

8. The fiscal year of the fund ends on 31 March.

9. The surpluses accumulated by the fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

10. Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, pay out of the Fonds national de l'eau the sums required for the execution of a judgment against the State that has become *res judicata*.

11. The Minister of Finance shall pay into the fund, as an advance, the sums required for the fund to begin operations. The Government shall determine the amount of and the date on which the sums must be paid into the fund. The sums shall be taken out of the consolidated revenue fund.

12. The Minister of the Environment is responsible for the application of this Act.

13. This Act comes into force on 18 December 2002.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 135
(2002, chapter 55)

An Act to amend the Travel Agents Act and the Consumer Protection Act

Introduced 6 November 2002
Passage in principle 19 November 2002
Passage 13 December 2002
Assented to 17 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill amends the Travel Agents Act to modernize the provisions applicable to that sector of activity.

The bill redefines the scope of the Act, updates the list of exceptions and provides a new regulatory power. The bill introduces a civil remedy that may be pursued against persons who act as travel agents without a licence. The bill provides that a person may hold a licence for another natural person, specifies the case where a person may hold more than one licence and establishes the rules relating to the transfer of a licence. The bill imposes solidary liability on the officers of a travel agency with regard to the amounts received from clients that must be deposited in a trust account.

With respect to the supervision of the travel agent operations, the president of the Office de la protection du consommateur is conferred additional powers as regards the issue, renewal, suspension or cancellation of a licence. In addition, the bill broadens the power of the president to appoint a provisional administrator whenever necessary to protect the clients of a travel agent or of a person acting as a travel agent without a licence.

The regulatory power of the Government is modified to allow for the adoption of new rules relating to the establishment of a fund to indemnify the clients of travel agents and provide for the establishment of an advisory committee. Lastly, the penal provisions are amended as regards involvement in the commission of an offence and the fines are increased.

The bill also amends the Consumer Protection Act to provide for the function of vice-president within the Office de la protection du consommateur.

Bill 135

AN ACT TO AMEND THE TRAVEL AGENTS ACT AND THE CONSUMER PROTECTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TRAVEL AGENTS ACT

1. Section 1 of the Travel Agents Act (R.S.Q., chapter A-10) is amended

(1) by replacing paragraph *e* by the following paragraph:

"(*e*) "officer": a director, a partner, a person exercising duties of management and any person who actually exercises one of those functions on account of an association, a partnership or a person;";

(2) by replacing "functions of the licensee are principally exercised" at the end of paragraph *g* by "operations of the licensee are principally performed".

2. Sections 2 and 3 of the said Act are replaced by the following sections:

"**2.** For the purposes of this Act, a travel agent is a person, a partnership or an association that, on account of a third party or on account of its members, engages in or offers to engage in or issues vouchers for or offers to issue vouchers for any of the following operations:

(*a*) the booking or reservation of lodging accommodation;

(*b*) the booking or reservation of transportation services;

(*c*) the arranging of travel services.

"**3.** This Act does not apply to

(*a*) persons or bodies that operate a tourist accommodation establishment governed by the Act respecting tourist accommodation establishments (chapter E-15.1) and that offer tourist services in Québec accessory to the operation of the establishment in accordance with any requirements that may be prescribed by regulation;

(*b*) persons or bodies organizing adventure travel in Québec and offering other tourist services in Québec that are accessory to the operation of the enterprise in accordance with any requirements that may be prescribed by regulation;

(*c*) carriers as regards the renting or reservation of their transportation services;

(*d*) outfitters as regards the outfitters' activities governed by the Act respecting the conservation and development of wildlife (chapter C-61.1);

(*e*) real estate brokers or their agents as regards the brokerage activities governed by the Real Estate Brokerage Act (chapter C-73.1).

Nor does this Act apply

(*a*) where the operations of a travel agent are performed occasionally and exclusively in Québec by an association, a partnership or a legal person on account of its members for trips lasting no longer than 72 hours or, in other cases, for trips lasting no longer than 48 hours;

(*b*) where the person or body that performs the operations proper to a travel agent receives no form of remuneration and there is no expenditure, participation or contribution on the part of the beneficiary in relation to such operations;

(*c*) in the other cases or on the other conditions determined by regulation."

3. Section 4 of the said Act is amended

(1) by replacing "exercise the functions" in the first line by "perform the operations";

(2) by replacing "or, in the case of an association, partnership or legal person," in the third and fourth lines by "or".

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

"**4.1.** A person may apply for the annulment of a contract entered into with any person or body acting as a travel agent without a licence."

5. Section 5 of the said Act is amended by replacing "a licensed employer" in the first line of the first paragraph by "an employer on whose account or on whose behalf a licence is held".

6. Section 6 of the said Act is amended

(1) by inserting ", on behalf of another natural person" after "on his account" in the first paragraph;

(2) by striking out "legal" in the third line of the second paragraph.

7. Section 7 of the said Act is amended

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

"The same person may hold a licence in more than one class if the licences are held on the person's account or on behalf of the same association, partnership or person.";

(2) by replacing "or on behalf of that agent" in the second line of the last paragraph by "of that agent or on behalf of an association, partnership or person".

8. Section 8 of the said Act is amended

(1) by replacing "account" in the first line of the first paragraph by "behalf";

(2) by striking out "legal" in the second and fourth lines of the first paragraph;

(3) by replacing "exercise, as his principal activity, the functions" in the second line of the second paragraph by "perform, as his principal activity, the operations";

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

"Every person applying for a licence in more than one class must perform management duties or operations of a travel agent at the principal establishment corresponding to each class of licence."

9. Section 10 of the said Act is amended

(1) by replacing "granted" in the first line by "issued";

(2) by replacing the words "legal person" wherever they appear by the word "person";

(3) by replacing "carried on" in the second line of paragraph *b* by "performed";

(4) by striking out the words ", director or partner" wherever they appear;

(5) by replacing the words "carried on one of the activities" wherever they appear by the words "performed one of the operations";

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

"However, the president may issue a licence notwithstanding a bankruptcy within the meaning of the first paragraph if the president considers that the bankruptcy is not related to operations proper to a travel agent."

10. Section 11 of the said Act is amended by striking out "legal" in the second line of the first paragraph.

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

"**11.1.** The president may authorize the transfer of a licence to another person in the case of the death, resignation or dismissal of the licensee or if the licensee no longer satisfies the requirements necessary to hold the licence.

An application for the transfer of a licence must be transmitted to the president within ten days of the event giving rise thereto or, where applicable, within three months of the date of acceptance of an application for a temporary transfer.

A licence may be transferred temporarily upon an application transmitted to the president within ten days of the event giving rise thereto in accordance with the requirements prescribed by regulation."

12. Section 12 of the said Act is amended

(1) by replacing "the licence of any licensee who" in the first and second lines by "a licence where the applicant or the licensee, or where the association, partnership or person on whose account or on whose behalf the licence is applied for or is held" ;

(2) by replacing ", or" at the end of paragraph *a* by a semi-colon ;

(3) by adding the following paragraph after paragraph *b* :

"(*c*) made a false declaration or untrue statement of a material fact to obtain a licence."

13. The said Act is amended by inserting the following section after section 12 :

"**12.1.** The president may also suspend, cancel or refuse to issue or to renew a licence

(*a*) if the association, partnership or person on whose account or on whose behalf the licence is applied for or is held do not prove that their financial position enables them to meet the obligations arising from the operations proper to a travel agent ;

(*b*) if the president has reasonable grounds to believe that the association, partnership or person on whose account or on whose behalf the licence is applied for or is held is unable to ensure, in the public interest, that the operations proper to a travel agent will be performed with honesty and competence ;

(*c*) if the association, partnership or person on whose account or on whose behalf the licence is held has failed to comply with an obligation imposed by this Act or the regulations."

14. Section 13 of the said Act is replaced by the following section:

"**13.** The president shall, before cancelling, suspending or refusing to issue or renew a licence, notify in writing the applicant or the licensee, and the association, partnership or person on whose behalf the licence is applied for or is held, as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow them at least 10 days to present observations. The president shall also notify his decision in writing and give reasons."

15. Section 13.1 of the said Act is amended

(1) by replacing "The licence of a travel agent ceases to have effect from such time as the agent" in the first line by "A licence shall cease to have effect from such time as the travel agent";

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

"The licence of a licensee who is deceased, has resigned or has been dismissed or who no longer satisfies the requirements necessary to be the holder of the licence ceases to have effect if no application for the transfer of the licence has been transmitted to the president before either of the following dates:

(*a*) the eleventh day following the date of the event giving rise to the transfer application;

(*b*) the day occurring three months after the date of acceptance of an application for a temporary transfer, where applicable."

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

"DIVISION III.1

"PROVISIONAL ADMINISTRATION

"**14.** The president may appoint a provisional administrator to temporarily manage or terminate the current business

(*a*) of a travel agent in whose respect the licence is cancelled, suspended or not renewed;

(*b*) of a travel agent that no longer meets the requirements prescribed by this Act or by regulation for obtaining a licence;

(*c*) of a travel agent that does not respect the obligations prescribed by this Act or by regulation;

(*d*) of a travel agent where the president considers that the situation requires it so as not to jeopardize the rights of the travel agent's clients;

(*e*) of a person acting as a travel agent without a licence.

"**14.1.** Before appointing a provisional administrator, the president must give the person concerned an opportunity to present observations.

However, in an urgent situation, the president may first appoint the provisional administrator, provided that the person concerned is allowed at least 10 days to present observations.

"**14.2.** The decision to appoint a provisional administrator must state the reasons therefor and the president shall notify the person concerned of the decision in writing.

"**14.3.** The provisional administrator shall have the necessary powers to exercise his mandate.

Subject to the restrictions included in his mandate, he may, of his own initiative, in particular,

(*a*) take possession of the funds held in trust or otherwise by the travel agent, the person who acted as a travel agent without a licence or for either of them;

(*b*) commit the said funds to carry out the mandate entrusted to him by the president and enter into such contracts as are necessary for that purpose;

(*c*) assign, transfer or otherwise dispose of travel contracts;

(*d*) transact upon any claim by a client for the performance of a travel contract against a travel agent or the person who acted as a travel agent without a licence;

(*e*) sue for the purposes of the carrying out of his mandate.

"**14.4.** In no case may the provisional administrator be sued by reason of acts performed in good faith in the exercise of his functions.

"**14.5.** A holder of a travel agent's licence, an officer of the association, partnership or person on whose account or on whose behalf a travel agent's licence is issued, or a person acting as a travel agent without a licence must, on request, hand over to the provisional administrator any current document, book, register or account relating to the operations proper to a travel agent and give him access to any premises or equipment."

17. Section 15 of the said Act is amended

(1) by replacing "licensee whose licence" in the second and third lines by "travel agent in whose respect the licence issued on account or on behalf of the travel agent";

(2) by replacing "shall, after notice served to that effect by the provisional administrator referred to in section 13 or in section 14, as the case may be" in the fifth and sixth lines by "may, after a notice to that effect is served by the provisional administrator".

18. Section 16 of the said Act is amended

(1) by inserting "or the person who acted as a travel agent without a licence" after "travel agent" in the second line;

(2) by replacing "security contemplated in subparagraph *c* of the first paragraph of section 36, in the manner provided there" in the fourth and fifth lines by "individual security of the travel agent or the fund referred to in subparagraphs *c* and *c*.1 of the first paragraph of section 36".

19. Section 17 of the said Act becomes section 13.2 and is amended

(1) by replacing "whose licence application is refused or whose licence is suspended, cancelled or not renewed" in the first and second lines by "referred to in section 13";

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

"When assessing the facts or the law, the Tribunal shall not substitute its assessment of the public interest for the assessment made by the president, pursuant to paragraph *b* of section 12.1, before he made his decision."

20. The heading of Division IV of the said Act is replaced by the following heading:

"OBLIGATIONS OF A TRAVEL AGENT".

21. Section 31 of the said Act is amended by replacing "his licence" by "the licence issued on his account or on his behalf".

22. Section 33 of the said Act is amended by adding the following paragraph at the end:

"The funds collected by a travel agent and which must be deposited in a trust account are deemed to be held in trust by the travel agent and an amount equal to the aggregate of the funds deemed held in trust must be considered as constituting a separate fund not forming part of the property of the travel agent or of the officers of the travel agent, whether or not the amount was kept

distinctly and separately from the own funds of the travel agent or of the officers of the travel agent or from the mass of their property."

23. The said Act is amended by inserting the following sections after section 33:

"**33.1.** Every director of a legal person on whose behalf a travel agent's licence is issued is solidarily liable, with the licensee and the legal person, for the amounts which must be deposited in a trust account, unless the director proves that he acted in good faith.

"**33.2.** Where the president has reasonable grounds to believe that amounts that must be held in a trust account may be withdrawn otherwise than in accordance with the conditions prescribed by regulation, he may apply for an injunction ordering any person in Québec having the deposit, control or custody of such amounts to hold them in trust for the period and on the conditions determined by the court."

24. Section 35 of the said Act is amended by replacing "the activities of a travel agency" in the third and fourth lines of the first paragraph by "the operations proper to a travel agent".

25. Section 36 of the said Act is amended

(1) by replacing "or cancellation of a licence, the cases where a licence may be transferred and the terms and conditions on which such transfer shall be made" in the first, second and third lines of subparagraph *b* of the first paragraph by ", transfer or cancellation of a licence";

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

"(*c*) to require individual security of a travel agent, prescribe the amount and the form and determine the cases and the terms and conditions of collection, payment, administration and use of that security;

"(*c*.1) to establish any fund for the purpose of indemnifying the clients of travel agents, prescribe the amount and the form of the contributions required and determine the cases, the terms and the conditions of collection, payment, administration and use of a fund, in particular, fix a maximum amount, per client or event, that may be paid out of a fund;";

(3) by replacing subparagraph *e* of the first paragraph by the following subparagraph:

"(*e*) to prescribe standards relating to any advertising made by a travel agent or by a third party for such travel agent;";

(4) by replacing "duties" in the second line of subparagraph *f* of the first paragraph by "operations";

(5) by adding the following subparagraphs after subparagraph *k* of the first paragraph:

"(*l*) to prescribe the obligations applicable to travel agents;

"(*m*) to establish an advisory committee and determine its composition and functions;

"(*n*) to exempt from or subject to the application of all or part of this Act, in the cases and on the conditions determined by the Government, persons, operations or tourist services, or to modify the list of exceptions provided for in section 3;

"(*o*) to determine the nature of the accessory tourist services or the number or maximum value of such services that may be offered by the operator of a tourist accommodation establishment or an organizer of adventure travel, or to determine criteria on the basis of which that number or value may vary according to classes of operators or organizers;

"(*p*) to determine among the regulatory provisions those the contravention of which constitutes an offence.";

(6) by replacing the second paragraph by the following paragraphs:

"The regulatory standards adopted under subparagraphs *c*, *c*.1 and *l* of the first paragraph may vary according to the class of travel agent or within the same class, according to the volume of business, the number of establishments, the type of activity, the cost of the services offered, the experience or operations of the travel agent or according to any other actuarial criterion relating to the risk to be covered.

Where a travel agent has transferred funds of a client, in accordance with the conditions prescribed by regulation as regards the deposit and withdrawal of funds held in a trust account, to a service supplier to whom the travel agent is not related or over whom he does not exercise any control, and where the travel agent has not committed a fault as regards the choice of the supplier, the client may not, in the case where the supplier has failed to fulfil his obligations, exercise any recourse against the travel agent to recover the amounts paid by him to the travel agent. The client may, however, apply for reimbursement to a fund referred to in subparagraph *c*.1 of the first paragraph established for the purpose of indemnifying clients."

26. Section 37 of the said Act is amended by replacing paragraph *d* by the following paragraph:

"(*d*) contravenes any of sections 4 to 7, 14.5, 15, 31 to 33, 35 or any provision of a regulation the contravention of which constitutes an offence."

27. Section 38 of the said Act is replaced by the following section:

"**38.** Any officer of a legal person, partnership or association who had knowledge of an offence is deemed to be a party to the offence and is liable to the fine provided for in this Act, unless the officer establishes to the satisfaction of the court that he did not acquiesce in the commission of the offence.

Any person who performs or omits to perform an act for the purpose of aiding a person to commit an offence or who advises, encourages or incites a person to commit an offence is guilty of the offence and is liable to the penalty prescribed for the offence."

28. Section 39 of the said Act is amended by replacing "$10,000" and "$20,000" by "$100,000" and "$200,000", respectively.

29. Section 40 of the said Act is amended by replacing "$500 to $2 500" by "$1,000 to $40,000" and by replacing "$1 000 to $5 000" by "$2,000 to $80,000".

30. The said Act is amended by inserting the following section before section 42:

"**41.1.** The manager of a fund established by regulation for indemnification purposes may borrow from the Minister of Finance sums taken out of the financing fund established under the Act respecting the Ministère des Finances (chapter M-24.01).

The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to such a fund sums taken out of the consolidated revenue fund."

CONSUMER PROTECTION ACT

31. Section 294 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by replacing "nine members, including the president," in the first paragraph by "ten members, including a president and a vice-president,".

32. Section 295 of the said Act is amended by replacing "is appointed" in the first line by "and the vice-president are appointed".

33. Section 296 of the said Act is amended by striking out ", including the president,".

34. Section 297 of the said Act is amended by adding "or the vice-president" after "president".

35. Section 298 of the said Act is amended by replacing "is subject" in the second line by "and the vice-president are subject".

36. Section 300 of the said Act is amended by replacing "shall exercise his" by "and the vice-president shall exercise their".

37. Section 302 of the said Act is replaced by the following section:

"**302.** The vice-president shall replace the president when the president is absent or unable to act."

38. Section 320 of the said Act is amended by inserting "the vice-president or" after "authorize" in the first line.

TRANSITIONAL AND FINAL PROVISIONS

39. The assets and liabilities of the collective security funds of travel agents shall be transferred, on the date, on the conditions and in the manner determined by the Government, to a fund established by regulation for the purpose of indemnifying clients of travel agents.

The Government may, in a regulation made before 1 January 2004, make any other transitional provision to ensure compliance with the regulation establishing a fund for indemnification purposes.

40. This Act comes into force on 17 December 2002, except paragraph 2 of section 18, section 22, paragraphs 2 and 6 of section 25 and section 26, which come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 137
(2002, chapter 77)

An Act to amend various legislative provisions concerning municipal affairs

Introduced 7 November 2002
Passage in principle 17 December 2002
Passage 19 December 2002
Assented to 19 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill enacts, amends or strikes out various provisions governing municipal bodies.

The bill amends the Act respecting land use planning and development in particular to authorize municipalities to prescribe the maximum number of employees who may work in a residence where permitted by the zoning by-law. As regards larger cities, the bill allows the city council to delegate the exercise of certain powers to the executive committee.

The bill amends the Cities and Towns Act to allow cities and towns to maintain lands or passages used as roads by the mere permission of the owner. The bill also amends the Cities and Towns Act and the Municipal Code of Québec to authorize municipalities to contribute financially to the costs of placing a telecommunications system underground.

The bill amends the Municipal Code of Québec to eliminate the requirement that the municipal council limit the term of appointment of certain officers of a municipality to two years.

The bill amends the Act respecting municipal taxation to exempt nature reserves on private land from property taxes.

The bill amends the Act respecting the Communauté métropolitaine de Montréal, in particular to provide that an interim control by-law or resolution adopted or passed by the Community is binding on the Government and its mandataries. In addition, the bill amends the Act respecting the Communauté métropolitaine de Québec to provide that a power of the council may be delegated to the executive committee only with the majority applicable to the council in respect of the exercise of that power, if that majority is greater than the majority normally required to delegate such a power.

The bill amends the Charter of Ville de Montréal to confer on the advisory planning committee the power to decide applications for demolition permits.

The bill amends the charters of the cities of Gatineau, Lévis, Longueuil, Montréal, Québec, Saguenay, Sherbrooke, Trois-Rivières and Laval to provide that a loan by-law for the execution of permanent

work on bicycle paths or the development of banks and shores or parks need not be submitted for approval to the qualified voters.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) ;

– Act respecting land use planning and development (R.S.Q., chapter A-19.1) ;

– Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) ;

– Charter of Ville de Lévis (R.S.Q., chapter C-11.2) ;

– Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) ;

– Charter of Ville de Montréal (R.S.Q., chapter C-11.4) ;

– Charter of Ville de Québec (R.S.Q., chapter C-11.5) ;

– Cities and Towns Act (R.S.Q., chapter C-19) ;

– Municipal Code of Québec (R.S.Q., chapter C-27.1) ;

– Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) ;

– Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) ;

– Act respecting municipal taxation (R.S.Q., chapter F-2.1) ;

– Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001) ;

– Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) ;

– Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) ;

– Transport Act (R.S.Q., chapter T-12) ;

– Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) ;

– Act to amend the charter of the City of Laval (1971, chapter 99);

– Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions (1996, chapter 67);

– Act respecting Ville de Chapais (1999, chapter 98).

LEGISLATION REPEALED BY THIS BILL:

– Act respecting the Société de promotion économique du Québec métropolitain (R.S.Q., chapter S-11.04).

Bill 137

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

1. Section 3 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02), replaced by section 207 of chapter 23 of the statutes of 2001, is amended by inserting ", of Ville de Saint-Jérôme" after "Montréal" in the second line of the first paragraph.

2. Section 70 of the said Act, amended by section 225 of chapter 23 of the statutes of 2001, is again amended by adding the following paragraph after the fourth paragraph:

"Notwithstanding the first paragraph, the municipalities whose territory was not situated within the area of jurisdiction of the Agency on 31 December 2002 shall pay, for the year 2003, only one-third of the amount payable under that paragraph for the year 2003 and two-thirds of that amount for the year 2004."

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

3. Section 68 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 26 of chapter 35 of the statutes of 2001 and by section 16 of chapter 37 of the statutes of 2002, is again amended by replacing the fourth paragraph by the following paragraph:

"The third paragraph ceases to apply at the expiry of the period that begins on the day of the filing of the notice of motion and that ends six months later in the case of a regional county municipality all or part of whose territory is comprised in or is contiguous to that of a metropolitan community, or four months later in the case of any other regional county municipality. The third paragraph ceases, however, to apply before the expiry of that period on the day on which a notice of motion relating to a replacement by-law is filed or, failing that, on the day on which the time limit fixed by the Minister pursuant to the second paragraph of section 65 expires."

4. Section 113 of the said Act, amended by section 18 of chapter 40 of the statutes of 1999, by section 82 of chapter 6 of the statutes of 2002 and by

section 21 of chapter 37 of the statutes of 2002, is again amended by inserting the following subparagraph after subparagraph 3.1 of the second paragraph:

"(3.2) to prescribe, for each zone, where the carrying on of an enterprise is permitted inside a residence, the maximum number of persons not resident therein who may work in the residence because of the carrying on of that enterprise;".

5. Section 145.14 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**145.14.** The council may, in accordance with the applicable provisions of Division V, adopt a by-law amending the planning by-laws of the municipality to integrate an approved comprehensive development program."

6. The said Act is amended by inserting the following section after section 237.2:

"**237.3.** The council of a municipality having a population of 100,000 or more, except the council of the cities of Longueuil and Montréal, may, notwithstanding any provision, delegate to the executive committee

(1) the granting of minor exemptions in accordance with section 145.4;

(2) the approval of comprehensive development programs in accordance with sections 145.12 and 145.13;

(3) the exercise of the powers provided for in sections 145.18 to 145.20 relating to site planning and architectural integration programs;

(4) the making of the municipal works agreements provided for in section 145.21;

(5) the authorization of conditional uses in accordance with section 145.34;

(6) the authorization of specific proposals for the construction, alteration or occupancy of an immovable in accordance with section 145.38.

The first paragraph applies subject to the powers granted to a borough council by any applicable provision."

7. Section 267.2 of the said Act, replaced by section 8 of chapter 25 of the statutes of 2001 and amended by section 3 of chapter 68 of the statutes of 2001, is again amended by adding the following subparagraph after subparagraph 2 of the third paragraph:

"(3) pursuant to section 65 in respect of a replacement interim control by-law adopted following a request made by the Minister under the second paragraph of that section."

8. Section 267.3 of the said Act, enacted by section 4 of chapter 68 of the statutes of 2001, is amended by replacing "of section 267.2 applies" in the sixth line of the first paragraph by "and the third paragraph of section 267.2 apply".

CHARTER OF VILLE DE GATINEAU

9. Section 74 of the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1) is amended

(1) by replacing "waste water purification works, drinking water supply systems" in the second line by "park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths";

(2) by replacing "of land" in the fourth line by "of immovables".

CHARTER OF VILLE DE LÉVIS

10. Section 99 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended

(1) by replacing "waste water purification works, drinking water supply systems" in the second line by "park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths";

(2) by replacing "of land" in the fourth line by "of immovables".

CHARTER OF VILLE DE LONGUEUIL

11. Section 85 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended

(1) by replacing "waste water purification works, drinking water supply systems" in the second line by "park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths";

(2) by replacing "of land" in the fourth line by "of immovables".

CHARTER OF VILLE DE MONTRÉAL

12. Section 8 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), amended by section 238 of chapter 25 of the statutes of 2001, by section 1 of Order in Council 1308-2001 dated 1 November 2001 and by section 116 of chapter 68 of the statutes of 2001, is again amended by adding the following sentence at the end of the eighth paragraph: "The expenditures necessary to make up the negative balance of the assets of Corporation Anjou 80, as established at 31 December 2001, are deemed to be expenditures relating to a debt of Ville d'Anjou and financed by revenues derived from the whole territory of Ville d'Anjou."

13. Section 89 of the said Charter, replaced by section 265 of chapter 25 of the statutes of 2001, is amended by inserting ", particularly within the framework of a social housing program implemented under the Act respecting the Société d'habitation du Québec (chapter S-8)" after "lodging" in the second line of subparagraph 4 of the first paragraph.

14. Section 100 of the said Charter is amended by replacing "section 48" in the sixth line of the first paragraph by "section 48 or 49".

15. Section 148 of the said Charter, amended by section 284 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing "waste water purification works, drinking water supply systems" in the first and second lines of subparagraph 2 of the first paragraph by "park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths";

(2) by replacing "of land" in the fourth line of subparagraph 2 of the first paragraph by "of immovables".

16. Section 151.6 of the said Charter, enacted by section 286 of chapter 25 of the statutes of 2001 and amended by section 134 of chapter 68 of the statutes of 2001, is replaced by the following sections:

"**151.6.** The city may establish a program for the purpose of granting, in the circumstances described in the second paragraph, a subsidy or a credit to the debtor of the general property tax imposed, for any of the fiscal years referred to in the fourth paragraph, on any unit of assessment that is eligible according to the rules provided for in the fifth paragraph.

The subsidy or credit may be granted where the following conditions are met:

(1) for a particular fiscal year, the rental tax is not imposed in respect of a sector, either separately or within the whole territory of the city;

(2) the rental tax was imposed in respect of the sector referred to in subparagraph 1, for the fiscal year preceding the fiscal year referred to in that subparagraph, without being imposed in respect of the whole territory of the city;

(3) in respect of the sector referred to in subparagraph 1 and for the fiscal year referred to in that subparagraph, the estimated general property tax revenues derived from the application of all or part of any of the rates specific to the categories provided for in sections 244.33 and 244.34 of the Act respecting municipal taxation (chapter F-2.1), combined, where applicable, with the estimated revenues derived from the tax imposed pursuant to the sixth paragraph of section 101 of Schedule C, are greater than they would have been were it not for the loss of rental tax revenues; and

(4) the city does not avail itself of the power provided for in section 244.59 of the Act respecting municipal taxation.

For the purposes of the second paragraph, "rental tax" means the business tax, the tax provided for in section 101 of Schedule C where its rate is based on the rental value, or the combination of those two taxes if they cease simultaneously to be imposed in respect of the sector referred to in subparagraph 1 of that paragraph.

The fiscal years for which the subsidy or credit may be granted are the fiscal year referred to in subparagraph 1 of the second paragraph and the next two fiscal years.

The eligible units of assessment are determined among the units of assessment situated in the sector referred to in subparagraph 1 of the second paragraph and that belong to the group described in section 244.31 of the Act respecting municipal taxation. The program shall set out rules to determine the eligibility of units of assessment. The rules may, for that purpose, use criteria that are based on

(1) the value of the unit;

(2) the vacant nature, as defined by the rules, of the land in the unit;

(3) the vacancy, as defined by the rules, of the unit or of certain of its parts;

(4) the transfer of the tax burden, as defined by the rules, measured in respect of the unit.

The credit shall diminish the amount payable of the general property tax imposed on any eligible unit of assessment in respect of which all or part of a rate referred to in subparagraph 3 of the second paragraph applies. The amount of the subsidy or credit shall be established according to the rules set out in the program. The rules may define categories among the units concerned and vary according to those categories. The rules shall also specify the conditions and procedures for the granting of the subsidy or credit.

The cost of the aggregate of the subsidies or credits granted in respect of the units of assessment situated in a sector shall be a burden on the aggregate of the units situated in the sector that belong to the group described in section 244.31 of the Act respecting municipal taxation.

Where the city imposes the surtax or the tax on non-residential immovables, it must, if it avails itself of the power under the first paragraph, prescribe the rules enabling the appropriate correspondences to be made so as to obtain the same results, as regards the application of the first seven paragraphs, were the city to impose the general property tax with rates specific to the categories comprising the units of assessment subject to the surtax or the tax on non-residential immovables.

"**151.6.1.** The city may establish a program for the purpose of granting a subsidy, in the circumstances described in subparagraphs 1 to 3 of the second paragraph of section 151.6 and for any of the fiscal years referred to in the fourth paragraph of that section, to any eligible lessee.

A lessee referred to in subparagraph *g* or *h* of paragraph 1 of section 236 of the Act respecting municipal taxation (chapter F-2.1) or in any of paragraphs 3 to 5 of that section is, among the lessees whose lease is entered into for all or part of a unit of assessment situated in the sector referred to in subparagraph 1 of the second paragraph of section 151.6 and that belongs to the group described in section 244.31 of that Act, an eligible lessee.

The amount of the subsidy is established according to the rules set out by the program. The rules may define categories among the eligible lessees and vary according to those categories. The rules shall also specify the conditions and procedures for the granting of the subsidy.

The cost of the aggregate of the subsidies granted to the lessees of units of assessment situated in a sector shall be a burden on the aggregate of the units situated in the sector that belong to the group described in section 244.31 of the Act respecting municipal taxation.

"**151.6.2.** Where a unit of assessment situated in a sector that belongs to the group described in section 244.31 of the Act respecting municipal taxation (chapter F-2.1) is the subject of a lease that is in force on the first day following the fiscal year of reference, within the meaning of the second paragraph, and that does not allow the owner to increase the rent stipulated to take into account new taxes for which the owner becomes the debtor, or to have the lessee otherwise assume payment of such a tax, the owner may nonetheless, in accordance with the rules set out in this section, increase the rent stipulated to take into account all or part of the additional amount payable by the owner for a fiscal year in relation to the fiscal year of reference by reason of the imposition of a mode of property taxation specific to the non-residential sector.

The fiscal year of reference is the last fiscal year for which the city imposes the rental tax in respect of the sector concerned, either separately or within the whole territory of the city. "Rental tax" means the business tax or the tax provided for in section 101 of Schedule C where its rate is based on the rental value. Where one of those taxes ceases to be imposed in respect of the sector while the other continues to be imposed, the fiscal year of reference is determined on the basis of the first tax.

The rent that may be so increased is the rent payable for the period, subsequent to the fiscal year of reference, in which the lease is effective and that includes all or part of a fiscal year for which the amount referred to in the first paragraph is payable.

However, the rent stipulated in a lease entered into for part of the unit of assessment that does not constitute premises within the meaning of the last two paragraphs of section 244.34 of the Act respecting municipal taxation, cannot be so increased.

Where the lease is entered into for such premises among other premises within the unit of assessment, the increase in rent shall take into account only the proportion of the amount referred to in the first paragraph that corresponds to the proportion that the premises under lease are of the total of the rental values of all the premises at the end of the fiscal year of reference. However, another proportion, as agreed upon by the owner and all the lessees of the premises, may be established.

Subject to the seventh and eighth paragraphs, the amount payable for a fiscal year by reason of the imposition of a mode of property taxation specific to the non-residential sector is,

(1) where under section 244.29 of the Act respecting municipal taxation, the city fixes a general property tax rate specific to the category provided for in section 244.33 of that Act, the difference obtained by subtracting the amount of the tax that would be payable if only the basic rate provided for in section 244.38 of that Act were applied from the amount of the tax payable in respect of the unit of assessment for the fiscal year; or

(2) where the city imposes the surtax or the tax on non-residential immovables, the amount of the surtax or of the tax payable in respect of the unit of assessment for the fiscal year.

Where the city avails itself of the power under the sixth paragraph of section 101 of Schedule C to impose the tax provided for in that section for a fiscal year, the total obtained by adding the amount of that tax payable in respect of the unit of assessment and the amount determined under the sixth paragraph of this section is the amount payable for that fiscal year by reason of the imposition of a mode of property taxation specific to the non-residential sector.

For the fiscal year before the end of which the lease ceases to be effective, the amount payable by reason of the imposition of a mode of property taxation specific to the non-residential sector is the product obtained by multiplying the amount determined under the sixth or the seventh paragraph, as the case may be, by the quotient resulting from the division of the number of whole days in the fiscal year that have elapsed at the time at which the lease ceases to be effective, by 365 or by 366 in the case of a leap year.

Sections 491 and 244.64 of the Act respecting municipal taxation apply, with the necessary modifications, for the purpose of interpreting, in the first case, the word “owner” and, in the second case, the words “surtax” and “tax” used in this section.”

17. Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by inserting the following section after section 12:

"**12.1.** The city may enter into any agreement with the legal person known as Quartier international de Montréal concerning the carrying out and financing of work on the part of the city's territory known as the Quartier international de Montréal.

The Government may be a party to the agreement provided for in the first paragraph."

18. Section 101 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by striking out the last four paragraphs.

19. Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by inserting the following section after section 137:

"**137.1.** The city may acquire by agreement any immovable outside its territory that is required for the purpose of establishing a nursery."

20. Section 139 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by striking out ", with the authorization of the Minister of Industry and Commerce" in the first paragraph.

21. Section 169 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001 and amended by section 58 of chapter 37 of the statutes of 2002, is again amended by adding the following paragraph at the end:

"However, the functions assigned by the Cities and Towns Act to the committee established under section 412.23 of that Act shall be exercised by the advisory planning committee established under section 132 of this Charter. The sittings of the committee held for such purpose are public; the committee may also hold a public hearing if it considers it advisable."

22. Section 237 of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended

(1) by replacing "guaranteed by a privilege, which has the same rank as municipal taxes and assessments" in the first paragraph by ", from 1 January 1994, deemed to be a property tax secured by a prior claim constituting a real right";

(2) by replacing "all or part of the privilege" in the second paragraph by "all or part of the prior claim";

(3) by replacing "affected by the privilege" in the second paragraph by "affected by the prior claim".

23. Section 251 of the French text of Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by replacing "Saint-Laurent" by "Technoparc Saint-Laurent".

24. Schedule C to the said Charter, enacted by section 26 of Order in Council 1308-2001 dated 1 November 2001, is amended by inserting the following section after section 253:

"**253.1.** Notwithstanding section 8, the expenditures relating to payment of a final expropriation indemnity by the city within the framework of an expropriation begun before 1 January 2002 under the Act respecting the city of Saint-Laurent (1992, chapter 69) shall be financed by the revenues derived exclusively from the territory of Ville de Saint-Laurent instead of solely from the part of that territory determined under section 9 of that Act."

CHARTER OF VILLE DE QUÉBEC

25. Section 128 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5), amended by section 336 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing "waste water purification works, drinking water supply systems" in the first and second lines of subparagraph 2 of the first paragraph by "park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths";

(2) by replacing "of land" in the fourth line of subparagraph 2 of the first paragraph by "of immovables".

26. Section 72 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is amended by inserting "on the streets and roads which form the arterial system of the city as well as those which form the system under the responsibility of the borough councils" after "travel" in the first paragraph.

27. Section 97 of Schedule C to the said Charter, enacted by section 25 of Order in Council 1309-2001 dated 1 November 2001, is repealed.

CITIES AND TOWNS ACT

28. Section 29.1.1 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by striking out "on an experimental basis" in the fourth line;

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

"The municipality and any minister or body of the Government may enter into any agreement necessary for the application of the agreement provided for in the first paragraph or that is incidental to such an agreement."

29. Section 29.1.2 of the said Act is repealed.

30. The said Act is amended by inserting the following after section 29.18:

"§1.2. — *Occupation of the public domain of the municipality*

"**29.19.** A municipality may, by by-law, as regards the occupation of its public domain, determine

(1) the purposes for which the occupation is authorized unconditionally or may be so authorized subject to compliance with certain conditions;

(2) the conditions that must be met for the occupation to be authorized, in particular payment of an amount in one or more instalments;

(3) the terms and conditions according to which the occupation is authorized where the required conditions are met, in particular the adoption of a resolution or the issue of a permit;

(4) the rules relating to the duration and the premature end of the authorized occupation, in particular the rules concerning revocation of the authorization;

(5) (*a*) the circumstances in which all or part of the structures or installations situated in the public domain in accordance with the authorization may, notwithstanding the authorization, be permanently or temporarily removed;

(*b*) the rules relating to a removal under subparagraph *a*;

(6) (*a*) the categories of occupation for the purposes of this paragraph;

(*b*) the rules relating to the entry of any authorized occupation in any category it specifies in a register kept for that purpose;

(*c*) the rules relating to the issue of certified extracts from the register provided for in subparagraph *b*.

The municipality may, in the by-law, define categories of cases and avail itself of any power provided for in the first paragraph in a manner that varies according to the category. The municipality may also, in the by-law, provide that the council or other deliberative body it designates is empowered, in the circumstances and subject to the conditions it indicates, to exercise case by case and by resolution any power it specifies among those provided for in subparagraphs 2 to 5 of the first paragraph.

"**29.20.** Where the by-law provided for in section 29.19 is in force, every structure or installation situated in the public domain of the municipality otherwise than in accordance with an authorization granted under the by-law must be removed from the public domain of the municipality.

Such by-law may contain rules concerning the removal of the structure or installation.

"**29.21.** Every person who occupies the public domain of the municipality in accordance with an authorization granted under the by-law provided for in section 29.19 is liable for any harm resulting from that occupation.

The person must take up the defence of the municipality and indemnify it in any claim in damages against the municipality.

"**29.22.** The amount payable under subparagraph 2 of the first paragraph of section 29.19 is secured by a legal hypothec on the immovable for whose utility the occupation of the public domain of the municipality was authorized.

The amount shall be collected in accordance with the provisions relating to the collection of the property taxes of the municipality."

31. The said Act is amended by inserting the following section after section 327 :

"**327.1.** Where a borough council can no longer validly sit, the city council may, as long as the situation lasts, exercise the powers of the borough council on its behalf.

The acts so done shall have the same effect, in all respects, as if the borough council itself had acted."

32. The said Act is amended by inserting the following section after section 360 :

"**360.1.** The by-laws adopted under any of subdivisions 5, 9, 10, 15 and 19 may be different in respect of the parts of the territory of the municipality the council determines.

The first paragraph does not operate to limit the powers of territorial discrimination currently existing under those subdivisions."

33. Section 415 of the said Act is amended

(1) by inserting "to prescribe in which cases the opening, widening or extension of streets may be ordered by resolution" after "streets," in the second line of the first paragraph of paragraph 1 ;

(2) by inserting the following paragraph after the second paragraph of paragraph 1 :

"The powers provided for in the first paragraph that concern the manner of maintaining streets also apply in respect of land or a passage that is used as a road by the mere permission of the owner and that, even if the land or passage is ordinarily kept closed at one of its extremities, meets the other conditions set out in the first paragraph of article 736 of the Municipal Code of Québec (chapter C-27.1) ;";

(3) by inserting the following paragraph after paragraph 17 :

"(17.1) To contribute financially, in whole or in part and notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to the costs of burying wires or any telecommunications system ;".

34. The said Act is amended by inserting the following after section 463.1 :

"§19.2. — *Spreading of livestock waste*

"**463.2.** The council may, by by-law, prohibit the spreading of livestock waste, sludge or residues from pulp and paper mills for up to eight days, after 31 May and before 1 October, the dates of which shall be specified by the council so that the prohibition does not apply for more than two consecutive days.

In order for the prohibition to apply in the course of a year, the by-law establishing the prohibition must be adopted and published not later than the last day of February and March, respectively, of that year.

The clerk may, in writing and on request, authorize a person to carry out spreading prohibited by the by-law. Where there has been rain on five consecutive days, the clerk must grant the authorization."

35. Section 466.3 of the said Act is amended by replacing "Where" in the first line of the fourth paragraph by "In the case of Ville de Montréal, where".

MUNICIPAL CODE OF QUÉBEC

36. Article 10.5 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

(1) by striking out "on an experimental basis" in the fourth line ;

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

"The municipality and any minister or body of the Government may enter into any agreement necessary for the application of the agreement provided for in the first paragraph or that is incidental to such an agreement."

37. Article 10.6 of the said Code is repealed.

38. The said Code is amended by inserting the following articles after article 14.16:

"**14.16.1.** A municipality may, by by-law, as regards the occupation of its public domain, determine

(1) the purposes for which the occupation is authorized unconditionally or may be so authorized subject to compliance with certain conditions;

(2) the conditions that must be met for the occupation to be authorized, in particular payment of an amount in one or more instalments;

(3) the terms and conditions according to which the occupation is authorized where the required conditions are met, in particular the adoption of a resolution or the issue of a permit;

(4) the rules relating to the duration and the premature end of the authorized occupation, in particular the rules concerning revocation of the authorization;

(5) (*a*) the circumstances in which all or part of the structures or installations situated in the public domain in accordance with the authorization may, notwithstanding the authorization, be permanently or temporarily removed;

(*b*) the rules relating to a removal under subparagraph *a*;

(6) (*a*) the categories of occupation for the purposes of this paragraph;

(*b*) the rules relating to the entry of any authorized occupation in any category it specifies in a register kept for that purpose;

(*c*) the rules relating to the issue of certified extracts from the register provided for in subparagraph *b*.

The municipality may, in the by-law, define categories of cases and avail itself of any power provided for in the first paragraph in a manner that varies according to the category. The municipality may also, in the by-law, provide that the council or other deliberative body it designates is empowered, in the circumstances and subject to the conditions it indicates, to exercise case by case and by resolution any power it specifies among those provided for in subparagraphs 2 to 5 of the first paragraph.

"**14.16.2.** Where the by-law provided for in article 14.16.1 is in force, every structure or installation situated in the public domain of the municipality otherwise than in accordance with an authorization granted under the by-law must be removed from the public domain of the municipality.

Such by-law may contain rules concerning the removal of the structure or installation.

"**14.16.3.** Every person who occupies the public domain of the municipality in accordance with an authorization granted under the by-law provided for in article 14.16.1 is liable for any harm resulting from that occupation.

The person must take up the defence of the municipality and indemnify it in any claim in damages against the municipality.

"**14.16.4.** The amount payable under subparagraph 2 of the first paragraph of article 14.16.1 is secured by a legal hypothec on the immovable for whose utility the occupation of the public domain of the municipality was authorized.

The amount shall be collected in accordance with the provisions relating to the collection of the property taxes of the municipality."

39. Article 219 of the said Code is amended by striking out "in the month of March of every second year," in the first line.

40. Article 223 of the said Code is amended by striking out ", every two years, in the month of March," in the second line.

41. The said Code is amended by inserting the following article after article 550.1 :

"**550.2.** Every local municipality may, by by-law, prohibit the spreading of livestock waste, sludge or residues from pulp and paper mills for up to eight days, after 31 May and before 1 October, the dates of which shall be specified by the council so that the prohibition does not apply for more than two consecutive days.

In order for the prohibition to apply in the course of a year, the by-law establishing the prohibition must be adopted and published not later than the last day of February and March, respectively, of that year.

The clerk may, in writing and on request, authorize a person to carry out spreading prohibited by the by-law. Where there has been rain on five consecutive days, the clerk must grant the authorization."

42. Article 557 of the said Code is amended by inserting the following paragraph after paragraph 7 :

"(7.1) to contribute financially, in whole or in part and notwithstanding the Municipal Aid Prohibition Act (chapter I-15), to the costs of burying wires or any telecommunications system wires ;".

43. Article 627.3 of the said Code is amended by striking out the fourth paragraph.

44. Article 936.0.1.1 of the said Code, enacted by section 109 of chapter 37 of the statutes of 2002, is amended

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

"The council may, by by-law, delegate to any officer or employee the power to establish the selection committee and fix the conditions and procedures for the exercise of the delegated power.";

(2) by replacing "and fourth" in the fourth line of the fifth paragraph by ", fourth and fifth".

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

45. Section 147 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended

(1) by inserting "and the provisions of Title III of that Act concerning sanctions and recourses in respect of the interim control by-law or resolution" after "(chapter A-19.1)" in the third line of the first paragraph;

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

"Where an interim control by-law adopted by the council of the Community under the first paragraph is in force, section 2 and Chapter VI of Title I of that Act apply."

46. The said Act is amended by inserting the following section after section 147:

"**147.1.** Any provision of an interim control resolution or by-law adopted by the council of a local municipality or a regional county municipality whose territory forms part of that of the Community and prohibiting an activity in a given portion of territory shall be without effect if an interim control resolution or by-law adopted by the council of the Community under the first paragraph of section 147 authorizes the activity, in the same portion of territory, upon issuance of a permit or certificate.

Any provision of an interim control resolution or by-law adopted by the council of a local municipality or a regional county municipality whose territory forms part of that of the Community and authorizing, upon issuance of a permit or a certificate, an activity in a given portion of territory shall be without effect if an interim control resolution or by-law adopted by the council of the Community under the first paragraph of section 147

(1) prohibits the activity, in the same portion of territory;

(2) authorizes the activity in the same portion of territory, upon issuance of a permit or a certificate, and the terms and conditions for the issuance thereof or the officers charged with the issuance thereof are not the same."

47. The said Act is amended by inserting the following section after section 149:

"**149.0.1.** The Government may, by regulation, prescribe rules governing the form in which the content of the metropolitan land use and development plan or an interim control by-law adopted by the council of the Community must be presented."

48. Section 181 of the said Act is amended by replacing the third paragraph by the following paragraph:

"The fund is comprised of any amount paid into it, in particular under the second paragraph of section 180, and the interest earned on that amount."

49. Section 221 of the said Act is amended by inserting "or under a by-law or an order of the Community" after "Act" in the second line.

50. Section 222 of the said Act is amended by inserting "or under a by-law or an order of the Community" after "Act" in the second line.

51. The said Act is amended by inserting the following sections after section 223.1:

"**223.2.** Subject to section 223.1, the Community may determine, by by-law, from among the provisions of a by-law adopted under this Act, those the contravention of which constitutes an offence, and prescribe, for each offence, the fines to which the offender is liable.

The fixed or maximum amount prescribed for a first offence may not exceed $1,000 if the offender is a physical person or $2,000 if the offender is a legal person.

For a second or subsequent offence, the fixed or maximum amount prescribed may not exceed $2,000 if the offender is a physical person or $4,000 if the offender is a legal person.

"**223.3.** For the purposes of this Act, the Community may authorize a person to act as an inspector.

"**223.4.** An inspector may, in the exercise of his or her functions:

(1) enter any premises, at any reasonable hour, to ensure this Act, a by-law or a resolution of the Community is being enforced or complied with;

(2) take pictures of the premises and the property situated thereon;

(3) require any information or document relating to the application of this Act.

An inspector must present identification on request and show the certificate bearing the signature of the department head attesting to the inspector's capacity.

"**223.5.** Every person who hinders the work of an inspector, makes a false or misleading statement or refuses to provide any information or document that the inspector is entitled to obtain under this Act or a by-law adopted pursuant to this Act is liable to a fine of not more than $2,000.

For a second or subsequent offence, the maximum fine is $4,000.

"**223.6.** Every person who assists another person in committing an offence under this Act or a by-law adopted pursuant to the Act or who, by encouragement, advice or consent, or by an authorization or an order, induces another person to commit such an offence is liable to the same penalty as that prescribed for the offence committed by the other person."

52. Section 264 of the said Act, replaced by section 213 of chapter 25 of the statutes of 2001, is amended by adding the following subparagraph after subparagraph 2 of the third paragraph:

"(3) pursuant to section 65 of the Act respecting land use planning and development in respect of a replacement interim control by-law adopted following a request made by the Minister pursuant to the second paragraph of that section."

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

53. Section 40 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by adding the following paragraph at the end:

"However, if the majority required for the exercise of a power by the council is greater than the majority required under the first paragraph, the greater majority applies to the decision of the council to delegate that power to the executive committee."

54. The said Act is amended by inserting the following section after section 139:

"**139.1.** Any provision of an interim control resolution or by-law adopted by the council of a local municipality or a regional county municipality whose territory forms part of that of the Community and prohibiting an activity in a

given portion of territory shall be without effect if an interim control resolution or by-law adopted by the council of the Community under the first paragraph of section 139 authorizes the activity, in the same portion of territory, upon issuance of a permit or certificate.

Any provision of an interim control resolution or by-law adopted by the council of a local municipality or a regional county municipality whose territory forms part of that of the Community and authorizing, upon issuance of a permit or a certificate, an activity in a given portion of territory shall be without effect if an interim control resolution or by-law adopted by the council of the Community under the first paragraph of section 139

(1) prohibits the activity, in the same portion of territory ;

(2) authorizes the activity in the same portion of territory, upon issuance of a permit or a certificate, and the terms and conditions for the issuance thereof or the officers charged with the issuance thereof are not the same."

55. The said Act is amended by inserting the following section after section 141 :

"**141.1.** The Government may, by regulation, prescribe rules governing the form in which the content of the metropolitan land use and development plan or an interim control by-law adopted by the council of the Community must be presented."

56. Section 171 of the said Act is amended by replacing the third paragraph by the following paragraph :

"The fund is comprised of any amount paid into it, in particular under the second paragraph of section 170, and the interest earned on that amount."

57. The said Act is amended by inserting the following sections after section 210 :

"**210.1.** The Community may determine, by by-law, from among the provisions of a by-law adopted under this Act, those the contravention of which constitutes an offence, and prescribe, for each offence, the fines to which the offender is liable.

The fixed or maximum amount prescribed for a first offence may not exceed $1,000 if the offender is a physical person or $2,000 if the offender is a legal person.

For a second or subsequent offence, the fixed or maximum amount prescribed may not exceed $2,000 if the offender is a physical person or $4,000 if the offender is a legal person.

"**210.2.** For the purposes of this Act, the Community may authorize a person to act as an inspector.

"**210.3.** An inspector may, in the exercise of his or her functions:

(1) enter any premises, at any reasonable hour, to ensure this Act, a by-law or a resolution of the Community is being enforced or complied with;

(2) take pictures of the place and the property situated thereon;

(3) require any information or document relating to the application of this Act.

An inspector must present identification on request and show the certificate bearing the signature of the department head and attesting to the inspector's capacity.

"**210.4.** Every person who hinders the work of an inspector, makes a false or misleading statement or refuses to provide any information or document that the inspector is entitled to obtain under this Act or a by-law adopted pursuant to this Act is liable to a fine of not more than $2,000.

For a second or subsequent offence, the maximum fine is $4,000.

"**210.5.** Every person who assists another person in committing an offence under this Act or a by-law adopted pursuant to the Act or who, by encouragement, advice or consent, or by an authorization or an order, induces another person to commit such an offence is liable to the same penalty as that prescribed for the offence committed by the other person."

58. Section 227 of the said Act, replaced by section 491 of chapter 25 of the statutes of 2001, is amended by adding the following subparagraph after subparagraph 2 of the third paragraph:

"(3) pursuant to section 65 of the Act respecting land use planning and development in respect of a replacement interim control by-law adopted following a request made by the Minister pursuant to the second paragraph of that section."

ACT RESPECTING MUNICIPAL TAXATION

59. Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 119 of chapter 25 of the statutes of 2001, is again amended by adding the following paragraph after paragraph 18:

"(19) an immovable that is a nature reserve recognized under the Act respecting nature reserves on private land (2001, chapter 14)."

60. Section 205 of the said Act, amended by section 229 of chapter 37 of the statutes of 2002, is again amended by replacing "and 11" in the third line of the first paragraph by ", 11 and 19".

61. Section 205.1 of the said Act is amended by replacing "and 11" in the second line of the first paragraph by ", 11 and 19".

62. Section 206 of the said Act is amended by replacing "or 10 to 12" in the second line by ", 10 to 12 and 19".

63. Section 208 of the said Act, amended by section 60 of chapter 68 of the statutes of 2001, is again amended by adding the following sentence at the end of the first paragraph: "However, that rule does not apply in the case of an immovable referred to in paragraph 1.1 of section 204 where, according to the legislation of the Parliament of Canada relating to subsidies to municipalites that are to stand in lieu of property taxes, and according to the instruments made under that legislation, such a subsidy is paid in respect of the immovable notwithstanding its being occupied as described in this paragraph."

64. Section 244.44 of the said Act, amended by section 231 of chapter 37 of the statutes of 2002, is again amended by replacing the second and third paragraphs by the following paragraphs:

"Where the municipality fixes a rate specific to the category of industrial immovables for a fiscal year, the applicable coefficient for that fiscal year is the product obtained by multiplying the quotient resulting from the division under the first paragraph of section 244.45 by the coefficient applicable for the last fiscal year for which the property assessment roll of the municipality in force immediately before the roll applying for the fiscal year for which the rate is fixed applied.

The applicable coefficient for that preceding fiscal year is deemed to be equal to 1 if, for that preceding fiscal year, the municipality has not fixed a rate specific to the category of industrial immovables or has fixed a rate that was equal to or less than the rate specific to the category of non-residential immovables.

The first three paragraphs apply subject to section 244.45.4."

65. Section 244.45 of the said Act, amended by section 232 of chapter 37 of the statutes of 2002, is again amended by striking out the sixth paragraph.

66. The said Act is amended by inserting the following section after section 244.45.3, enacted by section 233 of chapter 37 of the statutes of 2002:

"**244.45.4.** Where the municipality avails itself of the power under section 253.27 in respect of its property assessment roll, the operations described in the second and third paragraphs are performed to calculate an adjusted coefficient, by which the rate specific to the category of non-residential

immovables is multiplied, to establish the maximum rate specific to the category of industrial immovables for either of the first two fiscal years for which the roll applies.

The first operation in relation to the calculation of the adjusted coefficient consists in subtracting the second of the following coefficients from the first:

(1) the coefficient from which the other coefficient is subtracted is the coefficient that is calculated pursuant to section 244.44 for the fiscal year for which the maximum specific rate is established; and

(2) the coefficient that is subtracted from the other coefficient is the coefficient that is applicable for the last fiscal year for which the property assessment roll of the municipality in force immediately before the roll referred to in the first paragraph applied.

The second operation consists in algebraically adding the coefficient described in subparagraph 2 of the second paragraph and the number that is one-third or two-thirds, according to whether the fiscal year for which the maximum specific rate is established is the first or the second fiscal year to which the roll referred to in the first paragraph applies, of the difference resulting from the subtraction under the second paragraph.

Where the property assessment roll in respect of which the municipality avails itself of the power under section 253.27 applies to two fiscal years only, an adjusted coefficient is calculated only for the first of those fiscal years. For that purpose, for the application of the third paragraph, one-half, rather than one-third or two-thirds, of the difference resulting from the subtraction under the second paragraph shall be taken into account."

67. Section 244.47 of the said Act, amended by section 234 of chapter 37 of the statutes of 2002, is again amended by replacing the second and third paragraphs by the following paragraphs:

"Where the municipality fixes a rate specific to that category for a fiscal year, the applicable coefficient for that fiscal year is the product obtained by multiplying the quotient resulting from the division under the first paragraph of section 244.48 by the coefficient applicable for the last fiscal year for which the property assessment roll of the municipality in force immediately before the roll applying for the fiscal year for which the rate is fixed applied.

The applicable coefficient for that preceding fiscal year is deemed to be equal to 1 if, for that preceding fiscal year, the municipality has not fixed a rate specific to the category of immovables consisting of six or more dwellings.

The first three paragraphs apply subject to section 244.48.1."

68. Section 244.48 of the said Act, amended by section 235 of chapter 37 of the statutes of 2002, is again amended by striking out the sixth paragraph.

69. The said Act is amended by inserting the following section after section 244.48:

"**244.48.1.** Where the municipality avails itself of the power under section 253.27 in respect of its property assessment roll, the operations described in the second and third paragraphs are performed to calculate an adjusted coefficient, by which the basic rate is multiplied, to establish the maximum rate specific to the category of immovables consisting of six or more dwellings for either of the first two fiscal years for which the roll applies.

The first operation in relation to the calculation of the adjusted coefficient consists in subtracting the second of the following coefficients from the first:

(1) the coefficient from which the other coefficient is subtracted is the coefficient that is calculated pursuant to section 244.47 for the fiscal year for which the maximum specific rate is established; and

(2) the coefficient that is subtracted from the other coefficient is the coefficient that is applicable for the last fiscal year for which the property assessment roll of the municipality in force immediately before the roll referred to in the first paragraph applied.

The second operation consists in algebraically adding the coefficient described in subparagraph 2 of the second paragraph and the number that is one-third or two-thirds, according to whether the fiscal year for which the maximum specific rate is established is the first or the second fiscal year to which the roll referred to in the first paragraph applies, of the difference resulting from the subtraction under the second paragraph.

Where the property assessment roll in respect of which the municipality avails itself of the power under section 253.27 applies to two fiscal years only, an adjusted coefficient is calculated only for the first of those fiscal years. For that purpose, for the application of the third paragraph, one-half, rather than one-third or two-thirds, of the difference resulting from the subtraction under the second paragraph shall be taken into account."

ACT RESPECTING THE MINISTÈRE DES RÉGIONS

70. Section 8 of the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001) is amended by inserting "a body mentioned in Schedule A or" after "is" in the first line of the first paragraph.

71. Section 9 of the said Act is amended by replacing "accredited as such" in the second line of the second paragraph by "mentioned in Schedule A or accredited as a local development centre".

72. Section 11 of the said Act is replaced by the following section:

"**11.** Local development centres shall be distributed as follows:

(1) the territory of a regional county municipality may only be served by one local centre;

(2) the territories of two or more regional county municipalities may be served by one local centre;

(3) every territory of a local municipality not comprised within the territory of a regional county municipality may be served by one local centre only, either exclusively or jointly with any other such territory or with the territory adjacent to any regional county municipality.

Notwithstanding subparagraph 3 of the first paragraph, the territory of Ville de Montréal is served by more than one local centre and, in particular, by the local centres mentioned in Schedule A, which serve, respectively, the parts of the territory of the city described in that schedule."

73. The said Act is amended by adding the following schedule at the end:

"SCHEDULE A
"(*sections 8 and 11*)

"LOCAL DEVELOPMENT CENTRES AND PARTS OF THE TERRITORY OF VILLE DE MONTRÉAL SERVED BY EACH LOCAL CENTRE

"Corporation de développement économique communautaire Côte-des-Neiges/Notre-Dame-de-Grâce

"The part of the territory of Ville de Montréal corresponding to the Côte-des-Neiges/Notre-Dame-de-Grâce borough.

"Corporation de développement économique communautaire Ahuntsic-Cartierville

"The part of the territory of Ville de Montréal corresponding to the Ahuntsic/Cartierville borough.

"CDEC Rosemont-Petite Patrie, Corporation de développement économique communautaire

"The part of the territory of Ville de Montréal corresponding to the Rosemont/Petite-Patrie borough.

"Corporation de développement économique communautaire (CDEC) Centre-Nord

"The part of the territory of Ville de Montréal corresponding to the Villeray/Saint-Michel/Parc-Extension borough.

"Corporation de développement économique communautaire Centre-Sud

"The part of the territory of Ville de Montréal corresponding to the Plateau Mont-Royal borough, except the quadrant formed by Saint-Laurent boulevard, Sherbrooke street west, University street and des Pins avenue west and the part of the territory of Ville de Montréal corresponding to the part of the Ville-Marie borough situated east of Saint-Denis street and north of Notre-Dame street east and the railway tracks along Port-de-Montréal street.

"Société de développement économique de Rivière-des-Prairies et Pointe-aux-Trembles

"The part of the territory of Ville de Montréal corresponding to the Rivière-des-Prairies/Pointe-aux-Trembles/Montréal-Est borough.

"Regroupement pour la relance économique et sociale du Sud-Ouest de Montréal

"The part of the territory of Ville de Montréal corresponding to the Sud-Ouest borough.

"Corporation de développement de l'Est (CDEST) inc.

"The part of the territory of Ville de Montréal corresponding to the Mercier/Hochelaga-Maisonneuve borough.

"Société de développement économique (SDE) Ville-Marie

"The part of the territory of Ville de Montréal corresponding to the Ville-Marie borough, except the part situated east of Saint-Denis street and north of Notre-Dame street east and the railway tracks along Port-de-Montréal street and the part of the territory of Ville de Montréal corresponding to the part of the Plateau Mont-Royal borough comprised in the quadrant formed by Saint-Laurent boulevard, Sherbrooke street west, University street and des Pins avenue west.

"Corporation de relance économique et communautaire de Saint-Léonard

"The part of the territory of Ville de Montréal corresponding to the Saint-Léonard borough."

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

74. Section 76.4 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), enacted by section 171 of chapter 25 of the statutes of 2001 and amended by section 90 of chapter 68 of the statutes of 2001, is again amended by inserting the following paragraph after the first paragraph :

"The plan established under the first paragraph may define classes among the beneficiaries of supplementary benefits and order benefits that vary according to the classes."

ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

75. Section 3.1.1 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended by striking out "authorized by the Minister" in the first line of the first paragraph.

ACT RESPECTING THE SOCIÉTÉ DE PROMOTION ÉCONOMIQUE DU QUÉBEC MÉTROPOLITAIN

76. The Act respecting the Société de promotion économique du Québec métropolitain (R.S.Q., chapter S-11.04) is repealed.

TRANSPORT ACT

77. Section 88.6 of the Transport Act (R.S.Q. chapter T-12), replaced by section 241 of chapter 23 of the statutes of 2001, is amended by replacing the first paragraph by the following paragraph :

"**88.6.** The sums which the Minister must pay shall be apportioned in proportion to the contributions collected, since the preceding payment, in the territory of each metropolitan community and in each region described in Schedule A, as well as in the territory of Ville de Saint-Jérôme."

78. Schedule A to the said Act, replaced by section 242 of chapter 23 of the statutes of 2001 and amended by section 69 of chapter 66 of the statutes of 2001, is again amended by adding the following paragraph after paragraph 6 :

"7. Ville de Saint-Jérôme".

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

79. Section 76 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing subparagraph *b* of the first paragraph by the following subparagraphs :

"(*b*) the date of the advance poll and the opening and closing times of the polling station or stations on that day;

"(*c*) the date of polling day and the opening and closing times of the polling station or stations on that day."

80. Section 85 of the said Act is amended by inserting "when an advance poll or a poll is held" after "established" in paragraph 1 of subsection 3.

81. The said Act is amended by inserting the following division after section 85:

"DIVISION V.1

"ADVANCE POLL

"**85.1.** Where a poll must be held, an advance poll must be held on the Sunday preceding polling day.

However, the presiding officer may decide that the advance poll will be held on the Sunday and the Monday preceding polling day.

"**85.2.** Election officers, handicapped persons and persons who have reasonable cause to believe that they will be absent or unable to vote on polling day may vote at the advace poll.

"**85.3.** Every advance polling station must be open from 12 noon to 8 p.m.

"**85.4.** The provisions of this Act relating to the holding of a poll, except section 94, apply, with the necessary modifications, to the advance poll, to the extent that they are consistent with this division. The same applies to sections 182 to 185 of the Act respecting elections and referendums in municipalities (chapter E-2.2)."

82. Section 266 of the said Act is amended by replacing "chefs" in the French text of the first line of the second paragraph by "directeurs".

83. Section 297 of the said Act is amended by replacing "chefs" in the French text of the third line by "directeurs".

84. Section 298 of the said Act is amended

(1) by replacing "manager" in the first line of subsection 1 by "director general";

(2) by replacing "assistant manager" in the fourth line of subsection 4 by "assistant director general".

85. The heading of Division II of Chapter III of Title II of Part II of the said Act is replaced by the following heading:

"THE DIRECTOR GENERAL".

86. Section 303 of the said Act is amended

(1) by replacing "manager" in the first line of the first paragraph and in the second line of the second paragraph by "director general";

(2) by replacing "chefs" in the French text of the second line of subparagraph *b*, in subparagraph *c* and in the second line of subparagraph *i* of the first paragraph by "directeurs".

87. Section 306 of the said Act is amended by striking out the third sentence.

88. The said Act is amended by inserting the following section after section 306:

"**306.1.** The secretary and the chairman of the committee shall sign all the contracts of the Regional Government and the agreements made with the Government."

89. Section 356 of the said Act is amended by replacing "manager's" in the second line of the second paragraph by "director general's".

90. Section 387 of the French text of the said Act is amended by replacing "chef" in the first line by "directeur".

91. Section 388 of the French text of the said Act is amended by replacing "chefs" in the second line by "directeurs".

ACT TO AMEND THE CHARTER OF THE CITY OF LAVAL

92. Section 19 of the Act to amend the charter of the City of Laval (1971, chapter 99), replaced by section 11 of chapter 112 of the statutes of 1978 and by section 262 of chapter 38 of the statutes of 1984, is amended

(1) by inserting "park development, the development of banks and shores, bicycle paths, water treatment," after "works for" in the fifth line;

(2) by replacing "of the lands" in the seventh line by "of immovables".

ACT TO ESTABLISH AN ADMINISTRATIVE REVIEW PROCEDURE FOR REAL ESTATE ASSESSMENT AND TO AMEND OTHER LEGISLATIVE PROVISIONS

93. Section 68 of the Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions (1996, chapter 67), amended by section 177 of chapter 93 of the statutes of 1997 and by section 104 of chapter 54 of the statutes of 2000, is again amended by replacing "2002" in the first paragraph by "2003".

ACT RESPECTING VILLE DE CHAPAIS

94. Section 2 of the Act respecting Ville de Chapais (1999, chapter 98) is amended by replacing "2002" in the second paragraph by "2003".

OTHER AMENDING PROVISIONS

95. Section 82 of Order in Council 841-2001 dated 27 June 2001 respecting Ville de Saguenay is amended

(1) by replacing "waste water treatment works, drinking water supply systems" by "the supply of electricity, park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths";

(2) by replacing "land" by "immovables".

96. Section 76 of Order in Council 850-2001 dated 4 July 2001 respecting Ville de Sherbrooke is amended

(1) by replacing "waste water purification works, drinking water supply systems" by "the supply of electricity, park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths";

(2) by replacing "land or servitudes and work respecting the supply of electricity" by "immovables or servitudes".

97. The said Order in Council is amended by inserting the following section after section 144:

"**144.1.** Notwithstanding section 144 and section 63 of chapter 59 of the statutes of 1999, the intermunicipal agreement concluded on 8 December 1992 between several municipalities including, among others, Ville de Bromptonville, Paroisse de Saint-Denis-de-Brompton and Municipalité de Stoke, that enables Municipalité régionale de comté du Val-Saint-François to establish and operate one or more waste management systems, continues to apply according to the terms and conditions stipulated therein, until the date on which the parties terminate the agreement."

98. Section 35 of Order in Council 851-2001 dated 4 July 2001 respecting Ville de Trois-Rivières is amended

(1) by replacing "waste water purification works, drinking water supply systems" by "park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths";

(2) by replacing "of land or servitudes and power supply work" by "of immovables or servitudes".

99. Section 15 of Order in Council 1133-2001 dated 26 September 2001, respecting Municipalité de Saint-Damase, is amended by replacing "standardized property values of" in the sixth line and in the eighth and ninth lines by "value of the taxable immovables, as entered on the assessment roll in force, situated in".

100. Sections 74 and 75 of Order in Council 202-2002 dated 6 March 2002, concerning Ville de Repentigny, are replaced by the following sections:

"**74.** For each of the fiscal years 2003 to 2007, the new city may, as regards the general property tax, fix different rates for the two amalgamated territories.

In such a case, every rate specific to a category of immovables that is fixed for the territory of the former Ville de Le Gardeur must be greater than the rate specific to the same category that is fixed for the territory of the former Ville de Repentigny.

However, the proportion that the first of such rates is of the second may not exceed the proportion that, for the fiscal year 2002, the rate of the general property tax fixed by the former Ville de Le Gardeur was of the general property tax rate fixed by the former Ville de Repentigny.

"**75.** For each of the fiscal years 2003 to 2007, the new city may, as regards any service tax, fix different rates for the two amalgamated territories.

However, the proportion that the rate fixed for one territory is of the rate fixed for the other territory, in respect of the same service, may not exceed the proportion that the rates of the tax imposed in respect of that service for the same two territories in relation to each other was for the former cities for the fiscal year 2002.

For the purposes of the first two paragraphs, "service tax" means any tax, compensation or mode of tariffing that is imposed specifically to finance a service, and "rate" means any rate or unitary amount used to calculate the amount payable by the debtor."

TRANSITIONAL AND FINAL PROVISIONS

101. Before 1 January 2006, the council of a municipality referred to in the third paragraph may allow, by by-law and notwithstanding any applicable planning by-law, the carrying out of a project in connection with a social housing program implemented under the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8).

A by-law adopted under the first paragraph may only contain the planning rules necessary for the carrying out of the project. The effect of the by-law is to amend any by-law in force to such extent as it must provide for in a clear and precise manner, and Division V of Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) does not apply in its respect.

The first two paragraphs apply to the cities of Gatineau, Laval, Lévis, Longueuil, Québec, Saguenay, Sherbrooke and Trois-Rivières.

102. Any act performed or decision made by the Commission conjointe d'aménagement de l'Outaouais in the conduct of its affairs or in the exercise of its functions since 16 May 2002 is valid, notwithstanding the fact that the Commission acted before the Minister fixed the number of its members.

103. Notwithstanding any contrary provision, the executive committee of Ville de Montréal shall, by a resolution passed not later than 31 December 2002, establish the places, other than the chief-place, where the Municipal Court of Ville de Montréal may hold its sittings as of 1 January 2003.

The resolution shall cease to have effect on the earlier of

(1) the day of coming into force of a resolution passed by the city council pursuant to section 24 of the Act respecting municipal courts (R.S.Q., chapter C-72.01); and

(2) 31 October 2003.

104. Notwithstanding any contrary provision, the executive committee of Ville de Longueuil shall, by a resolution passed not later than 31 December 2002, establish the chief-place and any other place where the Municipal Court of Ville de Longueuil may hold its sittings.

The resolution shall take effect as of 1 January 2003 and shall cease to have effect on the earlier of

(1) the day of coming into force of a resolution passed by the city council pursuant to section 24 of the Act respecting municipal courts (R.S.Q., chapter C-72.01); and

(2) 31 October 2003.

105. Notwithstanding the first paragraph of section 335 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the vacancy in the office of councillor No. 4 of Ville de Fermont need not be filled before the holding of the next general election.

106. Notwithstanding the first paragraph of section 335 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the vacancy in the office of councillor No. 1 of Municipalité de New Carlisle need not be filled before the next regular election.

107. The tax levied under By-law 92-05-03 of Municipalité de L'Acadie on the basis of the frontage of the immovables does not apply and is deemed never to have applied to agricultural operations registered in accordance with a regulation made under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14).

To compensate for the insufficiency of revenues resulting from the application of the first paragraph, Ville de Saint-Jean-sur-Richelieu is not required, notwithstanding the provisions of Order in Council 17-2001 dated 17 January 2001, to use the revenues derived exclusively from the part of the territory provided for by By-law 92-05-03 for the purposes of the tax, or the revenues derived exclusively from the territory of Municipalité de L'Acadie.

108. In case of the death, in the compensation period, of a person eligible under the compensation program provided for in section 233 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) or a similar compensation program established by an order referred to in section 125.27 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), the balance of the compensation shall be paid to the surviving spouse under the same terms and conditions or, if there is no surviving spouse, to the person's successors in a single payment.

For the purposes of the first paragraph, the spouse is the person who, at the time of the death, was married to or in a civil union with the eligible person referred to in the first paragraph, or provided neither was married or in a civil union at the time of the death, the person of the opposite or the same sex who had been living in a conjugal relationship with the eligible person referred to in the first paragraph and had been publicly represented as the eligible person's spouse for one year if a child is born or to be born of their union or, otherwise, for not less than three years.

This section has effect from 1 January 2002.

109. Any authorization necessary under section 496 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 25) may be given by the Minister of Municipal Affairs and Greater Montréal, at the request of the municipality or the body that succeeds, as the case may be, to the former municipality, the urban community or any other body referred to

in that section. Authorization so given is deemed to have been given under that section.

The alienation of the property in respect of which the authorization was so given is deemed to be or to have been made, as the case may be, by the former municipality, the urban community or the body that was required to obtain the authorization required by that section. If the alienation was made before the authorization was so given in its respect, the alienation is nonetheless valid.

This section has effect from 1 January 2002.

110. Notwithstanding section 8 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2), section 8 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3), section 8 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), section 8 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5), section 146 of Order in Council 841-2001 dated 27 June 2001 respecting Ville de Saguenay, section 140 of Order in Council 850-2001 dated 4 July 2001 respecting Ville de Sherbrooke, section 94 of Order in Council 851-2001 dated 4 July 2001 respecting Ville de Trois-Rivières and section 78 of Order in Council 1012-2001 dated 5 September 2001 respecting Ville de Shawinigan, the city council may choose 31 December 2001 as the date for determining a sum pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) or for determining an unfunded actuarial liability.

Where the city council makes the choice mentioned in the first paragraph, every pension plan to which a former municipality whose territory is included in whole or in part in the territory of the city was required to contribute on the day preceding the day of the constitution of the city, must, if it is governed by Chapter X of the Supplemental Pension Plans Act, be the subject of an actuarial valuation as at 31 December 2001.

The choice mentioned in the first paragraph must be made before 31 March 2003 and a copy of the resolution whereby the council makes the choice must be transmitted, within 30 days after its passage, to each pension committee concerned.

The report relating to an actuarial valuation must be transmitted to the Régie des rentes du Québec by the pension committee not later than 30 September 2003.

111. Sections 1, 2, 77 and 78 have effect from 1 January 2003.

112. Any provision of a by-law of Ville de Québec that was adopted under section 97 of Schedule C to the charter of the city, repealed by section 27, and that prescribes the maximum number of persons not resident in a residence that may work in the residence is deemed to have been adopted under subparagraph 3.2 of the second paragraph of section 113 of the Act respecting

land use planning and development (R.S.Q., chapter A-19.1), enacted by section 4.

113. Sections 59 to 69 have effect for the purposes of any fiscal year from the fiscal year 2003.

114. Section 17 has effect from 16 June 2000.

115. Sections 28, 29, 36 and 37 have effect from 7 November 2002.

Any agreement entered into, on an experimental basis, under section 29.1.1 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 10.5 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) before the date mentioned in the first paragraph or authorized by an order in council made before that date, may be continued or entered into, as the case may be, notwithstanding the sections mentioned in the first paragraph.

116. Sections 39 and 40 do not abridge the duration of the functions of the persons who on 18 December 2002 held the positions the holders of which are appointed under the provisions amended by those sections.

117. Notwithstanding section 466.3 of the Cities and Towns Act (R.S.Q., chapter C-19), the amount of the sum that Ville de Montréal is required to pay in support of the bodies mentioned in Schedule A to the Act respecting the Ministère des Régions (R.S.Q., chapter M-25.001), enacted by section 73, is, for the years 2003 to 2007, determined in an agreement entered into by the city and the Government pursuant to section 29.1.1 of the Cities and Towns Act, as amended by section 28.

For the years 2003 to 2007, sections 12, 14 and 15 of the Act respecting the Ministère des Régions are deemed to read as follows:

"**12.** Subject to the third paragraph, the Minister shall enter into an agreement with each local development centre and the municipal body referred to in section 11 whose territory it serves determining the conditions to be met by the centre, and the role and responsibilities of each of the parties.

The municipal body party to the agreement holds the powers required for the carrying out of the agreement.

Where the local development centre is a body mentioned in Schedule A, an agreement regarding the objects referred to in the first paragraph shall be entered into only by that local centre and the Minister.

"**14.** A local development centre shall administer the funds entrusted to it pursuant to the agreement referred to in section 12.

Where the local development centre is a body mentioned in Schedule A, the local centre shall also administer the sum the amount of which is determined in an agreement entered into by Ville de Montréal and the Government pursuant to section 29.1.1 of the Cities and Towns Act (chapter C-19).

"**15.** A local development centre must, annually, file a report on its activities with the Minister on the date and in the manner determined by the Minister, together with its financial statements for the preceding fiscal year.

The report shall contain any other information required by the Minister. The financial statements shall be filed together with the auditor's report.

The activity report, the financial statements and the auditor's report shall also be transmitted to the municipal body party to the agreement referred to in section 12 or to Ville de Montréal where the local development centre is a body mentioned in Schedule A."

118. Section 74 has effect from 1 January 2002.

119. Section 76 has effect from the date fixed by the Government. The Government must, by the same order, fix the terms and conditions of dissolution and succession of the Société de promotion économique du Québec métropolitain.

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

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 139
(2002, chapter 78)

An Act to amend the Code of Penal Procedure

Introduced 7 November 2002
Passage in principle 26 November 2002
Passage 18 December 2002
Assented to 19 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill amends the Code of Penal Procedure in order to provide that a contribution of $10 is to be added to the amount of the fine and costs in respect of each statement of offence issued under that Code for an offence under the laws of Québec, except statements of offence issued for the contravention of a municipal by-law.

The sums collected as a contribution will be used to provide assistance to victims of crime to the extent determined by the Government.

The bill also provides rules governing the recovery of the contribution.

LEGISLATION AMENDED BY THIS BILL :

– Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2) ;

– Code of Penal Procedure (R.S.Q., chapter C-25.1).

Bill 139

AN ACT TO AMEND THE CODE OF PENAL PROCEDURE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by inserting the following article after article 8:

"**8.1.** A contribution of $10 shall be added to the total amount of the fine and costs imposed on the issue of a statement of offence for an offence under the laws of Québec, except in the case of a statement of offence issued for the contravention of a municipal by-law.

The contribution becomes payable as a fine as soon as a defendant enters a plea of guilty or is convicted or deemed convicted of an offence, whether or not the contribution is mentioned in the judgment. Except as regards imprisonment, the rules provided in this Code for the recovery of a fine, including those relating to costs of execution, apply to the recovery of the contribution and the contribution is deemed, for such purposes, to form part of the fine. However, in the case of partial payment of a fine, the contribution is deemed paid last.

The sums collected as a contribution shall be used to provide assistance to victims of crime to the extent determined by the Government."

2. Article 146 of the said Code is amended by replacing "and costs" in the second line of paragraph 9 by ", the costs and the contribution provided for in article 8.1".

3. Article 148 of the said Code is amended by replacing subparagraph 2 of the first paragraph by the following subparagraphs:

"(2) where the sentence requested is a fine, the amount of the costs fixed by regulation payable by the defendant if he transmits a plea of guilty;

"(2.1) where applicable, the amount of the contribution provided for in article 8.1;

"(2.2) where the sentence requested is a fine, the total amount of the fine, the costs and, where applicable, the contribution requested;".

4. Article 164 of the said Code is amended by inserting "of a fine and costs" after "payment" in the first line.

5. Article 167 of the said Code is amended by replacing "amount" in the third line by "total amount of the fine and costs".

6. Section 15 of the Act respecting assistance for victims of crime (R.S.Q., chapter A-13.2) is amended by adding the following paragraph at the end:

"The sums required to grant financial assistance shall be taken out of the funds provided for in section 12 or out of the funds provided for in article 8.1 of the Code of Penal Procedure (chapter C-25.1)."

7. The provisions of this Act do not apply in respect of offences committed before the date of its coming into force.

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

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 141
(2002, chapter 79)

An Act to amend the Act respecting the Pension Plan of Certain Teachers

Introduced 7 November 2002
Passage in principle 4 December 2002
Passage 19 December 2002
Assented to 19 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTE

This bill amends the Act respecting the Pension Plan of Certain Teachers to specify the limit applicable, when a pensioner attains 65 years of age, upon the coordination of the pensioner's pension with the pension paid under the Québec Pension Plan.

Bill 141

AN ACT TO AMEND THE ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 24 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by replacing the fourth paragraph by the following paragraph:

"In no case may the pension, increased in accordance with section 20, be reduced by an amount greater than the amount corresponding to the maximum monthly retirement pension payable under section 116.6 of the Act respecting the Québec Pension Plan for the year in which the pensioner retired, multiplied by 12."

2. The provisions governing the reduction of the pension set out in the fourth paragraph of section 24 of the Act respecting the Pension Plan of Certain Teachers introduced by section 1 of this Act are applicable as of 26 June 1986.

However, section 24, as it read on 7 November 2002, shall continue to apply to every application for reexamination received before that date by the Commission administrative des régimes de retraite et d'assurances that pertains to the reexamination of a decision relating to the amount of reduction of the pension applicable under that section.

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

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 142
(2002, chapter 66)

An Act to amend the Act respecting health services and social services as regards the medical activities, the distribution and the undertaking of physicians

Introduced 7 November 2002
Passage in principle 27 November 2002
Passage 17 December 2002
Assented to 18 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill amends the Act respecting health services and social services as regards the medical activities, the distribution and the undertaking of physicians.

New measures are introduced concerning the preparation of the medical and dental staffing plans of institutions and the regional medical staffing plans of regional boards. From now on, the medical and dental staffing plan of a hospital centre would have to contain two parts dealing separately with general practitioners and with medical specialists. In addition, the medical and dental staffing plan of an institution would be required to specify the status and volume of activity of physicians. Regional medical staffing plans would also have to include a part concerning general practitioners and another concerning medical specialists, and each such part would specify the status and volume of activity of physicians practising in an institution and the place of practice of physicians practising in a private health facility in the region.

A number of adjustments are made to the rules governing the exercise of specific medical activities, in order, for instance, to extend the possibility of participating in an agreement covering such activities to all general practitioners, and to redefine the list of specific medical activities so as to give priority to emergency medical services. In addition, a regional board would now have the power to review the undertakings made by physicians regarding specific medical activities periodically or, in order to ensure the availability of emergency medical services, upon 60 days' notice.

The bill redefines certain responsibilities of regional departments of general medicine.

Finally, amendments are made to the Health Insurance Act that would notably eliminate, in the health insurance scheme, differences in remuneration applicable to physicians in their first years of general practise or practise in a specialty. As well, under the bill, the conditions for obtaining a scholarship under the Health Insurance Act would no longer include receiving no scholarship funds or direct financial assistance under the Act respecting financial assistance for education expenses or any other law of Québec.

LEGISLATION AMENDED BY THIS BILL :

– Health Insurance Act (R.S.Q., chapter A-29) ;

– Act respecting health services and social services (R.S.Q., chapter S-4.2) ;

– Act to ensure the continued provision of emergency medical services (2002, chapter 39).

Bill 142

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES AS REGARDS THE MEDICAL ACTIVITIES, THE DISTRIBUTION AND THE UNDERTAKING OF PHYSICIANS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 184 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended

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

"**184.** The organization plan of a hospital centre must, in addition, provide for the formation of clinical departments and clinical services. One part of that segment of the organization plan must pertain to the medical staff in general practice and another, to the medical staff in specialties. Each such part must specify the number of general practitioners and specialists in each specialty who may practise in each department and service, as well as their status and volume of activity, the volume of activity being established in accordance with the standards prescribed by regulation of the Government. Another part of that segment of the organization plan must specify the number of dentists and dental specialists who may practise in each department and service.

All elements referred to in the first paragraph must be determined having regard to the permit of the institution operating the hospital centre, the financial resources at its disposal and the regional service organization plans drawn up by the regional board, as well as the expansion or reduction objectives referred to in section 377.";

(2) by replacing "The part" in the first line of the second paragraph by "Each part of the segment";

(3) by replacing the second sentence of the second paragraph by the following sentence: "Once approved by the regional board, each part of that segment of the organization plan shall constitute, for the staff covered thereby, the medical and dental staffing plan of the institution.";

(4) by inserting ", as regards each of its parts," after "staffing plan" in the first line of the third paragraph.

2. Section 186 of the said Act is amended by replacing "and" in the third line of the first paragraph by ", with an indication of their status and volume of activity, and the number of".

3. Section 240 of the said Act, replaced by section 44 of chapter 24 of the statutes of 2001, is amended by striking out ", approved in accordance with section 378" in the last line.

4. Section 242.1 of the said Act, enacted by section 45 of chapter 24 of the statutes of 2001, is amended by replacing " approved by the regional board, that the regional board" in the fourth and fifth lines by "that the regional board".

5. Section 243 of the said Act is amended

(1) by replacing "may" in the first line by "may not";

(2) by adding "unless the physician or dentist produces a document in which he or she acknowledges having read the resolution" at the end.

6. Section 340 of the said Act, amended by section 48 of chapter 24 of the statutes of 2001, is again amended by inserting "or section 361.1" after "section 360" in the second line of subparagraph 5 of the second paragraph.

7. Section 360 of the said Act is replaced by the following section:

"**360.** Every general practitioner wishing to participate in an agreement under the fifth paragraph of section 19 of the Health Insurance Act (chapter A-29) must undertake to devote part of his or her practice to specific medical activities listed in section 361."

8. Section 361 of the said Act is amended

(1) by replacing subparagraphs 1 to 6 of the second paragraph by the following subparagraphs:

"(1) as a priority, the provision of medical services in the emergency departments of institutions designated under paragraph 1.1. of section 359;

"(2) the provision of care to users admitted for short-term care by an institution operating a hospital centre;

"(3) the provision of medical services involving on-call duty in any residential and long-term care centre or rehabilitation centre operated by an institution or in connection with a home care support program of a local community service centre operated by an institution;

"(4) the provision of obstetrical medical services in a centre operated by an institution;

"(5) the provision of primary care services to vulnerable patients, whether in their homes, in a private health facility or in any centre operated by an institution; and

"(6) participation in any other priority activity determined by the regional board and approved by the Minister, to the extent and under the conditions prescribed by the Minister.";

(2) by striking out the third paragraph.

9. The said Act is amended by inserting the following sections after section 361:

"**361.1.** Every medical specialist in a specialty covered by an agreement under the fifth paragraph of section 19 of the Health Insurance Act having no privileges in any institution operating a hospital centre who wishes to participate in such an agreement must devote part of his or her practice to specific medical activities referred to in the second paragraph.

For the purposes of the first paragraph, the regional board shall establish a list of specific medical activities based on its service organization plans. The list shall also specify the conditions of exercise of each activity offered, in accordance with the conditions of the agreement referred to in the first paragraph.

"**361.2.** An agreement referred to in section 360 or 361.1 may provide for adjustments as regards the nature of activities and the level of participation of physicians according to the number of years of practice."

10. The said Act is amended by inserting the following section after section 364:

"**364.1.** The regional board may, in accordance with the procedure set out in the agreement, periodically review the undertaking made by a physician pursuant to section 363.

However, in the event of a serious shortage of and in order to ensure the availability of the medical services referred to in subparagraph 1 of the second paragraph of section 361, a regional board may, in accordance with the terms of the agreement, after consulting the regional department of general medicine and upon 60 days' notice, review the undertaking made by a physician who only exercises activities referred to in subparagraph 5 or 6 of the second paragraph of that section."

11. The said Act is amended by inserting the following section after section 366:

"**366.1.** The provisions of sections 362 to 366 apply, with the necessary modifications, to medical specialists to whom section 361.1 applies."

12. Section 377 of the said Act is amended

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

"**377.** Each regional board must prepare a regional medical staffing plan, one part of which must pertain to the medical staff in general practice and another, to the medical staff in specialties. The plan may also be prepared so as to specify, for each territory and sub-territory, the existing and expected medical staff both in institutions and in private health facilities.

The regional plan is prepared on the basis of the parts of the organization plans of institutions transmitted to the regional board in accordance with sections 184 and 186, the number of physicians required to perform the specific medical activities referred to in sections 361 and 361.1, the number of general practitioners and medical specialists, listed by specialty, who are remunerated by the Régie de l'assurance maladie du Québec and practise in the region, according to their place of practice or the territory where they exercise their activities, including those who practise in a private health facility, and, as regards physicians practising in a centre operated by an institution, their status and volume of activity.";

(2) by replacing the third, fourth and fifth paragraphs by the following paragraphs:

"In preparing its regional plan, the regional board must also take into account, as regards the part of the plan pertaining to medical staff in general practice, the recommendations obtained from the regional department of general medicine pursuant to subparagraph 1 of the first paragraph of section 417.2 and, as regards the part of the plan pertaining to medical staff in specialties, the advice obtained from the regional medical commission pursuant to subparagraph 1 of the first paragraph of section 369.

Each part of the regional plan, together with the parts of the organization plans of institutions that were used in its preparation, must be submitted to the Minister for approval with or without amendment. Once approved by the Minister, each part of the regional plan shall constitute the regional medical staffing plan for the staff covered by that part.

The regional plan, as regards each of its parts, must be reviewed at least every three years and shall continue in force until the Minister makes a decision on the review.

For the purposes of this section and sections 380 and 417.2, the Minister and the regional board may request the Régie de l'assurance maladie du Québec to send them the practice profiles and information referred to in the third paragraph of section 66.1 of the Health Insurance Act (chapter A-29)."

13. Section 377.1 of the said Act is amended by replacing "seventh" in the fourth line by "sixth".

14. Section 378 of the said Act is amended by replacing "Once its regional medical staffing plan is approved, the" in the first line of the first paragraph by "The" and by adding "once the part of its regional plan prepared on the basis of those parts is approved" at the end of that paragraph.

15. Section 417.2 of the said Act, amended by section 80 of chapter 24 of the statutes of 2001, is again amended

(1) by replacing "the plan" in the third line and in the fifth line of subparagraph 1 of the first paragraph by "that part of the plan";

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

"(2) defining and proposing the regional organization plan for the provision of general medical care, which must specify, for each territory and sub-territory, the services provided in private health facilities, in local community service centres or in outpatient clinics of hospital centres operated by an institution, the nature of existing and expected services in terms of accessibility and the capacity to handle various types of patients, and ensuring the implementation and application of the regional board's decision concerning the plan;";

(3) by inserting ", particularly by means of service, pairing or sponsorship agreements between institutions," after "roster" in the second line of subparagraph 3 of the first paragraph.

16. Section 530.57 of the said Act is amended

(1) by replacing "366" in the first line by "366.1";

(2) by replacing "section 361" in the second line by "sections 361 and 361.1";

(3) by replacing "regional medical commission" in the fifth line by "regional department of general medicine".

17. Section 19 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 241 of chapter 8 of the statutes of 2000, is again amended

(1) by striking out the fifth paragraph;

(2) by striking out the third sentence of the sixth paragraph;

(3) by replacing "the fourth and fifth paragraphs" in the second line of the eighth paragraph by "the fourth paragraph";

(4) by striking out the third sentence of the eighth paragraph;

(5) by replacing "sixth" in the third and fifth lines of the ninth paragraph by "fifth";

(6) by striking out "having held a licence to practise for less than ten years" in the seventh and eighth lines of the ninth paragraph;

(7) by replacing "seventh" in the second line of the tenth paragraph by "sixth".

18. Section 19.0.1 of the said Act is repealed.

19. Section 19.1 of the said Act, amended by section 241 of chapter 8 of the statutes of 2000, is again amended by replacing "thirteenth" in the second paragraph by "twelfth".

20. Section 65 of the said Act, amended by section 105 of chapter 24 of the statutes of 2001, is again amended by replacing "sixth" in the fifth line of the fourth paragraph by "fifth".

21. Section 66.1 of the said Act is amended

(1) by inserting "to the Minister," after "on request," in the first line of the third paragraph;

(2) by replacing "the said Act," in the third line of the third paragraph by "that Act, for the purposes of sections 369, 377, 380 and 417.2 of that Act,".

22. Section 69 of the said Act is amended by striking out subparagraphs *w* and *x* of the first paragraph.

23. The said Act is amended by inserting the following section after section 69.0.1:

"**69.0.1.1.** The Conseil du trésor may, after consulting or on the recommendation of the Board, make regulations under the seventh and eighth paragraphs of section 19."

24. Section 69.0.2 of the said Act is amended by replacing "adopted under subparagraph *w* or *x* of the first paragraph of section 69" in the first and second lines by "under section 69.0.1.1".

25. Section 89 of the said Act is amended by striking out paragraph *e*.

26. Section 26 of the Act to ensure the continued provision of emergency medical services (2002, chapter 39) is amended by replacing "31 December 2002 or on any later date to be determined by the Government" by "18 December 2002".

27. The Minister shall take such measures as are necessary to ensure that, no later than 30 June 2003, any amendment required to bring any existing agreement made under the fifth paragraph of section 19 of the Health Insurance Act, amended by section 17, into conformity with the provisions of sections 360 and 361 of the Act respecting health services and social services, replaced by section 7 and amended by section 8, respectively, and any amendment required to take account of the measures introduced by section 361.2 of that Act, enacted by section 9, have been agreed to.

If no agreement has been reached on that date, the Conseil du trésor shall, no later than 31 August 2003, determine the required amendments in the same manner as that provided in the eighth paragraph of section 19 of the Health Insurance Act, as amended by section 17.

28. Notwithstanding any inconsistent provision in an existing agreement made under the fifth paragraph of section 19 of the Health Insurance Act, amended by section 17, the provisions of section 360 of the Act respecting health services and social services, replaced by section 7, have effect from 1 September 2003 in respect of all general practitioners who become subject to such provisions.

If, by virtue of the provisions of the second paragraph of section 361 of the Act respecting health services and social services, amended by section 8, certain activities that a physician was required to perform are no longer recognized as specific medical activities, the undertakings made by the physician cease to have effect on 1 September 2003, notwithstanding any inconsistent provision in an agreement referred to in the first paragraph.

29. The provisions of Schedule 34 to the framework agreement between the Minister of Health and Social Services and the Fédération des médecins spécialistes du Québec for the purposes of the Health Insurance Act, entered into on 1 October 1995, and those of its modifications cease to have effect on the date on which paragraph 1 of section 17 of this Act comes into force, in respect of physicians subject thereto.

However, the joint committee established under that schedule may make recommendations concerning applications for recognition it received before that date and which cover a period preceding that date.

30. The provisions of this Act come into force on the date or dates to be determined by the Government, except sections 25, 26 and 27, which come into force on 18 December 2002.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 143
(2002, chapter 80)

An Act to amend the Act respecting labour standards and other legislative provisions

Introduced 7 November 2002
Passage in principle 19 November 2002
Passage 19 December 2002
Assented to 19 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill introduces various amendments that concern the standards applicable to employees and employers who are subject to the Act respecting labour standards.

As regards the scope of the Act, the bill provides in particular that the labour standards apply to domestics whether or not they reside with their employer. The labour standards will also apply, subject to the duration of the work, to all farm workers and to persons having custody or taking care of a child or a sick, handicapped or elderly person, unless the work is performed occasionally or solely within the context of assistance to family or community help.

The bill clarifies the powers of the Commission des normes du travail pertaining to the preparation and dissemination of information documents concerning labour standards and the obligations the Commission may impose on employers in that respect.

The bill clarifies the provisions concerning gratuities or tips earned by employees and the rules that apply where a tip-sharing arrangement exists with other employees in the same establishment.

As regards hours of work and rest periods, the bill specifies the situations in which an employee is deemed to be at work, introduces a right to refuse to work over and above a certain number of daily or weekly work hours, and raises the minimum period of weekly rest from 24 to 32 hours.

New rules are introduced to calculate the indemnity paid for general statutory holidays, which will be calculated as a proportion of wages earned in the pay periods preceding the holiday, without regard to an uninterrupted service requirement or to whether or not the holiday is a workday for the employee.

The bill provides that on certain conditions paid annual vacation may be taken early or deferred to the following year.

The bill raises the time for which an employee may be absent for sickness or an accident from 17 to 26 weeks and from 5 to 10 days per year for family obligations. An employee will be entitled to be absent for up to 12 weeks per year if the employee's presence is

required to care for a close relative because of a serious illness or accident and for up to 104 weeks if a minor child of the employee has a serious and potentially mortal illness. Other amendments introduced concern maternity and parental leaves and a new paternity leave. The bill provides that, during an absence owing to sickness or an accident, or a maternity, paternity or parental leave, the group insurance and pension plans recognized in the employee's place of employment are maintained and the employee is to be reinstated in the employee's regular position, and with the same benefits, at the end of the absence or leave.

The bill introduces provisions that pertain to psychological harassment, including an employee's right to work in an environment free from harassment. Provisions are introduced which make it possible for an employee who believes he or she is a victim of harassment to file a complaint with the Commission des normes du travail and, where necessary, to have recourse to the Commission des relations du travail. Special rules are to be applicable where the employee suffers an employment injury from the psychological harassment.

The provisions of the Act respecting manpower vocational training and qualification that concern mass layoffs are transferred to the Act respecting labour standards, with the addition of a remedy available to an employee should the employer fail to respect the time periods for giving layoff notice.

The bill clarifies the rules that apply if the employer requires an employee to wear special clothing or to furnish material, equipment, raw materials or goods.

The bill establishes an employee's right, subject to certain conditions, to retain the status of employee if changes made by the employer to the enterprise do not alter that status, and provides for the filing of a complaint with the Commission des normes du travail in the event of a disagreement and, where necessary, for recourse to the Commission des relations du travail.

Various amendments are made by the bill to provisions concerning remedies, in particular to reduce the period of uninterrupted service required before an employee can file a complaint for dismissal without just and sufficient cause.

Lastly, the bill repeals the provisions relating to bankruptcy and contains various provisions of a technical nature and consequential amendments.

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) ;

– National Holiday Act (R.S.Q., chapter F-1.1) ;

– Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) ;

– Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001) ;

– Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2) ;

– Act respecting labour standards (R.S.Q., chapter N-1.1).

Bill 143

AN ACT TO AMEND THE ACT RESPECTING LABOUR STANDARDS AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by striking out ", provided that, under the law of his place of work, he is not entitled to a minimum wage" in subparagraph 2 of the first paragraph.

2. Section 3 of the said Act is amended

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

"(2) to an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, if the employee's duty is performed on an occasional basis, unless the work serves to procure profit to the employer, or if the employee's duty is performed solely within the context of assistance to family or community help;";

(2) by replacing "81.1 to 81.17" in the third line of paragraph 3 by "79.7, 79.8, 81.1 to 81.20";

(3) by replacing "I and II" in the last line of paragraph 3 by "I, II and II.1";

(4) by replacing "81.1 to 81.17" in the second line of paragraph 6 by "79.7, 79.8, 81.1 to 81.20";

(5) by replacing "I and II" in the fourth line of paragraph 6 by "I, II and II.1".

3. Section 3.1 of the said Act is replaced by the following section:

"**3.1.** Notwithstanding section 3, Divisions V.2 and VI.1 of Chapter IV, sections 122.1 and 123.1 and Division II.1 of Chapter V apply to all employees and to all employers."

4. Section 5 of the said Act is amended

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

"(1.1) inform employees and employers of their rights and obligations under this Act;";

(2) by striking out paragraph 4.

5. Section 29 of the said Act is amended by striking out paragraph 4.

6. Section 39 of the said Act is amended

(1) by striking out paragraph 7;

(2) by adding the following paragraphs after paragraph 12:

"(13) prepare and disseminate information documents on labour standards and make the documents available to any interested person or body, in particular employers and employees;

"(14) require an employer to transmit to employees any information document concerning labour standards furnished to the employer by the Commission and to post the document in a prominent place easily accessible to all employees or to disseminate the contents of the document;

"(15) where it considers it necessary, indicate to the employer the manner in which the employer is required to transmit, post or disseminate an information document it furnishes to the employer."

7. Section 39.0.1 of the said Act is amended

(1) by replacing paragraph 3 of the definition of "employer subject to contribution" by the following paragraph:

"(3) public transit authorities mentioned in section 1 of the Act respecting public transit authorities (2001, chapter 23), amended by section 1 of chapter 66 of the statutes of 2001;";

(2) by inserting the following paragraph after paragraph 2 of the definition of "remuneration subject to contribution":

"(2.1) remuneration paid to an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, unless the work serves to procure profit to the employer;".

8. Section 39.1 of the said Act is repealed.

9. Section 40 of the said Act is amended by adding the following paragraph at the end:

"An employee is entitled to be paid a wage that is at least equivalent to the minimum wage."

10. Section 49 of the said Act is amended

(1) by striking out ", or unless he is authorized to do so in writing by the employee" at the end of the first paragraph;

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

"The employer may make deductions from wages if the employee consents thereto in writing, for a specific purpose mentioned in the writing."

11. Section 50 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

"**50.** Any gratuity or tip paid directly or indirectly by a patron to an employee who provided the service belongs to the employee of right and must not be mingled with the wages that are otherwise due to the employee. The employer must pay at least the prescribed minimum wage to the employee without taking into account any gratuities or tips the employee receives.

Any gratuity or tip collected by the employer shall be remitted in full to the employee who rendered the service. The words gratuity and tip include service charges added to the patron's bill but do not include any administrative costs added to the bill.

The employer may not impose an arrangement to share gratuities or a tip-sharing arrangement. Nor may the employer intervene, in any manner whatsoever, in the establishment of an arrangement to share gratuities or a tip-sharing arrangement. Such an arrangement must result solely from the free and voluntary consent of the employees entitled to gratuities or tips."

12. Section 50.1 of the said Act is amended by striking out "over and above the proportion of such costs that is attributable to tips".

13. Section 52 of the said Act is amended

(1) by replacing "44" in the first paragraph by "40";

(2) by striking out the second paragraph.

14. Section 54 of the said Act is amended

(1) by inserting ", as regards the computing of overtime hours for the purpose of the increase in the usual hourly wage," after "does not apply" in the portion before subparagraph 1 of the first paragraph;

(2) by striking out "harvesting," in subparagraph 5 of the first paragraph;

(3) by striking out subparagraph 8 of the first paragraph;

(4) by adding the following subparagraph after subparagraph 8 of the first paragraph:

"(9) an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, unless the work serves to procure profit to the employer.";

(5) by replacing "and 5 to 8" in the third line of the second paragraph by ", 5 to 7 and 9".

15. Section 57 of the said Act is replaced by the following section:

"**57.** An employee is deemed to be at work

(1) while available to the employer at the place of employment and required to wait for work to be assigned;

(2) subject to section 79, during the break periods granted by the employer;

(3) when travel is required by the employer;

(4) during any trial period or training required by the employer."

16. Section 59 of the said Act is repealed.

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

"**59.0.1.** An employee may refuse to work

(1) more than four hours after regular daily working hours or more than fourteen working hours per twenty-four hour period, whichever period is the shortest or, for an employee whose daily working hours are flexible or non-continuous, more than twelve working hours per twenty-four hour period;

(2) subject to section 53, more than fifty working hours per week or, for an employee working in an isolated area or carrying out work in the James Bay territory, more than sixty working hours per week.

This section does not apply where there is a danger to the life, health or safety of employees or the population, where there is a risk of destruction or serious deterioration of movable or immovable property or in any other case of superior force, or if the refusal is inconsistent with the employee's professional code of ethics."

18. Section 59.1 of the said Act is amended by adding the following paragraph at the end:

"However, notwithstanding any provision contrary to the collective agreement or decree, the indemnity for a non-working day with pay shall be computed, in the case of an employee referred to in section 42.11 or 1019.4 of the Taxation Act (chapter I-3), on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4."

19. Section 60 of the said Act is amended by replacing paragraph 2 by the following paragraph:

"(2) Good Friday or Easter Monday, at the option of the employer;".

20. Section 62 of the said Act is replaced by the following section:

"**62.** For each statutory general holiday, the employer must pay the employee an indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime. However, the indemnity paid to an employee remunerated in whole or in part on a commission basis must be equal to 1/60 of the wages earned during the twelve complete weeks of pay preceding the week of the holiday."

21. Section 65 of the said Act is replaced by the following section:

"**65.** To benefit from a statutory general holiday, an employee must not have been absent from work without the employer's authorization or without valid cause on the working day preceding or on the working day following the holiday."

22. Section 70 of the said Act is amended by inserting the following paragraphs after the first paragraph:

"Notwithstanding the first paragraph, the employer may, at the request of the employee, allow the annual leave to be taken, in whole or in part, during the reference year.

In addition, if at the end of the twelve months following the end of a reference year, the employee is absent owing to sickness or accident or is absent or on leave for family or parental matters, the employer may, at the request of the employee, defer the annual leave to the following year. If the annual leave is not so deferred, the employer must pay the indemnity for the annual leave to which the employee is entitled."

23. Section 74 of the said Act is amended

(1) by inserting "or paternity" after "maternity" in the first line of the second paragraph;

(2) by replacing "maternity leave" in the third paragraph by "maternity or paternity leave".

24. Section 75 of the said Act is amended by adding the following paragraph at the end:

"However, in the case of a farm worker hired on a daily basis, the indemnity may be added to his wages and be paid in the same manner."

25. Section 77 of the said Act is amended

(1) by striking out subparagraph 6 of the first paragraph;

(2) by replacing "subparagraphs 2 and 6" in the second paragraph by "subparagraph 2".

26. Section 78 of the said Act is amended

(1) by replacing "twenty-four" in the first paragraph by "32";

(2) by adding "if the employee consents thereto" at the end of the second paragraph.

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

"DIVISION V.0.1

"ABSENCES OWING TO SICKNESS OR ACCIDENT

"**79.1.** An employee who is credited with three months of uninterrupted service may be absent from work, without pay, for a period of not more than 26 weeks over a period of 12 months, owing to sickness or accident.

However, this section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

"**79.2.** An employee must advise the employer as soon as possible of an absence from work and give the reasons therefor.

"**79.3.** An employee's participation in the group insurance and pension plans recognized in the employee's place of employment shall not be affected by the absence from work, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

The Government shall determine, by regulation, the other advantages available to an employee during an absence owing to sickness or accident.

"**79.4.** At the end of the absence owing to sickness or accident, the employer shall reinstate the employee in the employee's former position with the same benefits, including the wages to which the employee would have been entitled had the employee remained at work. If the position held by the employee no longer exists when the employee returns to work, the employer shall recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist.

Nothing in the first paragraph shall prevent an employer from dismissing, suspending or transferring an employee if, in the circumstances, the consequences of the sickness or accident or the repetitive nature of the absences constitute good and sufficient cause.

"**79.5.** If the employer makes dismissals or layoffs that would have included the employee had the employee remained at work, the employee retains the same rights with respect to a return to work as the employees who were dismissed or laid off.

"**79.6.** This division shall not grant to an employee any benefit to which the employee would not have been entitled if the employee had remained at work."

28. The said Act is amended by replacing the heading of Division V.1 of Chapter IV by the following heading:

"FAMILY OR PARENTAL LEAVE AND ABSENCES".

29. The said Act is amended by inserting the following sections after the heading of Division V.1 of Chapter IV:

"**79.7.** An employee may be absent from work, without pay, for 10 days per year to fulfil obligations relating to the care, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of the employee's spouse, father, mother, brother, sister or one of the employee's grandparents.

The leave may be divided into days. A day may also be divided if the employer consents thereto.

The employee must advise the employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and the duration of the leave.

"**79.8.** An employee who is credited with three months of uninterrupted service may be absent from work, without pay, for a period of not more than 12 weeks over a period of 12 months where he must stay with his child, spouse, the child of his spouse, his father, mother, brother, sister or one of his grandparents because of a serious illness or a serious accident.

An employee must advise the employer as soon as possible of an absence from work and, at the employer's request, furnish a document justifying the absence.

However, if a minor child of the employee has a serious and potentially mortal illness, attested by a medical certificate, the employee is entitled to an extension of the absence, which shall end at the latest 104 weeks after the beginning thereof.

The first paragraph of section 79.3, the first paragraph of section 79.4 and sections 79.5 and 79.6 apply, with the necessary modifications, to the employee's absence."

30. Section 80 of the said Act is amended by replacing "three" by "four".

31. Section 81.1 of the said Act is amended

(1) by replacing "or the adoption of a child" in the first paragraph by ", the adoption of a child or where there is a termination of pregnancy in or after the twentieth week of pregnancy";

(2) by adding "or after the termination of pregnancy" at the end of the second paragraph.

32. Section 81.2 of the said Act is replaced by the following section:

"**81.2.** An employee is entitled to a paternity leave of not more than five consecutive weeks, without pay, on the birth of his child.

The paternity leave shall not begin before the week of the birth of the child and shall not end later than 52 weeks after the week of the birth."

33. Section 81.4 of the said Act is replaced by the following section:

"**81.4.** A pregnant employee is entitled to a maternity leave without pay of not more than 18 consecutive weeks unless, at her request, the employer consents to a longer maternity leave.

The employee may spread the maternity leave as she wishes before or after the expected date of delivery. However, where the maternity leave begins on the week of delivery, that week shall not be taken into account in calculating the maximum period of 18 consecutive weeks."

34. The said Act is amended by inserting the following section after section 81.4:

"**81.4.1.** If the delivery takes place after the expected date, the employee is entitled to at least two weeks of maternity leave after the delivery."

35. Section 81.5 of the said Act is replaced by the following section:

"**81.5.** The maternity leave shall not begin before the sixteenth week preceding the expected date of delivery and shall not end later than 18 weeks after the week of delivery.

Where the child is hospitalized during the maternity leave, the leave may be suspended, following an agreement with the employer, during the hospitalization.

In addition, an employee who sends to the employer, before the expiry date of her maternity leave, a notice accompanied with a medical certificate attesting that the state of health of the employee or of her child requires it, is entitled to an extension of the maternity leave for the duration indicated in the medical certificate."

36. The said Act is amended by inserting the following sections after section 81.5:

"**81.5.1.** Where there is a risk of termination of pregnancy or a risk to the health of the mother or the unborn child, caused by the pregnancy and requiring a work stoppage, the employee is entitled to a special maternity leave, without pay, for the duration indicated in the medical certificate attesting the existing risk and indicating the expected date of delivery.

The leave is, where applicable, deemed to be the maternity leave provided for in section 81.4 from the beginning of the fourth week preceding the expected date of delivery.

"**81.5.2.** Where there is termination of pregnancy before the beginning of the twentieth week preceding the expected date of delivery, the employee is entitled to a special maternity leave, without pay, for a period of no longer than three weeks, unless a medical certificate attests that the employee needs an extended leave.

If the termination of pregnancy occurs in or after the twentieth week, the employee is entitled to a maternity leave without pay of a maximum duration of 18 consecutive weeks beginning from the week of the event.

"**81.5.3.** In the case of a termination of pregnancy or a premature birth, the employee must, as soon as possible, give written notice to the employer informing the employer of the event and the expected date of her return to work, accompanied with a medical certificate attesting to the event."

37. Section 81.7 of the said Act is repealed.

38. Section 81.9 of the said Act is amended by replacing "The employer" by "Notwithstanding the notice provided for in section 81.6, the employee

may return to work before the expiry of her maternity leave. However, the employer".

39. Section 81.10 of the said Act is amended by replacing "a child who has not reached the age of compulsory school attendance" in the first paragraph by "a minor child".

40. Section 81.11 of the said Act is amended

(1) by replacing "the day" wherever those words appear by "the week";

(2) by adding the following paragraph:

"However, in the cases and subject to the conditions prescribed by regulation of the Government, parental leave may end at the latest 104 weeks after the birth or, in the case of adoption, 104 weeks after the child was entrusted to the employee."

41. Section 81.12 of the said Act is amended by replacing ", except in the cases and on the conditions provided for by government regulation." by ". However, the notice may be shorter if the employee must stay with the newborn child or newly adopted child, or with the mother, because of the state of health of the child or of the mother."

42. Section 81.13 of the said Act is amended

(1) by striking out "or pursuant to a regulation made under section 81.7";

(2) by adding the following paragraph:

"If the employer consents thereto, the employee may return to work on a part-time basis or intermittently during the parental leave."

43. Section 81.14 of the said Act is amended by replacing "Subject to a regulation made under section 81.7, an" by "An".

44. Section 81.15 of the said Act is replaced by the following sections:

"**81.15.** An employee's participation in the group insurance and pension plans recognized in the employee's place of employment shall not be affected by the absence from work, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

The Government shall determine, by regulation, the other advantages available to an employee during maternity, paternity or parental leave.

"**81.15.1.** At the end of a maternity, paternity or parental leave, the employer shall reinstate the employee in the employee's former position with

the same benefits, including the wages to which the employee would have been entitled had the employee remained at work.

If the position held by the employee no longer exists when the employee returns to work, the employer shall recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist."

45. Section 81.16 of the said Act is repealed.

46. Section 81.17 of the said Act is replaced by the following section:

"**81.17.** Sections 79.5 and 79.6 apply to a maternity, paternity or parental leave, with the necessary modifications."

47. The said Act is amended by inserting the following division after section 81.17:

"DIVISION V.2

"PSYCHOLOGICAL HARASSMENT

"**81.18.** For the purposes of this Act, "psychological harassment" means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee.

A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment.

"**81.19.** Every employee has a right to a work environment free from psychological harassment.

Employers must take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it.

"**81.20.** The provisions of sections 81.18, 81.19, 123.7, 123.15 and 123.16, with the necessary modifications, are deemed to be an integral part of every collective agreement. An employee covered by such an agreement must exercise the recourses provided for in the agreement, insofar as any such recourse is available to employees under the agreement.

At any time before the case is taken under advisement, a joint application may be made by the parties to such an agreement to the Minister for the appointment of a person to act as a mediator.

The provisions referred to in the first paragraph are deemed to form part of the conditions of employment of every employee appointed under the Public

Service Act (chapter F-3.1.1) who is not governed by a collective agreement. Such an employee must exercise the applicable recourse before the Commission de la fonction publique according to the rules of procedure established pursuant to that Act. The Commission de la fonction publique exercises for that purpose the powers provided for in sections 123.15 and 123.16 of this Act.

The third paragraph also applies to the members and officers of bodies."

48. Section 83 of the said Act is amended by replacing "mainly" in the first line of the third paragraph by "in whole or in part".

49. The said Act is amended by inserting the following division after section 84:

"DIVISION VI.0.1

"NOTICE OF COLLECTIVE DISMISSAL

"**84.0.1.** The termination of employment by the employer, including a layoff for a period of six months or more, involving not fewer than 10 employees of the same establishment in the course of two consecutive months constitutes a collective dismissal governed by this division.

"**84.0.2.** The following employees are not considered to be employees affected by a collective dismissal:

(1) an employee who has less than three months of uninterrupted service;

(2) an employee whose contract for a fixed term or for a specific undertaking expires;

(3) an employee to whom section 83 of the Public Service Act (chapter F-3.1.1) applies;

(4) an employee who has committed a serious fault;

(5) an employee referred to in section 3.

"**84.0.3.** This division does not apply

(1) to the layoff of employees for an indeterminate period, but in fact less than six months;

(2) in respect of an establishment whose activities are seasonal or intermittent;

(3) in respect of an establishment affected by a strike or lock-out within the meaning of the Labour Code (chapter C-27).

"**84.0.4.** Every employer shall, before making a collective dismissal for technological or economic reasons, give notice to the Minister of Employment and Social Solidarity within the following minimum periods:

(1) 8 weeks, where the number of employees affected by the dismissal is at least equal to 10 and less than 100;

(2) 12 weeks, where the number of employees affected by the dismissal is at least equal to 100 and less than 300;

(3) 16 weeks, where the number of employees affected by the dismissal is at least equal to 300.

An employer that gives the notice referred to in the first paragraph is not exempted from giving the notice required by section 82.

"**84.0.5.** In the case of a superior force or where an unforeseeable event prevents an employer from respecting the time periods for giving notice set out in section 84.0.4, the employer shall give the Minister a notice of collective dismissal as soon as the employer is in a position to do so.

"**84.0.6.** An employer must transmit a copy of the notice of collective dismissal to the Commission and the certified association representing the employees affected by the dismissal. The employer must post the notice in a conspicuous and readily accessible place in the establishment concerned.

"**84.0.7.** The notice of collective dismissal must be transmitted to the Minister at the place determined by regulation and contain the prescribed information.

"**84.0.8.** During the time period set out in section 84.0.4, an employer may not change the wages of an employee affected by the collective dismissal or, where applicable, the group insurance and pension plans recognized in the employee's place of employment without the written consent of that employee or the certified association representing the employee.

"**84.0.9.** At the request of the Minister, the employer and the certified association or, in the absence of such an association, the representatives chosen by the employees affected by the collective dismissal, must, without delay, participate in the establishment of a reclassification assistance committee and collaborate in carrying out the committee's mission.

The committee shall consist of an equal number of representatives of each party or of the number of representatives agreed on by the parties. Each party has one vote only.

"**84.0.10.** The mission of the reclassification assistance committee is to provide the employees affected by the collective dismissal with any form of

assistance agreed on by the parties to minimize the impact of the dismissal and facilitate the maintenance or re-entry on the labour market of those employees.

The committee is responsible, in particular, for evaluating the situation and needs of the employees affected by the dismissal, developing a reclassification plan to facilitate the maintenance or re-entry on the labour market of those employees and seeing to the implementation of the plan.

"**84.0.11.** The financial contribution of the employer to the operating costs of the reclassification assistance committee and to the reclassification activities shall be agreed on by the employer and the Minister.

Failing an agreement, the financial contribution of the employer shall be an amount determined by regulation of the Government, per employee affected by the collective dismissal.

If the employer fails to make the financial contribution, it may be claimed by the Minister before the competent court.

"**84.0.12.** On request, the Minister may, on the conditions the Minister determines, after giving the interested parties an opportunity to present observations, exempt an employer from the application of all or part of the provisions of sections 84.0.9 to 84.0.11, if the employer, in the establishment concerned by the collective dismissal, offers reclassification assistance measures to the employees affected by the dismissal that are equivalent or surpass the measures provided for in this division.

"**84.0.13.** An employer who does not give the notice prescribed by section 84.0.4 or who gives insufficient notice must pay to each dismissed employee an indemnity equal to the employee's regular wages, excluding overtime, for a period equal to the time period or remainder of the time period within which the employer was required to give notice.

The indemnity must be paid at the time of the dismissal or at the end of a period of six months after a layoff of indeterminate length or a layoff expected to last less than six months but which exceeds that period.

An employer who is in one of the situations described in section 84.0.5 is, however, not required to pay an indemnity.

"**84.0.14.** No employee may cumulate the indemnities provided for in sections 83 and 84.0.13. However, an employee shall receive the greater of the indemnities to which the employee is entitled.

"**84.0.15.** Sections 84.0.9 to 84.0.12 do not apply where the number of employees affected by the dismissal is less than 50."

50. Section 85 of the said Act is replaced by the following section:

"**85.** An employer that requires the wearing of special clothing must supply it free of charge to an employee who is paid the minimum wage. In the case of an employee referred to in section 42.11 or 1019.4 of the Taxation Act (chapter I-3), the minimum wage is computed on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4, and must at least be equivalent to the minimum wage that does not apply to a particular class of employees.

The employer cannot require an amount of money from an employee for the purchase, use or upkeep of special clothing if that would cause the employee to receive less than the minimum wage. In the case of an employee referred to in section 42.11 or 1019.4 of the Taxation Act, the minimum wage is computed on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4, and the amount of money required from the employer cannot be such that the employee receives less than the minimum wage that does not apply to a particular class of employees.

The employer cannot require an employee to pay for special clothing that identifies the employee as an employee of the employer's establishment. In addition, the employer cannot require an employee to purchase clothing or accessories that are items in the employer's trade."

51. The said Act is amended by inserting the following sections after section 85:

"**85.1.** Where an employer requires the use of material, equipment, raw materials or merchandise in the performance of a contract, the employer must furnish them free of charge to an employee who is paid the minimum wage.

The employer cannot require an amount of money from an employee for the purchase, use or maintenance of material, equipment, raw materials or merchandise if the payment would cause the employee to receive less than the minimum wage.

The employer cannot require an amount of money from an employee to pay for expenses related to the operations and mandatory employment-related costs of the enterprise.

"**85.2.** An employer is required to reimburse an employee for reasonable expenses incurred where, at the request of the employer, the employee must travel or undergo training."

52. Section 86 of the said Act is repealed.

53. The said Act is amended by inserting the following section after section 86:

"**86.1.** An employee is entitled to retain the status of employee where the changes made by the employer to the mode of operation of the enterprise do not change that status into that of a contractor without employee status.

Where the employee is in disagreement with the employer regarding the consequences of the changes on the status of the employee, the employee may file a complaint in writing with the Commission des normes du travail. On receipt of the complaint, the Commission shall make an inquiry and the first paragraph of section 102 and sections 103, 104 and 106 to 110 shall apply, with the necessary modifications.

If the Commission refuses to take action following a complaint, the employee may, within 30 days of the Commission's decision under section 107 or 107.1, make a written request to the Commission for the referral of the complaint to the Commission des relations du travail.

At the end of the inquiry, if the Commission agrees to take action, it shall refer the complaint without delay to the Commission des relations du travail for it to rule on the consequences of the changes on the status of the employee.

The Commission des relations du travail shall render its decision within 60 days of the filing of the complaint at its offices."

54. Section 87 of the said Act is replaced by the following section:

"**87.** The employer must transmit to the employee any information document concerning labour standards furnished by the Commission.

The employer must also, at the request of the Commission and according to its directions, transmit to the employee, post or disseminate any document the Commission furnishes to the employer concerning labour standards."

55. Section 87.1 of the said Act is amended by inserting "V.1," after "I to" in the first paragraph.

56. Section 88 of the said Act is amended

(1) by striking out "farm workers," in the fourth and fifth lines of the first paragraph;

(2) by replacing "employees who habitually receive gratuities" in the sixth line of the first paragraph by "employees who receive gratuities or tips";

(3) by striking out "domestics," in the ninth line of the first paragraph;

(4) by striking out the second paragraph;

(5) by replacing "in the first and second paragraphs" in the third paragraph by "in the first paragraph".

57. Section 89 of the said Act is amended

(1) by striking out subparagraph *a* of paragraph 4;

(2) by replacing "and 5 to 8" in subparagraph *i* of paragraph 4 by ", 6 and 7";

(3) by replacing paragraph 6 by the following paragraphs:

"(6) the other benefits an employee may receive during an absence owing to sickness or accident, a maternity, paternity or parental leave, which may vary according to the nature of the leave or, where applicable, its length;

"(6.1) the cases in which and conditions on which a parental leave may terminate at the latest 104 weeks after the birth or, in the case of adoption, 104 weeks after the child was entrusted to the employee;

"(6.2) the procedure for transmission of the notice of collective dismissal and the information it must contain;

"(6.3) the amount of the employer's financial contribution to the operating costs of the reclassification assistance committee and to the reclassification activities;";

(4) by striking out paragraphs 7 and 8.

58. Section 90 of the said Act is amended by striking out the second paragraph.

59. Section 96 of the said Act is amended by striking out "otherwise than by judicial sale".

60. Section 99 of the said Act is amended by replacing "declared and allocated under sections 42.2 and 42.3" by "or tips declared and attributed under sections 42.11 and 1019.4".

61. Section 122 of the said Act is amended

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

"(1.1) on the ground that an inquiry is being conducted by the Commission in an establishment of the employer;";

(2) by replacing "his minor child" in subparagraph 6 of the first paragraph by "the employee's child or the child of the employee's spouse, or because of the state of health of the employee's spouse, father, mother, brother, sister or one of the employee's grandparents";

(3) by replacing "all" after "taken" in subparagraph 6 of the first paragraph by "the".

62. Section 122.1 of the said Act is amended by inserting ", practice discrimination or take reprisals against him" after "an employee" in the first line.

63. Section 122.2 of the said Act is repealed.

64. Section 123 of the said Act, amended by section 140 of chapter 26 of the statutes of 2001, is replaced by the following section:

"**123.** An employee who believes he has been the victim of a practice prohibited by section 122 and who wishes to assert his rights must do so before the Commission des normes du travail within 45 days of the occurrence of the practice complained of.

If the complaint is filed within that time to the Commission des relations du travail, failure to file the complaint with the Commission des normes du travail cannot be invoked against the complainant."

65. Section 123.1 of the said Act, amended by section 141 of chapter 26 of the statutes of 2001, is again amended by replacing "a complaint with the Commission des relations du travail" in the second paragraph by "such a complaint".

66. Section 123.2 of the said Act is amended

(1) by replacing "first paragraph of section 123" in the first and second lines by "second paragraph of section 123.4";

(2) by inserting "or paternity" after "maternity" in the third line.

67. The said Act is amended by inserting the following sections after section 123.3:

"**123.4.** If no settlement is reached following receipt of the complaint by the Commission des normes du travail, the Commission des normes du travail shall, without delay, refer the complaint to the Commission des relations du travail.

The provisions of the Labour Code (chapter C-27) applicable to a remedy relating to the exercise by an employee of a right arising out of that Code apply, with the necessary modifications.

The Commission des relations du travail may not, however, order the reinstatement of a domestic or person whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in the employer's dwelling.

"**123.5.** The Commission may, in any proceeding relating to this division, represent an employee who is not a member of a group of employees covered by a certification pursuant to the Labour Code (chapter C-27)."

68. The said Act is amended by inserting the following division after section 123.5 :

"DIVISION II.1

"RECOURSE AGAINST PSYCHOLOGICAL HARASSMENT

"**123.6.** An employee who believes he has been the victim of psychological harassment may file a complaint in writing with the Commission. Such a complaint may also be filed by a non-profit organization dedicated to the defence of employees' rights on behalf of one or more employees who consent thereto in writing.

"**123.7.** Any complaint concerning psychological harassment must be filed within 90 days of the last incidence of the offending behaviour.

"**123.8.** On receipt of a complaint, the Commission shall make an inquiry with due dispatch.

Sections 103 to 110 shall apply to the inquiry, with the necessary modifications.

"**123.9.** If the Commission refuses to take action following a complaint, the employee or, if applicable, the organization with the employee's written consent, may within 30 days of the Commission's decision under section 107 or 107.1, make a written request to the Commission for the referral of the complaint to the Commission des relations du travail.

"**123.10.** The Commission may, at any time, during the inquiry and with the agreement of the parties, request the Minister to appoint a person to act as a mediator. The Commission may, at the request of the employee, assist and advise the employee during mediation.

"**123.11.** If the employee is still bound to the employer by a contract of employment, the employee is deemed to be at work during mediation sessions.

"**123.12.** At the end of the inquiry, if no settlement is reached between the parties and the Commission agrees to pursue the complaint, it shall refer the complaint without delay to the Commission des relations du travail.

"**123.13.** The Commission des normes du travail may represent an employee in a proceeding under this division before the Commission des relations du travail.

"**123.14.** The provisions of the Labour Code (chapter C-27) relating to the Commission des relations du travail, its commissioners, their decisions and the exercise of their jurisdiction, except sections 15 to 19, as well as section 100.12 of that Code apply, with the necessary modifications.

"**123.15.** If the Commission des relations du travail considers that the employee has been the victim of psychological harassment and that the employer has failed to fulfil the obligations imposed on employers under section 81.19, it may render any decision it believes fair and reasonable, taking into account all the circumstances of the matter, including

(1) ordering the employer to reinstate the employee;

(2) ordering the employer to pay the employee an indemnity up to a maximum equivalent to wages lost;

(3) ordering the employer to take reasonable action to put a stop to the harassment;

(4) ordering the employer to pay punitive and moral damages to the employee;

(5) ordering the employer to pay the employee an indemnity for loss of employment;

(6) ordering the employer to pay for the psychological support needed by the employee for a reasonable period of time determined by the Commission;

(7) ordering the modification of the disciplinary record of the employee.

"**123.16.** Paragraphs 2, 4 and 6 of section 123.15 do not apply to a period during which the employee is suffering from an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) that results from psychological harassment.

Where the Commission des relations du travail considers it probable that, pursuant to section 123.15, the psychological harassment entailed an employment injury for the employee, it shall reserve its decision with regard to paragraphs 2, 4 and 6."

69. Section 124 of the said Act, amended by section 142 of chapter 26 of the statutes of 2001, is again amended by replacing "three" in the first paragraph by "two".

70. Section 126 of the said Act, replaced by section 144 of chapter 26 of the statutes of 2001, is again replaced by the following section:

"**126.** If no settlement is reached following receipt of the complaint by the Commission des normes du travail, the Commission des normes du travail

shall, without delay, refer the complaint to the Commission des relations du travail."

71. Section 128 of the said Act, amended by section 147 of chapter 26 of the statutes of 2001, is again amended

(1) by inserting "or a person whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person" after "domestic" in the first line of the second paragraph;

(2) by striking out "up to a maximum period of three months" at the end of the second paragraph.

72. Chapter VI of the said Act, comprising sections 136 to 138, is repealed.

73. The said Act is amended by inserting the following section after section 141:

"**141.1.** Every employer who does not give the notice required by section 84.0.4, or who gives insufficient notice, is guilty of an offence and is liable to a fine of $1,500 for each week or part of a week of failure to comply or late compliance.

The fines collected pursuant to the first paragraph shall be paid into the labour market development fund established under section 58 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (chapter M-15.001)."

74. The said Act is amended by inserting the following section after section 158.2:

"**158.3.** Subject to paragraph 2 of section 3 and unless the work serves to procure profit to the employer, the provisions of this Act, in respect of an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, apply from 1 June 2004.

Notwithstanding the first paragraph, the Government may, before 1 June 2004, fix by regulation the minimum wage payable to that employee, which may vary according to the situation of the employee or of the employer, or according to the nature of the care. The regulation may also, where applicable, provide for a gradual increase of that minimum wage, which must attain the minimum wage payable to the other employees to whom this Act applies not later than 30 June 2006.

The Government may also, by regulation, prescribe rules that apply to payment to that employee of indemnities relating to statutory general holidays with pay and annual leave."

75. Section 170 of the said Act is amended by adding "and sections 84.0.1 to 84.0.7 and 84.0.9 to 84.0.12, which are under the administration of the Minister of Employment and Social Solidarity" at the end.

AMENDING PROVISIONS

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

76. The Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by inserting the following section after section 144 :

"**144.1.** The Commission shall deduct from the income replacement indemnity to which the worker is entitled under this Act the amount received in accordance with an order under paragraph 2 of the first paragraph of section 123.15 of the Act respecting labour standards (chapter N-1.1) for the same period as that covered by the income replacement indemnity. The Commission shall remit the amount thus deducted to the employer who paid it.

The Commission shall also reimburse to the employer the amount paid by the employer in accordance with an order under paragraph 6 of the first paragraph of section 123.15 of that Act, up to the expenses to which the employee is entitled under this Act.

This section also applies where an order disposing of the same matters as the matter referred to in the first or second paragraph has been made pursuant to a collective agreement."

LABOUR CODE

77. Section 47.3 of the Labour Code (R.S.Q., chapter C-27), introduced by section 34 of chapter 26 of the statutes of 2001, is amended by replacing "believes, after being dismissed or the subject of a disciplinary sanction," in the first and second lines by "who has been dismissed or the subject of a disciplinary sanction or who believes he has been the victim of psychological harassment under sections 81.18 to 81.20 of the Act respecting labour standards (chapter N-1.1), believes".

78. Schedule I to the said Code, enacted by section 70 of chapter 26 of the statutes of 2001, is amended by replacing paragraph 15 by the following paragraph :

"(15) sections 86.1, 123.4, 123.9, 123.12 and 126 of the Act respecting labour standards ;".

NATIONAL HOLIDAY ACT

79. Section 4 of the National Holiday Act (R.S.Q., chapter F-1.1) is amended

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

"**4.** The employer must pay to the employee an indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of 24 June, excluding overtime. However, the indemnity paid to an employee remunerated in whole or in part by commission must be equal to 1/60 of the wages earned during the 12 complete weeks of pay preceding the week of 24 June.";

(2) by striking out the third paragraph.

80. Section 7 of the said Act is repealed.

81. Section 8 of the said Act is amended by striking out subparagraph *b* of the second paragraph.

ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

82. Section 1 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended by striking out paragraphs *o.*1, *o.*2 and *r*.

83. Section 45 of the said Act is repealed.

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE AND ESTABLISHING THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL

84. Section 60 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001) is amended

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

"(3.1) the fines collected pursuant to section 141.1 of the Act respecting labour standards (chapter N-1.1);";

(2) by adding the following paragraph:

"The sums referred to in subparagraph 3.1 of the first paragraph are allocated to the implementation and management of reclassification assistance measures."

ACT RESPECTING THE MINISTÈRE DU TRAVAIL

85. Section 11 of the Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2) is amended by adding the following paragraph at the end:

"The Minister shall also, in collaboration with the bodies concerned, conduct or commission studies on changes in conditions of employment in Québec and make such studies available every five years."

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

86. The Regulation respecting the notice of collective dismissal (R.R.Q., 1981, c. F-5, r.1) remains in force until it is replaced by a regulation made under section 89 of the Act respecting labour standards (R.S.Q., chapter N-1.1).

87. In any other Act, in any regulation, order in council, order, agreement, contract or other document, unless the context indicates otherwise and with the necessary modifications, any reference to the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) as regards a collective dismissal is a reference to the corresponding provision of Division VI.0.1 of Chapter IV of the Act respecting labour standards (R.S.Q., chapter N-1.1).

88. The provisions of this Act come into force on 1 May 2003, except sections 2 and 3, paragraph 2 of section 7, paragraph 4 of section 14, sections 47, 55, 68, 76 and 77, and section 78 insofar as it concerns sections 123.9 and 123.12 of the Act respecting labour standards, which come into force on 1 June 2004, and sections 23 and 32, paragraph 6, insofar as it concerns paternity leave, and paragraph 6.1 of section 89 of the Act respecting labour standards enacted by paragraph 3 of section 57, and paragraph 2 of section 66, which come into force on the date of coming into force of section 9 of the Act respecting parental insurance (2001, chapter 9).

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 145
(2002, chapter 81)

An Act respecting the Cree Hunters and Trappers Income Security Board

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

Québec Official Publisher
2002

EXPLANATORY NOTES

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

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

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

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

LEGISLATION AMENDED BY THIS BILL:

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

LEGISLATION REPEALED BY THIS BILL:

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

Bill 145

AN ACT RESPECTING THE CREE HUNTERS AND TRAPPERS INCOME SECURITY BOARD

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

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

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

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

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

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

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

5. The Board is composed of six members.

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

The Government shall appoint the three other members.

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

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

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

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

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

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

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

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

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

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

The information must be communicated in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

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

For the purposes of an investigation, the investigator shall have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-SIXTH LEGISLATURE

Bill 147
(2002, chapter 82)

An Act to amend the Act respecting the conservation and development of wildlife

Introduced 3 December 2002
Passage in principle 12 December 2002
Passage 19 December 2002
Assented to 19 December 2002

Québec Official Publisher
2002

EXPLANATORY NOTES

This bill amends the Act respecting the conservation and development of wildlife to legislatively recognize the right to hunt, fish and trap. The bill provides for a prohibition against hindering a person who is legally carrying on a hunting, fishing or trapping activity.

The bill also provides for a new prohibition against hunting, trapping or fishing on land under private ownership where the owner is a party to an agreement, for wildlife accessibility purposes, with an association or body whose object is the access by hunters, fishers or trappers to such land, unless so authorized. The bill grants the Société de la faune et des parcs du Québec the power to recognize that association or body for that purpose, subject to the terms and conditions the Société may determine.

Bill 147

AN ACT TO AMEND THE ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by inserting the following before Chapter I:

"PRELIMINARY PROVISION

The object of this Act is the conservation of wildlife and its habitat, their development in keeping with the principle of sustainable development, and the recognition of every person's right to hunt, fish and trap in accordance with the law. To that end, this Act establishes various prohibitions that relate to the conservation of wildlife resources and various standards of safety, and sets forth the rights and obligations of hunters, fishers and trappers."

2. Section 1.1.1 of the said Act, enacted by section 38 of chapter 36 of the statutes of 1999, is renumbered "1.2".

3. The said Act is amended by inserting the following chapter after Chapter I:

"CHAPTER I.1

"RIGHT TO HUNT, FISH AND TRAP

"**1.3.** Every person has a right to hunt, fish and trap in accordance with the law.

The first paragraph does not, however, operate to give precedence to that right over other activities that may be carried on in the same territory.

"**1.4.** No person may knowingly hinder a person who is lawfully carrying on an activity referred to in the first paragraph of section 1.3, including an activity preparatory to such an activity.

For the purposes of the first paragraph, "hinder" means, in particular, preventing access by hunters, fishers or trappers to a hunting, fishing or trapping area to which they have lawful access, damaging a hunter's tree stand or field blind, disturbing or frightening an animal or fish by human, animal or

any other presence, a noise or an odour, or rendering ineffectual any bait, decoy, gear, trap or implement used to hunt, fish or trap that animal or fish."

4. Section 36 of the said Act is amended by adding the following paragraph after the second paragraph:

"The prohibition under the first paragraph also applies in the case of land under private ownership where the owner, including a municipality or a metropolitan community, is a party to an agreement with an association or a body whose object is to facilitate the access of hunters, fishers or trappers to private lands, and that is recognized to that effect by the Société, for the purposes of wildlife accessibility, if the hunter, trapper or fisher has not first obtained the authorization of the owner or the owner's representative or of such an association or body."

5. Section 37 of the said Act is amended by adding the following paragraph after the first paragraph:

"The Société may also, to facilitate wildlife accessibility, recognize an association or body whose object is to facilitate access to private lands for hunters, fishers or trappers, subject to such terms and conditions as the Société may determine."

6. Section 166 of the said Act is amended by inserting "1.4," after "section" in the first line of paragraph 2.

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

Coming into force of Acts

Gouvernement du Québec

O.C. 13-2003, 15 January 2003

An Act respecting the Observatoire québécois de la mondialisation (2002, c. 41)
— Coming into force

COMING INTO FORCE of the Act respecting the Observatoire québécois de la mondialisation

WHEREAS the Act respecting the Observatoire québécois de la mondialisation (2002, c. 41) was assented to on 8 November 2002;

WHEREAS, under section 36 of the Act, the latter comes into force on the date to be fixed by the Government;

WHEREAS it is expedient to fix 15 January 2003 as the date of coming into force of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for International Relations, Minister of International Relations, Minister responsible for La Francophonie and Minister responsible for the Observatoire de la mondialisation:

THAT the Act respecting the Observatoire québécois de la mondialisation (2002, c. 41) come into force on 15 January 2003.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

5528

Draft Regulations

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Forestry fund
— Contribution of holders of certain contracts and agreements
— Amendment

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

The purpose of the draft Regulation is to fix, for the 2003-2004 fiscal year, the rate per cubic metre of timber used to establish the contribution to the forestry fund of holders of a timber supply and forest management agreement, of a forest management agreement, of a forest management contract or of an auxiliary timber supply guarantee agreement.

Further information on the draft Regulation may be obtained by contacting Pierre-Yves Poulin, Acting Director, Coordination sectorielle, ministère des Ressources naturelles, Forêt Québec, 880, chemin Sainte-Foy, 10e étage, Québec (Québec) G1S 4X4; tel. (418) 627-8658; fax: (418) 528-1278.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Natural Resources, 5700, 4e Avenue Ouest, bureau A 308, Charlesbourg (Québec) G1H 6R1.

FRANÇOIS GENDRON,
Minister of Natural Resources

Regulation to amend the Regulation respecting the contribution of holders of certain contracts and agreements to the Forestry fund*

Forest Act
(R.S.Q., c. F-4.1, ss. 73.4, 95.2.1, 104.5 and 172, 1st par., subpar. 18.2)

1. The following is substituted for section 2 of the Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund:

"**2.** The rate per cubic metre of timber on which the holder's contribution is based shall be $2.09 for the 2003-2004 fiscal year, that is, $0.5225 quarterly.".

2. This Regulation comes into force on 1 April 2003.

5522

Draft Regulation

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1)

Mines
— Occupational health and safety

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation to amend the Regulation respecting occupational health and safety in mines, the text of which appears below, may be adopted by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is to ensure the health and safety of workers in the mining sector and to prescribe standards better adapted to that sector.

* The Regulation respecting the contribution of holders of certain contracts and agreements to the forestry fund was made by Order in Council 328-2002 dated 20 March 2002 (2002, *G.O.* 2, 1673).

To that end, the draft Regulation proposes the addition of new definitions with regard to ventilation and explosives as well as the amendment of certain provisions relating to air quality, to certain equipment such as motorized vehicles, and to mine evacuation drills. It provides for increased safety features on equipment such as hoisting material and hoisting ropes installed on a hoisting plant.

The draft Regulation also gives further details on combustible and inflammable materials, signal and communication systems, and the handling, use, storage, and transportation of explosives.

To date, study of the matter has revealed little impact on small and medium-sized businesses.

Further information may be obtained by contacting Gilles Gagnon, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2; telephone: (418) 266-4699; or fax: (418) 266-4698.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to Alain Albert, Vice-Chair, Programmation et expertise-conseil, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14e étage, Montréal (Québec) H3B 3J1.

JACQUES LAMONDE,
Chair of the Board of Directors and
Chief Executive Officer
Commission de la santé et de la sécurité du travail

Regulation to amend the Regulation respecting occupational health and safety in mines*

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 1, 7, 8, 10, 19, 41, 42, 2nd and 3rd pars.)

1. Section 1 of the Regulation respecting occupational health and safety in mines is amended

(1) by inserting the following definition after the definition of "main fan":

""main ventilation circuit": all the underground openings used to distribute fresh air from the atmosphere and to discharge foul air to the surface; (*circuit principal de ventilation*)"; and

by inserting the following definition after the definition of "ASTM":

""auxiliary circuit": the path travelled by a volume of air that takes its source from an auxiliary fan supplying air to all the workers and motorized equipment on a site or an underground working, from the main ventilation circuit to its discharge from the auxiliary circuit; (*circuit secondaire*)";

(2) by inserting the following definition after the definition of "surface pillar":

""working face": the wall of an underground working where blasting work is carried out, including a horizontal surface; (*front de taille*)";

(3) by inserting the following definition after the definition of "blasting agent":

""blasting site": any location where explosives are present in a drill hole in preparation for blasting; (*lieu de sautage*)";

(4) by inserting the following definition before the definition of "ANSI":

""air recirculation": reintroduction of exhaust air from a main ventilation circuit or an auxiliary circuit in the main circuit; (*recirculation de l'air*)"; and

(5) by inserting the following definition after the definition of "raise":

""reuse of air": the reuse of exhaust air from a main ventilation circuit or an auxiliary circuit to ventilate another ventilation circuit or an underground work station; (*réutilisation de l'air)*".

2. Section 27 is amended

(1) by inserting "89," after "87,"; and

(2) by substituting ", 412 and 437" for "and 412".

3. The following is substituted for section 89:

"**89.** Main fans and auxiliary fans shall not recirculate air to ventilate an underground work station.

* The Regulation respecting occupational health and safety in mines, made by Order in Council 213-93 dated 17 February 1993 (1993, *G.O.* 2, 1757), was last amended by the Regulation approved by Order in Council 885-2001 dated 4 July 2001 (2001, *G.O.* 2, 3888). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

However, reuse of air in a main ventilation circuit or an auxiliary circuit is permitted under the following conditions:

(1) the concentration of carbon monoxide in the ambient air must be measured at the inlet of each circuit where air is reused;

(2) these measurements must be taken at least once a week during mucking operations carried out with diesel equipment and each time the ventilation equipment is altered; and

(3) when the concentration of carbon monoxide exceeds 11.4 milligrams per cubic metre (10 ppm), a response plan must be implemented to reduce and maintain the concentration below that level.

The results of those measurements must be recorded in a register.".

4. Section 100.1 is amended by substituting "Mining and Mineral Sciences Laboratories" for "Canadian Centre for Mineral and Energy Technology" in the first paragraph.

5. Section 102 is amended

(1) by substituting "0.6 milligram" for "1,5 milligrams" in subparagraph *a* of paragraph 1; and

(2) by substituting "Mining and Mineral Sciences Laboratories" for "Canadian Centre for Mineral and Energy Technology" in paragraph 1.1.

6. Section 124 is amended by adding the following paragraph at the end:

"The report must be forwarded to the mine's health and safety committee, the Commission de la santé et de la sécurité du travail, and the mine rescue department.".

7. The following is inserted after section 124:

"**124.1.** When a worker has not been reached following the evacuation drill provided for in section 123, corrective measures must be taken to remedy the situation, and they must be followed up to prevent a recurrence of the situation.".

8. Section 130 is amended by adding the following after paragraph 14:

"(15) the combustible material warehouse;

(16) the raise climber.".

9. Section 133 is amended

(1) by substituting "on any motorized vehicle powered by a diesel or electric engine on tires or tracks," for "on any diesel or electric vehicle on tires or tracks, manufactured after 1 April 1993" in paragraph 1; and

(2) by adding the following after paragraph 2:

"(3) on any raise climber powered by a diesel or electric engine; in the case of a diesel engine, the hydraulic fluid used for the climber must comply with the standard referred to in paragraph 1.".

10. The following is substituted for section 160:

"**160.** Every fuel supply system must be

(1) equipped with an anti-siphon device and a flow controller in order to prevent tank overflow; and

(2) designed so that the fuel is never supplied by gravity feed.".

11. The following is inserted after section 174.01:

"**174.02.** Any motorized vehicle powered by a diesel or electric engine must be maintained to prevent accumulation of oil, grease, or other combustible materials.".

12. The following is substituted for section 185:

"**185.** For any underground mine and for any new development and its subsequent operation, motorized vehicles manufactured from 1 April 1993 must be protected against falling objects by a protective structure in accordance with ISO Standard 3449:1992 (en) Earth-moving machinery – Falling-object protective structures – Laboratory tests and performance requirements (FOPS).

The first paragraph does not apply to motorized vehicles manufactured from 1 April 1993 if those vehicles comply, as of (*insert here the date of the coming into force of this Regulation*), with SAE Standard J231-JAN81 Minimum Performance Criteria for Falling Object Protective Structure (FOPS).

The design, manufacturing, or installation of a protective structure is deemed carried out in accordance with the standard referred to in the first paragraph if an engineer has issued a signed and sealed certificate certifying that the design, manufacturing, or installation of the structure complies with the standards referred to in the first and second paragraphs.".

13. Section 188 is amended by adding the following paragraph after subparagraph 2:

"Any alteration to the structure, chassis, cab, or protective structure is deemed carried out in accordance with the standards referred to in the first paragraph if an engineer has issued a signed and sealed certificate certifying that the alteration of the structure, chassis, cab, or structure complies with the standards.".

14. The following section is inserted after section 267:

"**267.1.** A voice communication system must be established in shaft sinking operations in accordance with a specific procedure for the use of auxiliary hoists to move heavy equipment used at the bottom of the shaft, such as a work platform, a clamshell, or a boom drill. This procedure must also require that the hoistman repeat the instructions.

This communication system must be separate from the system referred to in the second paragraph of section 263.".

15. Section 269 is amended by inserting "for moving a conveyance" after "used".

16. The following is substituted for section 288.1:

"**288.1.** Notwithstanding section 288, the minimum safety factor of a new hoisting rope installed on a drum hoist used in a vertical shaft is determined according to the following formula:

minimum safety factor = 25 000/4 000 + L

(L being the maximum length of rope in metres suspended below the headsheave where the conveyance is at the lower limit of travel).

In such a case, the following standards must also be met:

(1) the drum hoist must comply with SABS Standard 0294:2000 Performance, Operation, Testing and Maintenance of Drum Winders relating to Rope Safety, subject to the adaptation guide of the South African Standard SABS0294:2000 in accordance with the Mine Occupational Health and Safety Regulation published by the Mining and Mineral Sciences Laboratories, CANMET; and

(2) the hoisting rope must be used, maintained, and checked in accordance with SABS Standard 0293:1996 Condition Assessment of Steel Wire Ropes on Mine Winders, subject to the adaptation guide of the South African standard SABS0293:1996 in accordance with the Mine Occupational Health and Safety Regulation published by the Mining and Mineral Sciences Laboratories, CANMET.

However, it is prohibited to reduce the minimum safety factor of a new hoisting rope to less than 4.0 at the headsheave during the two years following (*insert here the date of coming into force of this Regulation*).".

17. Section 402 is revoked.

18. Section 418 is amended by striking out the third paragraph.

19. The following is inserted after section 418.1:

"**418.2.** Notwithstanding subparagraph 4 of the second paragraph of section 418, when crushing work is carried out with a stationary crusher, the explosives required for the work may be stored in a recess if the quantity of explosives does not exceed 25 kilograms (55.1 lb.); the provisions of subparagraph 6 of the second paragraph of section 418 shall not apply to those explosives.

418.3. Notwithstanding section 415 and the second paragraph of section 418, explosives used for a raise carried out by a raise climber may be temporarily stored in a container secured to the basket of the climber under the following conditions:

(1) the raise exceeds 100 metres (328.1 ft.) from its opening;

(2) the quantity of explosives never exceeds the quantity required for one shift; however, this quantity must never exceed 100 kilograms (220.5 lb.);

(3) the explosives used do not contain nitroglycerine;

(4) the container used is designed and constructed according to the plans and specifications of an engineer and it must be designed for a fire resistance rating of at least 30 minutes; and

(5) the electric squibs or detonators are placed in a separate closed container lined with an electric insulation material.".

20. Section 424 is amended by adding the following after subparagraph *f* of paragraph 1:

"*(g)* an oil or grease depot set up from (*insert here the date of the coming into force of this Regulation*) containing over 1,000 litres (220 gal.) of oil or grease; the minimum distance must be 30 metres (98.4 ft.) for a depot containing between 101 and 1,000 litres (between 22.2 and 220 gal.) of oil or grease;".

21. Section 426 is amended by adding "Subject to section 418.3," at the beginning of the section.

22. The following is substituted for section 432:

"**432.** Only workers assigned to the handling of explosives in a shaft conveyance may ride in a shaft conveyance with explosives; the explosives load must be secured so that it will not hit the workers or fall on them.".

23. Section 433 is amended by substituting "explosives and blasting accessories" for "blasting accessories, ignition fuses and other types of explosives".

24. Section 434 is amended by substituting "3,000 kilograms (6,614 lb.)" for "2 500 kilograms (5 511,5 lbs)" in paragraph 3.

25. Section 437 is amended by substituting the following for paragraph 2:

"(2) examined to detect misfires, cut-off holes and remnants of drill holes; for a working face with a horizontal surface, the report of this examination must be recorded in a register; and

(3) for a working face with a horizontal surface, either washed in accordance with paragraph 1, or fully cleaned with compressed air.".

26. Section 443 is amended

(1) by inserting ", cleaned" after "washed"; and

(2) by substituting the following for the second paragraph:

"If the provisions of paragraph 2 of section 437 cannot apply and if the working towards which the working face is moving is inaccessible, drilling must be carried out by means of a remote control device under supervision and the drilling zone must be evacuated.".

27. Section 447 is amended by substituting "in the loading zone" for "onto a blasting site".

28. Section 460 is amended by adding the following after paragraph 4:

"(5) be disconnected from the main circuit when it enters a location such as a tunnel, a sub-level or an abandoned sector of the mine.".

29. Section 463 is amended by substituting the following for paragraph 3:

"(3) where a worker must remain in the blasting zone, the worker must be provided with a shelter that protects against fly-rocks; the location, design, or construction of the shelter must be certified by a certificate signed and sealed by an engineer.".

30. The following is substituted for section 465:

"**465.** Before firing underground

(1) a warning must be given in the vicinity of the blast by an audible, visual or vocal signal and workers not assigned to the firing must be evacuated from the blasting zone; and

(2) when a worker must remain in the blasting zone, the worker must be provided with a shelter that protects against fly-rocks; the location, design, or construction of the shelter must be certified by a certificate signed and sealed by an engineer.".

31. Schedule II is amended by adding the following at the end:

"Shaft sinking/bucket

3 bells – pause – 1 bell	Hoist	Executive, between the bottom of the shaft and the lower chair
3 bells – pause – 2 bells	Lower	Executive, between the lower chair and the bottom of the shaft.".

32. Schedule III is amended by adding the following at the end of the first paragraph: "In addition, the signals must also serve as destination signals for the lower chair level towards which the workers are descending during the sinking of a shaft:".

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

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Draft Decree

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Security Guards
— Amendments

Notice is hereby given, under section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of State for Human Resources and Labour and Minister of Labour has received a petition from the contracting parties to amend the Decree respecting security guards (R.R.Q., 1981, c. D-2, r.1) and that, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the "Decree to amend the Decree respecting security guards," the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation aims in particular to extend the trial period and to increase allowances for travelling expenses, the duration of some family-related leaves, the hourly rates as well as certain hourly premiums for specific functions.

To do so, the draft proposes to specify certain areas of intervention for which premiums can be granted, to add 30 days to the trial period for employees, to increase premiums for certain functions, to increase the hourly wage each year over the next five years, to improve certain family-related leaves, to increase the allowance for using a personal vehicle and to amend or specify certain rules for managing the Decree.

During the consultation period, the impact of the amendments sought will be clarified. According to the 2001 annual report of the Comité paritaire des agents de sécurité, the Decree governs 157 employers and 19,478 employees.

Further information may be obtained by contacting Mr. Michel Roberge, Direction des politiques, de la construction et des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6e étage, Québec (Québec) G1R 5S1, telephone: (418) 528-9701, fax: (418) 528-0559, e-mail: michel.roberge@travail.gouv.qc.ca

Any interested person with comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6e étage, Québec (Québec) G1R 5S1.

ROGER LECOURT,
Deputy Minister of Labour

Decree to amend the Decree respecting security guards *

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, ss. 2 and 6.1)

1. The first "Whereas" of the Decree respecting security guards is amended by striking out the name "L'Union des agents de sécurité du Québec" in the list of names of contracting parties on the second part.

2. Section 1.01 is amended:

(1) by substituting the following for paragraph 3:

"(3) "spouse" means either of two persons who:

(a) are married or in a civil union and cohabiting;

(b) being of opposite sex or the same sex are living together in a de facto union and are the father and mother of the same child;

(c) are of opposite sex or the same sex and have been living together in a de facto union for one year or more;";

(2) by inserting the words "statements of offence or" after the word "issue" in paragraph 5;

(3) by adding the words "or to any other Act" at the end of paragraph 5;

(4) by adding the words "or whose duties include the care or transportation of adult inmates" at the end of paragraph 6;

(5) by substituting "120 days" for "90 calendar days" in paragraph 16;

(6) by substituting the following for subparagraph *c* of paragraph 17:

"*(c)* to work during a sports, cultural, economic or social activity for a period not exceeding four consecutive weeks;";

(7) by substituting the following for paragraph 18:

* The Decree respecting security guards (R.R.Q., 1981, c. D-2, r.1) was last amended by the Regulation made by Order in Council No. 1566-98 dated 16 December 1998 (1998, *G.O.* 2, 4811). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

"(18) "week": a period of seven consecutive days extending from midnight at the beginning of a given day to midnight at the end of the seventh day; from *(insert here date of coming into force of this Decree)*, the employer must inform the parity committee in writing, within 15 days, of the day his or her workweek begins. That choice remains in force for the term provided for in section 9.01, but may be modified upon 60 days' written notice by the employer to the parity committee;";

(8) by inserting the following after paragraph 18:

"(18.1) "day": a space of time of 24 hours extending from midnight to midnight;";

(9) by substituting the following for subparagraph *c* of paragraph 20:

"*(c)* issuing statements of offence or tickets for offences related to parking, to parking meters, to the Act respecting the protection of non-smokers in certain public places or to any other Act;".

3. The following are substituted for sections 3.01 and 3.02:

"**3.01.** For the purpose of calculating overtime hours, the standard workweek is 40 hours.

For the sole purpose of calculating the standard workweek, a shift belongs to the day on which it starts or ends or from midnight to midnight, according to the choice of the employer. The employer must inform the parity committee in writing of his or her choice at least 15 days before implementing the shift; only one change will be permitted before 1 July 2007.

3.02. An employer may not schedule employee working hours on a basis other than a weekly basis.".

4. Section 3.04 is amended by striking out the words "as well as the distance premium granted by the employer".

5. Section 3.08 is amended by inserting the word "absolutely" before the word "null" in the third paragraph of section 3.08.

6. Section 3.11 is amended by adding the following after the first paragraph:

"An employer who does not give notice as prescribed in the first paragraph must pay a monetary compensation equal to the average weekly wage received by the employee during his or her period of continuous service, not to exceed the six months immediately preceding the employee's departure for layoff.".

7. Section 4.02 is amended by adding the words "to the financial institution chosen by the employee" at the end of the first paragraph.

8. Section 4.07 is amended:

(1) by substituting the following for the table of hourly rates and premiums in the first paragraph:

	"As of 2003-06-29	As of 2004-06-27	As of 2005-06-26	As of 2006-06-25	As of 2007-07-01
Class A employee	$12.00	$12.25	$12.55	$12.85	$13.15;
Class B employee	$12.25	$12.50	$12.80	$13.05	$13.30.
Premiums:					
P1* - P4*	$0.30	$0.30	$0.30	$0.30	$0.30;
P2*	$0.50	$0.50	$0.50	$0.50	$0.50;
P3*	$1.25	$1.25	$1.25	$1.25	$1.25;
P5*	$0.50	$0.50	$0.50	$0.50	$0.50;
P6*	$2.50	$2.50	$2.50	$2.50	$2.50;
P7*	$1.75	$1.75	$1.75	$1.75	$1.75.

* More than one premium at the same time may be applicable.";

(2) by substituting the following for the second and third paragraphs:

"Class B employees responsible for directing or supervising one or more Class B employees receive $0.25 per hour more than the hourly rate provided in the first paragraph for Class B employees.";

(3) by substituting the amount "$0.15" for the amount "$0.10" in the fourth paragraph.

9. Section 4.15 is amended by substituting the following for the first sentence:

"Only the premiums provided for in the Decree are permitted.".

10. Section 5.01 is amended by substituting "15 days following *(insert here date of coming into force of this Decree)*" for "30 calendar days following 30 December 1998" in the third paragraph.

11. Section 5.02 is amended by substituting the word "The" for the words "As of 1 January 1999, the" in the second sentence.

12. The following is substituted for section 5.08:

"**5.08**. Upon 30 days' prior written request by the employee to the employer, the employee may convert into cash any week of leave exceeding the first two weeks of leave for each year.

Where this is the case, the monetary compensation for the leave is paid to the employee at the same time as his or her compensation related to the annual leave.".

13. Section 6.05 is amended by striking out the word "calendar" wherever it occurs in subparagraphs 3, 5 and 6 of the first paragraph.

14. Section 7.01 is amended:

(1) by striking out the words "spouse, his child or the child of his spouse, his" in the second sentence of paragraph 1;

(2) by substituting "1, 2 and 7" for "1 and 2" in paragraph 3;

(3) by adding the words "or day of the de facto union" at the end of the first sentence of paragraph 4;

(4) by inserting the words "or day of the de facto union" after the words "wedding day" in the second sentence of paragraph 4;

(5) by striking out the word "calendar" in the second paragraph of paragraph 5;

(6) by substituting the figure "8" for the figure "5" in the first sentence of the first paragraph of paragraph 6;

(7) by adding the following after paragraph 6:

"(7) On the death of his or her spouse, of one of his or her children or of the child of his or her spouse, an employee is entitled to five days of leave with pay including the day of the funeral and the four days preceding or following, provided that the employee usually works on these days. The employee may also be absent for an additional day on that occasion, but without pay. An additional day without pay is also granted to the employee to perform any other function related to the death.".

15. Section 7.02 is amended:

(1) by substituting the following for the fourth paragraph:

"To be entitled to the payment of his or her accumulated leave for sickness or accident, as established by the employer on 31 October of each year, the regular A-01 employee must be in the employ of his or her employer on 31 October; however, where there is a change in employer and the regular A-01 employee is hired on his or her contract by the new employer, the accumulated leave for sickness or accident is paid by his or her former employer at the time of the employee's departure. A regular A-01 employee who is still in the employ of his or her employer on 31 October is paid the amount accumulated no later than the following 10 December.";

(2) by striking out the fifth paragraph.

16. Section 7.03 is amended by substituting the words "two sick days" for the words "one sick day" in the third sentence.

17. Section 7.05 is revoked.

18. Section 8.01 is amended:

(1) by substituting the following for the first paragraph:

"**8.01.** At the time of a strike, a lock-out or any other limited duration contract not exceeding 60 days, an employee who must use his or her automobile to reach a work location outside a 40-kilometre radius from his or her employer's office receives a compensation of $0.35 for each kilometer traveled. The employer may choose to provide transportation at his or her own expense.";

(2) by substituting the amount $0.35" for the amount "$0.30" in the second paragraph.

19. The following is substituted for section 8.03:

"**8.03.** Where an employee acts as a juror, he or she must inform his or her employer as soon as he or she receives his or her subpoena; the employer repays the difference between the employee's costs as a juror and the employee's wage.

Where an employee acts as a witness in relation with the performance of his or her functions, he or she must inform the employer as soon as he or she receives the subpoena; the employer pays the employee his or her wages as if the employee were at work.".

20. The following is substituted for section 9.01:

"**9.01.** This Decree remains in force until 1 July 2007. It is then renewed automatically from year to year, unless one of the contracting parties opposes it by sending written notice to the Minister of Labour and to the other contracting party during the month of March of the year 2007 or during the month of March of any subsequent year.".

21. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*, except for section 3.02 enacted by section 3 of this Decree which comes into force on 2 May 2004.

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Index Statutory Instruments

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified