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**Summary**

Table of Contents  
Acts 2002  
Coming into force of Acts  
Regulations and other acts  
Draft Regulations  
Index

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## Table of Contents

Page

### Acts 2002

77	An Act to amend various legislative provisions concerning regional county municipalities . . . .	373
96	An Act respecting pre-hospital emergency services and amending various legislative provisions . . . . .	403
102	An Act to amend the Environment Quality Act and the Act respecting the Société québécoise de récupération et de recyclage . . . . .	447
112	An Act to combat poverty and social exclusion . . . . .	459
113	An Act to amend the Act respecting health services and social services as regards the safe provision of health services and social services . . . . .	479
116	An Act respecting the Ministère des Finances, de l'Économie et de la Recherche . . . . .	487
119	An Act to amend the Act respecting Attorney General's prosecutors . . . . .	509
126	An Act to amend the Act respecting income support, employment assistance and social solidarity and the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail . . . . .	515
129	Natural Heritage Conservation Act . . . . .	523
131	An Act to amend the Education Act as regards the school tax on the island of Montréal and amending other legislative provisions . . . . .	559
220	An Act to amend the Act to incorporate the "Argenteuil Hospital" . . . . .	573
222	An Act respecting Ville de Contrecœur . . . . .	577
223	An Act respecting Mont Saint-Louis . . . . .	589
225	An Act respecting lot 599 of the cadastre of the parish of Saint-Polycarpe, registration division of Vaudreuil . . . . .	595
226	An Act respecting Ville de Shawinigan . . . . .	601
392	An Act to secure the supply of hogs to a slaughterhouse enterprise in the Abitibi-Témiscamingue region . . . . .	611
393	An Act respecting the Agence de développement de Ferme-Neuve . . . . .	615
395	An Act to amend the Act respecting educational institutions at the university level . . . . .	623

### Coming into force of Acts

59-2003	Travel Agents Act and the Consumer Protection Act, An Act to amend the... — Coming into force of section 22 . . . . .	627
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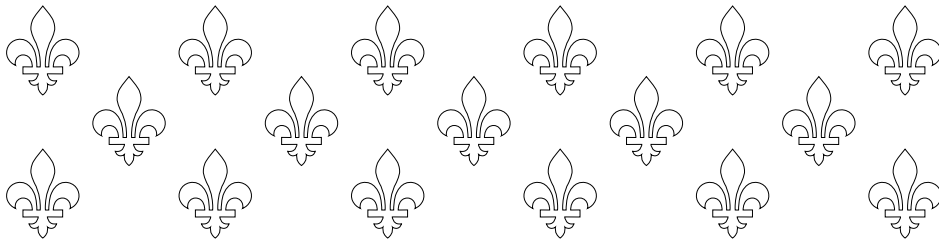
### Regulations and other acts

7-2003	Extension of the activities of the Québec Youth Fund . . . . .	629
60-2003	Cost of work for public institutions and private institutions under agreement to be authorized by regional boards . . . . .	629
Restigo Controlled Zone	. . . . .	630

### Draft Regulations

Professional Code — Certified management accountants — Code of ethics . . . . .	633
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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 77  
(2002, chapter 68)

**An Act to amend various legislative  
provisions concerning regional county  
municipalities**

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**Introduced 19 December 2001  
Passage in principle 15 May 2002  
Passage 19 December 2002  
Assented to 19 December 2002**

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## EXPLANATORY NOTES

*This bill amends various provisions concerning regional county municipalities.*

*The bill grants to every regional county municipality no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal*

*(1) the possibility of electing its warden by universal suffrage ;*

*(2) exclusive jurisdiction with respect to the management of municipal watercourses situated within its territory ;*

*(3) the power to establish, by by-law, a plan relating to the development of its territory.*

*The bill provides that every regional county municipality no part of whose territory is situated within the territory of a metropolitan community is required to set out in its land use planning and development plan a strategic vision of economic, social, cultural and environmental development to facilitate the coherent exercise of its jurisdiction. The bill also enables such a regional county municipality to adopt a by-law to regulate or restrict the planting or felling of trees on all or part of its territory so as to ensure protection of the forest cover and promote the sustainable development of private forests.*

*The bill also makes amendments in order to grant the following powers to every regional county municipality :*

*(1) the power to order, by by-law, the financing by the regional county municipality of the sums which, pursuant to the Act respecting the Société d'habitation du Québec, must be paid by a municipality to its municipal housing bureau in respect of the low-rental housing dwellings referred to in article 1984 of the Civil Code and administered by the bureau ;*

*(2) the power to designate, by by-law, equipment, infrastructures, services and activities as being of a supralocal nature and to determine, in their regard, terms and conditions of management and financing ;*

(3) *the power to affirm, by by-law, its jurisdiction in respect of one or more local municipalities whose territories are situated within its territory with respect to all or part of the management of social housing, residual materials management, the local road system or shared passenger transportation ;*

(4) *the possibility of mentioning, in its by-law determining the location of a regional park, the local municipalities that may not exercise their right of withdrawal.*

*The bill also provides that if the budget of a regional county municipality has not been adopted by 1 January, one quarter of the appropriations provided for in the budget of the preceding fiscal year is deemed to be adopted and that the same applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted. Under the bill, local municipalities whose territory is situated within the territory of a regional county municipality are granted a new power as regards the delegation of jurisdiction to the regional county municipality. In addition, the bill provides that the terms and conditions relating to the exercise of the right of withdrawal by local municipalities will be required to be set out in the resolution by which the regional county municipality affirms its jurisdiction in relation to all or part of a field of jurisdiction.*

*Lastly, the bill introduces provisions requiring a regional county municipality whose territory includes that of a core city to appoint at least one representative of the core city to each committee established by the regional county municipality, unless the core city has previously waived that requirement. The bill also requires such a regional county municipality to comply with certain rules regarding the designation of the warden if the warden is not elected by universal suffrage and the designation of the warden was not made in accordance with the usual rules.*

#### **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);
- Cultural Property Act (R.S.Q., chapter B-4);
- Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);

- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Labour Code (R.S.Q., chapter C-27);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- 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 the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8);
- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Forest Act (R.S.Q., chapter F-4.1);
- Education Act (R.S.Q., chapter I-13.3);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);
- Watercourses Act (R.S.Q., chapter R-13);
- Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01);
- Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);
- Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);



- Act respecting the construction of infrastructures and equipment by Hydro-Québec on account of the ice storm of 5 to 9 January 1998 (1999, chapter 27);
- Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56)
- Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68).



## **Bill 77**

### **AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING REGIONAL COUNTY MUNICIPALITIES**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT**

**1.** Section 1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting the following paragraph after paragraph 9 :

“(9.1) “core city” means any local municipality whose territory corresponds to a census agglomeration defined by Statistics Canada or any local municipality whose territory is situated within such an agglomeration and whose population is the highest among those of the local municipalities whose territory is situated within that agglomeration;”.

**2.** Section 5 of the said Act is amended

(1) by adding the following subparagraph after subparagraph 8 of the first paragraph :

“(9) set out a strategic vision of cultural, economic, environmental and social development to facilitate the coherent exercise of the regional county municipality’s jurisdiction.”;

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

“The plan of a regional county municipality all or part of whose territory is situated within the territory of a metropolitan community is not required to contain the element provided for in subparagraph 9 of the first paragraph.”

**3.** The said Act is amended by inserting the following chapter after section 79

**“CHAPTER II.1****“OTHER BY-LAWS OF CERTAIN REGIONAL COUNTY MUNICIPALITIES****“DIVISION I****“PLANTING OR FELLING OF TREES**

**“79.1.** The council of a regional county municipality no part of whose territory is situated within the territory of a metropolitan community may, by by-law, regulate or restrict the planting or felling of trees on all or part of the territory of the regional county municipality to ensure protection of the forest cover and promote the sustainable development of private forests.

**“79.2.** The council of the regional county municipality shall adopt a draft of the by-law provided for in section 79.1.

**“79.3.** As soon as practicable after the adoption of the draft by-law, the secretary-treasurer shall transmit an authenticated copy thereof to each municipality whose territory is concerned by the draft by-law.

**“79.4.** The council of every municipality whose territory is concerned by the draft by-law may give its opinion on the draft by-law within 45 days after its transmission. The clerk or the secretary-treasurer of the municipality shall transmit to the regional county municipality, within the same time, an authenticated copy of the resolution setting out the opinion of the council.

However, the council of the regional county municipality may, by unanimous resolution, change the period of time prescribed in the first paragraph; the period of time fixed by the council shall in no case be shorter than 20 days. As soon as practicable after passage of the resolution, the secretary-treasurer shall transmit an authenticated copy thereof to every municipality whose territory is concerned by the draft by-law.

**“79.5.** The regional county municipality shall hold a public meeting in every municipality whose territory is concerned by the draft by-law and whose representative on the council so requests during the sitting at which the draft by-law is adopted.

The regional county municipality shall also hold such a meeting in any other municipality whose territory is concerned by the draft by-law and whose council so requests within 20 days after transmission of the draft by-law. The clerk or the secretary-treasurer of the municipality shall transmit to the regional county municipality, within the same time, an authenticated copy of the resolution setting out the request.

In every case, the regional county municipality shall hold at least one public meeting in its territory.

For the purposes of the first two paragraphs, where the sittings of the council of a municipality are held in the territory of another municipality, the territory is deemed to be that of the former municipality and to be situated within the territory of the regional county municipality.

**“79.6.** The regional county municipality shall hold its public meetings through a committee established by the council, composed of council members designated by the council and presided by the warden.

**“79.7.** The council of the regional county municipality shall identify any municipality in whose territory a public meeting must be held.

The council of the regional county municipality shall determine the date, time and place of every meeting; it may delegate all or part of such power to the secretary-treasurer.

**“79.8.** Not later than 15 days before the day a public meeting is to be held, the secretary-treasurer shall see to it that a notice of the date, time, place and object of the meeting is posted in the office of every municipality whose territory is concerned by the draft by-law and shall publish the notice in a newspaper circulated in the territory of every such municipality.

The notice of the meeting or the first of several meetings, as the case may be, shall include an abstract of the draft by-law and shall mention that a copy of the draft may be examined at the office of every municipality whose territory is concerned by the draft by-law.

The abstract may, however, if the council of the regional county municipality so elects, be sent by mail or otherwise delivered to every address in the territory concerned by the draft by-law, not later than 15 days before the day the meeting or the first of the meetings is to be held, as the case may be, rather than be included in the notice referred to in the second paragraph. In that case, the abstract must be accompanied with a notice of the date, time, place and object of every scheduled meeting and mention that a copy of the abstract of the draft by-law may be examined at the office of every municipality whose territory is concerned by the draft by-law.

When notice of a subsequent meeting is given separately from notice of the first meeting, it shall mention, in addition to what is prescribed in the first paragraph, that a copy of the draft by-law and of the abstract of the draft by-law may be examined at the office of every municipality whose territory is concerned by the draft by-law.

**“79.9.** At a public meeting, the committee shall explain the draft by-law.

The committee shall hear the persons and bodies wishing to be heard.

**“79.10.** After the consultation period concerning the draft by-law, the council of the regional county municipality shall adopt the by-law, with or without changes.

For the purposes of the first paragraph, the consultation period runs until the end of the last of the following days :

(1) the day the last resolution transmitted by a municipality pursuant to section 79.4 is received or, failing such a transmission by a municipality, the last day of the period applicable to it under that section ;

(2) the day the public meeting is held or, if several are held, the day the last meeting is held, or the last day of the period prescribed in the second paragraph of section 79.5.

**“79.11.** As soon as practicable after the adoption of the by-law, the secretary-treasurer of the regional county municipality shall see to it that a notice of the adoption of the by-law, explaining the rules prescribed in the first two paragraphs of section 79.12 and in the first paragraph of section 79.13, is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

**“79.12.** Any qualified voter in a municipality whose territory is concerned by the by-law may apply, in writing, to the Commission for an opinion on the conformity of the by-law with the objectives of the development plan and the provisions of the complementary document.

The application must be transmitted to the Commission within 30 days after publication of the notice provided for in section 79.11.

The secretary of the Commission shall transmit to the regional county municipality a copy of every application transmitted within the prescribed period, and may receive free of charge from the municipality an authenticated copy of the development plan and the complementary document.

**“79.13.** Where the Commission receives applications from at least five qualified voters in a municipality whose territory is concerned by the by-law, filed in accordance with section 79.12 in respect of the by-law, the Commission shall, within 60 days after the expiry of the period prescribed in that section, give its opinion on the conformity of the by-law with the objectives of the development plan and the provisions of the complementary document.

An opinion stating that the by-law is not in conformity with the objectives of the plan and the provisions of the complementary document may include the suggestions of the Commission on ways to ensure conformity.

The secretary of the Commission shall transmit a copy of the opinion to the regional county municipality and to the applicants.

The secretary-treasurer of the municipality shall post a copy of the opinion in the office of the municipality whose territory is concerned by the by-law.

**“79.14.** Where the Commission does not receive applications from at least five qualified voters in a municipality whose territory is concerned by the by-law, filed in accordance with section 79.12 in respect of the by-law, the by-law is deemed to be in conformity with the objectives of the development plan and the provisions of the complementary document from the expiry of the period prescribed in section 79.12.

The by-law is also deemed to be in conformity with the objectives of the development plan and the provisions of the complementary document from the date on which the Commission gives, in accordance with section 79.13, an opinion confirming such conformity.

**“79.15.** The council of the regional county municipality must adopt a new by-law to replace a by-law that is not deemed under section 79.14 to be in conformity with the objectives of the development plan and the provisions of the complementary document, so as to ensure such conformity.

Sections 79.2 to 79.10 do not apply in respect of a new by-law differing from the by-law it replaces for the sole purpose of ensuring that it is in conformity with the objectives of the development plan and the provisions of the complementary document.

The new by-law must be adopted before the expiry of a period of 90 days after the day on which the Commission gives its opinion on the conformity of the by-law with the objectives of the development plan and the provisions of the complementary document.

**“79.16.** The by-law comes into force on the date as of which, under section 79.14, it is deemed to be in conformity with the objectives of the development plan and the provisions of the complementary document.

As soon as practicable after the adoption of the by-law, the secretary-treasurer of the regional county municipality shall see to it that a notice of the coming into force of the by-law is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

**“79.17.** Upon the coming into force of the by-law, the council of a municipality whose territory is concerned by the by-law shall lose the right to include in its zoning by-law provisions regarding a matter referred to in subparagraph 12.1 of the second paragraph of section 113, and any such provision already in force shall immediately cease to have effect.

**“79.18.** Only the representatives of the municipalities whose territory is concerned by the by-law may participate in the deliberations and vote of the council of the regional county municipality as regards the exercise of the

functions arising from the by-law. Only those municipalities shall contribute to the payment of expenses resulting from such exercise.

**“79.19.** The council of the regional county municipality may, by by-law, prohibit any operation referred to in the by-law provided for in section 79.1 carried on without a certificate of authorization. In such a case, paragraphs 5, 6 and 7 of section 119 and section 120 apply, with the necessary modifications.

Only the representatives of the municipalities whose territory is concerned by the by-law provided for in section 79.1 may participate in the deliberations and vote of the council of the regional county municipality in relation to the by-law provided for in the first paragraph, both for its adoption and for the exercise of the functions arising from the by-law. Only those municipalities shall contribute to the payment of expenses resulting from such exercise.

## **“DIVISION II**

### **“TERRITORIAL DEVELOPMENT PLANS**

**“79.20.** The council of a regional county municipality no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal may, by by-law, establish a plan relating to the development of the territory of the regional county municipality, which may, in particular, mention the obligations to which the municipalities are subject for the implementation of the plan.

The plan must take into account

- (1) the objectives of the development plan ;
- (2) the local action plan developed under section 13 of the Act respecting the Ministère des Régions (chapter M-25.001) by the local development centre serving the territory of the regional county municipality ;
- (3) the strategic plan established under section 20 of the Act respecting the Ministère des Régions by the regional development council accredited for the administrative region in which the territory of the regional county municipality is situated ;
- (4) every agreement entered into under section 20 of the Act respecting the Ministère des Régions by the regional council referred to in subparagraph 3 ;
- (5) every agreement entered into by the regional committee established under Order in Council 1295-2002 dated 6 November 2002, in the administrative region in which the territory of the regional county municipality is situated.

Sections 79.2 to 79.10 apply in respect of the by-law provided for in the first paragraph, with the necessary modifications, particularly the modification



whereby “municipality whose territory is concerned by the draft by-law” is replaced by “municipality whose territory is situated within the territory of the regional county municipality”.

**4.** Section 148.3 of the said Act is amended by adding the following sentence at the end of the second paragraph: “Where a regional county municipality whose territory includes that of a core city appoints members of the committee from among the persons eligible under subparagraph 1 of the first paragraph, one of those persons must be a representative of the core city, unless the core city has previously waived that requirement.”

**5.** Section 202 of the said Act, amended by section 7 of chapter 25 of the statutes of 2001 and by section 28 of chapter 37 of the statutes of 2002, is again amended

(1) by replacing “one vote in the council of the regional county municipality or, as the case may be” in the first paragraph by “, in the council of the regional county municipality”;

(2) by replacing “greater than” in the first line of the second paragraph by “at least”.

**6.** Section 227 of the said Act, amended by section 15 of chapter 11 of the statutes of 2002 and by section 30 of chapter 37 of the statutes of 2002, is again amended by replacing “section 116 or” in subparagraph *b* of subparagraph 1 of the first paragraph by “any of sections 79.1, 116 and 145.21”.

**7.** Section 240 of the said Act, amended by section 32 of chapter 37 of the statutes of 2002, is again amended by inserting “79.1 or” after “section” in the fourth line of the first paragraph.

**8.** Section 264.0.2 of the said Act, replaced by section 218 of chapter 25 of the statutes of 2001 and amended by section 2 of chapter 68 of the statutes of 2001, is again amended by inserting “, except Chapter II.1 of Title I,” after “Act” in the second line of the first paragraph.

## LABOUR CODE

**9.** Schedule I to the Labour Code (R.S.Q., chapter C-27), enacted by section 70 of chapter 26 of the statutes of 2001 and amended by section 36 of chapter 28 of the statutes of 2002, is again amended

(1) by replacing “section 267.0.2” in the first line of paragraph 3 by “article 267.0.2 and the third paragraph of article 678.0.2.6”;

(2) by striking out “the sixth paragraph of section 5.2,” in the first line of paragraph 11;

(3) by adding the following paragraph after paragraph 23:

“(24) the sixth paragraph of section 57 of the Act to amend various legislative provisions concerning regional county municipalities (2002, chapter 68).”

#### MUNICIPAL CODE OF QUÉBEC

**10.** Article 82 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by adding the following paragraph after the second paragraph:

“Where a committee is appointed by the council of a regional county municipality whose territory includes that of a core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), one of those persons must be a representative of the core city, unless the core city has previously waived that requirement.”

**11.** Article 123 of the said Code is amended

(1) by replacing “not more than three other members of the council” in the third line of the first paragraph by “the number of other council members specified in the by-law”;

(2) by replacing “The” in the first line of the second paragraph by “Subject to the third paragraph, the”;

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

“In the case of a regional county municipality whose territory includes that of a core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), one of the members of the committee must be a representative of the core city, unless the core city has previously waived that requirement.”

**12.** Article 129 of the said Code is amended

(1) by replacing “The” in the first line of the second paragraph by “Subject to the third paragraph, the”;

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

“In the case of a regional county municipality whose territory includes that of a core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), and whose warden is not the mayor of the core city, one of the other two delegates must be a representative of the core city, unless the core city has previously waived that requirement.”

**13.** The said Code is amended by inserting the following article after article 569

**“569.0.1.** Every local municipality may make with any other local municipality, regardless of the law governing it, an agreement whereby they delegate to the regional county municipality whose territory includes their territories the exercise of all or part of a field within their jurisdiction.

However, the making of an agreement under the first paragraph must be preceded

(1) by the tabling of a draft agreement at a sitting of the council of the regional county municipality ;

(2) by the sending, by the secretary-treasurer of the regional county municipality, of a copy of the draft agreement to each local municipality whose territory is situated within that of the regional county municipality, together with a notice mentioning that each local municipality interested in making an agreement having the same content as that of the draft agreement must, within 60 days following receipt of those documents, transmit a resolution expressing its interest to the regional county municipality.

The agreement made by the local municipalities having expressed their interest in accordance with subparagraph 2 of the second paragraph binds, without further formality, the regional county municipality insofar as every expenditure arising from the implementation of the agreement is assumed entirely by the local municipalities.

Only the representatives of the local municipalities who have made the delegation provided for in the first paragraph are empowered to participate in the deliberations and vote of the council of the regional county municipality as regards the exercise of the delegated functions.”

**14.** Article 678.0.2 of the said Code is amended

(1) by replacing “adapted as required” in the second line of the first paragraph by “with the necessary modifications, in particular the following modifications :

(1) the resolution provided for in the second paragraph of article 10 must also set out the administrative and financial terms and conditions relating to the application of articles 10.1 and 10.2 ;

(2) the administrative and financial terms and conditions relating to the application of articles 10.1 and 10.2 must be set out in the resolution by which the regional county municipality affirms its jurisdiction, and the resolution may, in addition to what is expressly mentioned in article 10.3, specify the time limit within which a local municipality subject to its jurisdiction may avail itself of article 10.1.” ;

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

“Where the administrative and financial terms and conditions set out in the resolution referred to in subparagraph 2 of the first paragraph are not consistent with those prescribed in the by-law adopted under article 10.3, the former shall prevail.”

**15.** Article 678.0.2.1 of the said Code, enacted by section 19 of chapter 2 of the statutes of 2002, is replaced by the following articles :

**“678.0.2.1.** A regional county municipality may, by by-law, affirm its jurisdiction in respect of one or more local municipalities whose territories are situated within its territory, with respect to all or part of the management of social housing, residual materials management, the local road system or shared passenger transportation.

**“678.0.2.2.** A regional county municipality shall, if it wishes to affirm its jurisdiction under article 678.0.2.1, adopt a resolution announcing its intention to do so. The resolution must mention in particular the local municipalities in respect of which the regional county municipality wishes to affirm its jurisdiction and the matter or part of a matter with respect to which the regional county municipality would acquire jurisdiction. An authenticated copy of the resolution must be transmitted by registered mail to each of the local municipalities whose territory is situated in the territory of the regional county municipality.

**“678.0.2.3.** The clerk or secretary-treasurer of the local municipality in respect of which the regional county municipality wishes to affirm its jurisdiction shall, in a document transmitted by the clerk or secretary-treasurer to the regional county municipality, identify any officer or employee all of whose working time is devoted exclusively to all or part of the matter with respect to which the regional county municipality has announced, in the resolution provided for in article 678.0.2.2, its intention to affirm its jurisdiction, and whose services will no longer be required because the local municipality has lost its jurisdiction with respect to that matter.

Besides identifying any officer or employee concerned, the document referred to in the first paragraph must specify the nature of the officer’s or employee’s employment relationship with the municipality, the conditions of employment of the officer or employee and, where applicable, the date on which the officer’s or employee’s employment relationship with the municipality would normally have ended. Where the employment relationship results from a written contract of employment, an authenticated copy of the contract must accompany the document.

The clerk or secretary-treasurer shall also, in the document referred to in the first paragraph, identify any equipment or material that will become useless because the municipality has lost its jurisdiction.

The document referred to in the first paragraph must be transmitted to the regional county municipality not later than 60 days following service of the resolution provided for in section 678.0.2.2.

**“678.0.2.4.** Where the document referred to in the first paragraph of article 678.0.2.3 identifies equipment or material, the regional county municipality shall, not later than 60 days following the transmission of the document, enter into an agreement with the local municipality establishing, in the case of the acquisition of jurisdiction by the regional county municipality, the conditions for the transfer to the latter of the equipment or material identified in the document.

Failing an agreement within the time limit determined in the first paragraph, the regional county municipality may, not later than 15 days following the expiry of the time limit, request that the Commission municipale du Québec establish the conditions mentioned in that paragraph. The decision of the Commission applies, in the case of the acquisition of jurisdiction by the regional county municipality, as if the municipalities had entered into an agreement under the first paragraph.

**“678.0.2.5.** From the service of the resolution provided for in article 678.0.2.2 to the tenth day following the expiry of the time limit determined in any of paragraphs 1 to 3 of article 678.0.2.7, a local municipality may not, without the authorization of the regional county municipality, increase expenditures relating to the remuneration and employee benefits of any officer or employee all of whose working time is devoted exclusively to a matter mentioned in the resolution, or hire such an officer or employee, unless the increase or hiring results from the application of a clause of a collective agreement or a contract of employment in force on the date on which the resolution is served. Nor may a local municipality make an expenditure relating to equipment or material that has been or may be identified in the document referred to in the first paragraph of article 678.0.2.3 without such an authorization.

**“678.0.2.6.** No officer or employee of a local municipality may be dismissed solely as a result of the loss of jurisdiction of the municipality following the coming into force of a by-law adopted under article 678.0.2.1.

From the tenth day following the coming into force of such a by-law, every officer or employee identified in the document referred to in the first paragraph of article 678.0.2.3 shall become, without salary reduction, an officer or employee of the regional county municipality and shall retain his or her seniority and employee benefits.

An officer or employee dismissed by a local municipality who is not identified in a document referred to in the first paragraph of article 678.0.2.3 may, if the officer or employee believes that the document should provide that identification, file a complaint in writing within 30 days of being dismissed with the Commission des relations du travail requesting it to make an inquiry and dispose of the complaint. The provisions of the Labour Code (chapter C-27) relating to the Commission, its commissioners, their decisions and the exercise of their jurisdictions apply, with the necessary modifications.

**“678.0.2.7.** The regional county municipality may adopt and put into force the by-law provided for in article 678.0.2.1

(1) between the ninetieth and the one hundred and eightieth day following service of the resolution provided for in article 678.0.2.2, where no equipment or material is identified in the document referred to in the first paragraph of article 678.0.2.3 ;

(2) between the day on which it entered into the agreement provided for in the first paragraph of article 678.0.2.4 and the two hundred and tenth day following service of the resolution provided for in article 678.0.2.2 ;

(3) between the day on which the Commission municipale du Québec rendered its decision following a request under the second paragraph of article 678.0.2.4 and the sixtieth day thereafter.

**“678.0.2.8.** As soon as practicable after the coming into force of a by-law adopted under article 678.0.2.1, the secretary-treasurer of the regional county municipality shall transmit an authenticated copy of the by-law

(1) where the matter concerned is the management of social housing, to the Société d’habitation du Québec and to every municipal housing bureau constituted on the application of a local municipality in respect of which the regional county municipality has affirmed its jurisdiction ;

(2) where the matter concerned is the local road system or shared passenger transportation, to the Minister of Transport.

**“678.0.2.9.** A local municipality in respect of which a regional county municipality has affirmed its jurisdiction under article 678.0.2.1 may not exercise the right of withdrawal granted by the third paragraph of section 188 of the Act respecting land use planning and development (chapter A-19.1).

Only the representative of such a municipality may participate in the deliberations and vote of the council of the regional county municipality as regards the exercise of the acquired jurisdiction.”

**16.** Article 678.0.3 of the said Code is amended

(1) by replacing “article 678.0.1” in the second line of the first paragraph by “article 678.0.1 or 678.0.2.1” ;

(2) by replacing “article 678.0.1” in the fourth line of the second paragraph by “article 678.0.1 or 678.0.2.1” ;

(3) by replacing “article 678.0.1” in the second line of the third paragraph by “article 678.0.1 or 678.0.2.1”.

**17.** Articles 678.0.5 to 678.0.10 of the said Code are repealed.

**18.** The said Code is amended by inserting the following articles after article 681 :

**“681.1.** Subject to the fourth paragraph of section 157.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) and the fourth paragraph of section 149 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), any regional county municipality may, by by-law, designate equipment as being of a supralocal nature within the meaning of section 24.5 of the Act respecting the Commission municipale (chapter C-35) and establish the rules applicable to the management of the equipment, the financing of the expenditures related thereto and the sharing of the revenue it generates.

The first paragraph does not apply in respect of equipment that the Communauté métropolitaine de Montréal or the Communauté métropolitaine de Québec has designated as being of metropolitan scope pursuant to section 157.1 of the Act respecting the Communauté métropolitaine de Montréal or section 149 of the Act respecting the Communauté métropolitaine de Québec, as the case may be. Nor does it apply in respect of equipment for which an order made pursuant to section 24.13 of the Act respecting the Commission municipale applies as long as the order has not been repealed.

Every intermunicipal agreement relating to equipment, in force on the date of the coming into force of the by-law of the regional county municipality designating the equipment as being of a supralocal nature, ends on the date determined by the regional county municipality. Where the agreement provided for the constitution of an intermunicipal board, that board shall, not later than three months after that date, apply for its dissolution to the Minister, and section 618 applies, with the necessary modifications, to the application.

The first, second and third paragraphs apply, with the necessary modifications, in respect of an infrastructure, a service or an activity. If the activity is carried on or the service is supplied in relation to an event, it makes no difference whether the event is organized by one of the local municipalities whose territory is situated within the territory of the regional county municipality or by a third person.

A local municipality may not, in respect of a function provided for in the first paragraph, exercise the right of withdrawal provided for in the third paragraph of section 188 of the Act respecting land use planning and development (chapter A-19.1).

**“681.2.** Any regional county municipality may, by by-law, provide for the financing by the regional county municipality of the sums which, pursuant to the Act respecting the Société d’habitation du Québec (chapter S-8), must be paid by a local municipality to its municipal housing bureau in respect of the low-rental housing dwellings referred to in article 1984 of the Civil Code and administered by the bureau.

As soon as practicable after the coming into force of the by-law, the secretary-treasurer shall transmit an authenticated copy of the by-law to the Société d'habitation du Québec and to every municipal housing bureau constituted on the application of a local municipality whose territory is situated within the territory of the regional county municipality.

A local municipality may not, in respect of a function provided for in the first paragraph, exercise the right of withdrawal provided for in the third paragraph of section 188 of the Act respecting land use planning and development (chapter A-19.1).”

**19.** Article 688 of the said Code, amended by section 102 of chapter 37 of the statutes of 2002, is again amended by replacing “A regional county municipality designated as a rural regional county municipality” in the first line of the second paragraph by “The regional county municipality”.

**20.** Article 713 of the said Code, amended by section 50 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing “designated as a rural regional county municipality” in the second paragraph by “no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal”;

(2) by replacing “designated as a rural regional county municipality” in the third paragraph by “no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal”.

**21.** Article 722 of the said Code is amended by adding the following paragraph at the end:

“The first paragraph also applies to a regional county municipality no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal or to a board of delegates in relation to any local watercourse that is under the jurisdiction of such a municipality.”

**22.** Article 819 of the said Code is amended

(1) by inserting “or, in the case of a regional county municipality no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal, in relation to local work” after “work” in the second line;

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

“However, the regional county municipality that has jurisdiction in respect of the work may appoint an inspector. In such a case, for the purposes of the provisions relating to municipal watercourses, the inspector is considered to be the municipal inspector.”



**23.** Article 975 of the said Code is amended

(1) by replacing “twelfth” in the first line of the seventh paragraph by “quarter”;

(2) by replacing “at the beginning of each subsequent month if, at that time” in the fourth line of the seventh paragraph by “on 1 April, 1 July and 1 October if, on each of those dates”.

## ACT RESPECTING THE COMMISSION MUNICIPALE

**24.** Section 24.16.1 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), replaced by section 130 of chapter 56 of the statutes of 2000, is amended by adding the following paragraph at the end:

“Nor does this division apply in respect of equipment, an infrastructure, a service or an activity which the regional county municipality has designated as being of a supralocal nature under article 681.1 of the Municipal Code of Québec (chapter C-27.1).”

## ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**25.** Section 127 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by striking out subparagraph 1 of the first paragraph.

**26.** Section 131 of the said Act is amended by replacing “1 of the first paragraph of section 127” in the third line of the first paragraph by “9 of the first paragraph of section 5 of the Act respecting land use planning and development (chapter A-19.1)”.

**27.** Section 157.1 of the said Act, amended by section 212 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing the first and second paragraphs by the following paragraphs:

**157.1.** The Community may, by a by-law adopted by a two-thirds majority of the votes cast, designate as being of metropolitan scope equipment belonging to a local municipality whose territory is situated within the territory of the Community or to a mandatary of that local municipality, and establish the rules applicable to the management of the equipment, to the financing of the expenditures related thereto and to the sharing of the revenue it generates.

The first paragraph does not apply in respect of equipment to which an order made pursuant to section 24.13 of the Act respecting the Commission municipale (chapter C-35) applies, as long as the order has not been repealed.”;

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

“Every by-law designating equipment as being of a supralocal nature adopted by a regional county municipality, in force on the date of coming into force of the by-law of the Community designating the equipment as being of metropolitan scope, shall cease to have effect on the date determined by the Community.”;

(3) by replacing “and third” in the first line of the fourth paragraph by “, third and fourth”.

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

**28.** Section 119 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by striking out paragraph 1.

**29.** Section 123 of the said Act is amended by replacing “paragraph 1 of section 119” in the third line of the first paragraph by “subparagraph 9 of the first paragraph of section 5 of the Act respecting land use planning and development (chapter A-19.1)”.

**30.** Section 138 of the said Act is amended by inserting “Division II of Chapter II.1 of its Title I and” after “except” in the fifth line of the first paragraph.

**31.** Section 149 of the said Act is amended

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

“The first paragraph does not apply in respect of equipment to which an order made pursuant to section 24.13 of the Act respecting the Commission municipale (chapter C-35) applies, as long as the order has not been repealed.”;

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

“Every by-law designating equipment as being of a supralocal nature adopted by a regional county municipality, in force on the date of coming into force of the by-law of the Community designating the equipment as being of metropolitan scope, shall cease to have effect on the date determined by the Community.”;

(3) by replacing “and second” in the first line of the third paragraph by “, second, third and fourth”.

#### JAMES BAY REGION DEVELOPMENT AND MUNICIPAL ORGANIZATION ACT

**32.** Section 39.3 of the James Bay Region Development and Municipal Organization Act (R.S.Q., chapter D-8), enacted by section 9 of chapter 61 of the statutes of 2001, is amended by striking out “including a rural regional county municipality” in the second line of subparagraph 2 of the first paragraph.

## ACT RESPECTING MUNICIPAL TAXATION

**33.** Section 5.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 109 of chapter 25 of the statutes of 2001 and amended by section 220 of chapter 37 of the statutes of 2002, is again amended

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

**“5.1.** Notwithstanding any provision of a general law or special Act and subject to the third paragraph, a regional county municipality that has been designated as rural has jurisdiction in matters of assessment in respect of any local municipality whose territory is situated within its own territory.”;

(2) by replacing “On the date mentioned in the first paragraph, the regional county municipality shall succeed to the rights and obligations of the local municipality for the purposes of the exercise of jurisdiction in matters of assessment, and the local municipality” in the second paragraph by “The local municipality”;

(3) by replacing the second sentence of the third paragraph by the following sentence: “Only a local municipality that, on the day before the date fixed for the coming into force of the order designating the regional county municipality as rural, was a municipal body responsible for assessment whose assessor is an officer, may be a party to such an agreement.”

**34.** Section 5.2 of the said Act, enacted by section 109 of chapter 25 of the statutes of 2001 and amended by section 119 of chapter 26 of the statutes of 2001, is repealed.

## ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

**35.** Section 125.29 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), enacted by section 143 of chapter 25 of the statutes of 2001, is amended by striking out the last sentence.

**36.** Section 210.25 of the said Act, replaced by section 150 of chapter 25 of the statutes of 2001, is amended by inserting “or section 210.26.1, as the case may be” after “210.26” in the third line.

**37.** Section 210.26 of the said Act is amended

(1) by replacing “The” in the first line of the first paragraph by “Subject to section 210.26.1, the”;

(2) by replacing “according to the order constituting the regional county municipality” in the first and second lines of the third paragraph by “, as provided for in section 202 of the Act respecting land use planning and development (chapter A-19.1)”;

(3) by replacing “ascribed by the order to the members of the council” in the fifth line of the fourth paragraph by “ascribed to the members of the council according to section 202 of the Act respecting land use planning and development”;

(4) by adding the following paragraph after the fourth paragraph :

“However, at the beginning of the sitting, the council may determine the circumstances in which a drawing of lots, rather than another round of voting, will be held in the case of a tie vote following a ballot. If such circumstances arise, the secretary-treasurer shall establish the procedure for the drawing of lots, hold the draw and declare the mayor who is favoured by the drawing of lots to be the warden.”

**33.** The said Act is amended by inserting the following section after section 210.26:

**“210.26.1.** Where, at the first sitting held after 18 December 2002 for the election of the warden of a regional county municipality whose territory includes that of a core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), the warden could not be elected according to the rules prescribed in section 210.26, the holder of the office shall be determined in accordance with the rules prescribed in the following paragraphs.

The secretary-treasurer shall hold a drawing of lots at the following sitting to determine if the holder of the office is to be the mayor of the core city or if the holder of the office is to be elected from among the mayors of the other local municipalities. The result of the drawing of lots is valid for a period of two years.

If the drawing of lots determines that the holder of the office is to be the mayor of the core city, the latter shall be the warden by virtue of office unless he or she renounces the office immediately.

If the drawing of lots determines that the holder of the office is to be elected from among the mayors of the other local municipalities or if the mayor of the core city renounces the office of warden, the holder of the office shall be elected in accordance with the rules prescribed in section 210.26, having regard to the modification whereby the warden is chosen from among the mayors of the local municipalities other than the core city.

Upon the expiry of the period of two years, the successor of the holder of the office determined under the third or fourth paragraph shall be the mayor of the core city, where the warden whose term of office is ending is the mayor of a local municipality other than the core city, or be elected from among the mayors of the other local municipalities, where the warden whose term of office is ending is the mayor of the core city.

Upon the expiry of the period of two years following the period referred to in the fifth paragraph, the successor of the warden determined under that paragraph shall be elected in accordance with the rules prescribed in section 210.26. However, if, at the first sitting held for the election, a warden could not be elected, the rules prescribed in this section again apply.”

**39.** Section 210.28 of the said Act is amended

(1) by inserting “, subject to the second paragraph,” after “end” in the second line of the first paragraph;

(2) by replacing “third” in the third line of the first paragraph by “fourth”;

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

“The mayor of the core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (chapter A-19.1), when he or she is warden by virtue of office, may not resign or be removed from office under the fourth paragraph.”;

(4) by adding the following sentence at the end of the third paragraph: “However, where a warden who has been removed from office was elected as a result of the rules prescribed in section 210.26.1 being applied, the new warden must be elected, for the unexpired portion of the two-year period, in accordance with the rules prescribed in section 210.26, having regard to the modification whereby the warden is elected from among the mayors of the local municipalities other than the core city.”

**40.** Section 210.29 of the said Act is amended

(1) by replacing “When” in the first line by “Subject to the second paragraph, when”;

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

“When the office of warden for which the holder was determined under the third paragraph of section 210.26.1 becomes vacant by reason of the holder ceasing to be mayor of the core city, the succeeding mayor shall become the new warden until the two-year period has expired. When the office of warden for which the holder was determined under the fourth paragraph of section 210.26.1 becomes vacant by reason of the holder ceasing to be mayor of a local municipality, the new warden shall be elected, for the unexpired portion of the two-year period, in accordance with the rules prescribed in section 210.26, having regard to the modification whereby the warden is elected from among the mayors of the local municipalities other than the core city.”

**41.** Section 210.29.1 of the said Act, enacted by section 151 of chapter 25 of the statutes of 2001 and amended by section 77 of chapter 68 of the statutes of 2001, is again amended by replacing “designated as a rural regional county municipality” in the first and second lines of the first paragraph by “no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal”.

**42.** Chapter V.1 of Title II.1 of the said Act, enacted by section 152 of chapter 25 of the statutes of 2001, is repealed.

#### ACT RESPECTING MIXED ENTERPRISE COMPANIES IN THE MUNICIPAL SECTOR

**43.** Section 10 of the Act respecting mixed enterprise companies in the municipal sector (R.S.Q., chapter S-25.01) is amended by inserting “, even after the expiry of the time prescribed, if any, in the resolution referred to in subparagraph 2 of the first paragraph of article 678.0.2 of that Code” after “paragraphs” in the sixth line of the first paragraph.

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

**44.** Section 248 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), amended by section 228 of chapter 25 of the statutes of 2001, by section 113 of chapter 68 of the statutes of 2001 and by section 263 of chapter 37 of the statutes of 2002, is again amended by inserting “, except Division II of Chapter II.1 of Title I” after “(R.S.Q., chapter A-19.1)” in the fourth line of the first paragraph.

**45.** Section 250 of the said Act, amended by section 230 of chapter 25 of the statutes of 2001, by section 115 of chapter 68 of the statutes of 2001 and by section 265 of chapter 37 of the statutes of 2002, is again amended by inserting “, except Division II of Chapter II.1 of Title I” after “(R.S.Q., chapter A-19.1)” in the fourth line of the first paragraph.

#### ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

**46.** Section 253 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68) is amended by inserting “, except Chapter II.1 of Title I,” after “(R.S.Q., chapter A-19.1)” in the second line of the first paragraph.

#### OTHER AMENDING PROVISIONS

**47.** Section 51 of Order in Council 841-2001 dated 27 June 2001, concerning Ville de Saguenay, is amended by inserting “, except Chapter II.1 of Title I,” after “Act” in the second line of the second paragraph.

**48.** Section 48 of Order in Council 850-2001 dated 4 July 2001, concerning Ville de Sherbrooke, is amended by inserting “, except Chapter II.1 of Title I,” after “Act” in the second line of the second paragraph.

**49.** Section 25 of Order in Council 851-2001 dated 4 July 2001, concerning Ville de Trois-Rivières, is amended by inserting “, except Chapter II.1 of Title I, after “ (R.S.Q., c. A-19.1)” in the first paragraph.

**50.** Section 24 of Order in Council 1043-2001 dated 12 September 2001, concerning Municipalité des Îles-de-la-Madeleine, is amended by inserting “, except Chapter II.1 of Title I,” after “(R.S.Q., c. A-19.1)” in the first paragraph.

**51.** Section 12 of Order in Council 1478-2001 dated 12 December 2001, concerning Ville de Rouyn-Noranda, is amended by inserting “, except Chapter II.1 of Title I,” after “(R.S.Q., c. A-19.1)” in the first paragraph.

#### TRANSITIONAL AND FINAL PROVISIONS

**52.** “Development plan” and “development plans” are replaced by “land use planning and development plan” and “land use planning and development plans”, as the case may be, if and wherever they appear in the following provisions:

(1) section 30 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);

(2) sections 2, 3, 5, 6, 7, 8, 8.1, 32, 33, 34, 36, 38, 39, 40, 42, 45, 46, 47, 48, 54, 56.3, 56.6, 57.1, 61, 70, 71, 72, 75.1, 75.9, 75.10, 76, 77, 82, 85.1, 86, 98, 102, 109.6, 112.7, 123, 136.0.1, 137.1, 137.16, 145.38, 150, 151, 152, 153, 154, 155, 156, 157, 221, 227, 234.1, 237.2, 240, 244, 246, 264, 264.0.1, 264.0.2, and 265 and the headings of Chapter I of Title I, Division I of Chapter I of Title I and subdivision 3 of Division V of Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(3) section 113 of the Cultural Property Act (R.S.Q., chapter B-4);

(4) section 88 of and section 21 of Schedule B to the Charter of Ville de Gatineau (R.S.Q., chapter C-11.1);

(5) section 163 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4);

(6) section 114 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5);

(7) sections 126, 130, 146, 147, 265 and 265.1 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);

(8) sections 118, 122, 138, 228 and 229 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);

(9) section 128.5 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);

(10) section 15 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);

(11) sections 124.18, 124.20, 124.21, 124.22 et 124.23 of the Forest Act (R.S.Q., chapter F-4.1);

(12) sections 211 and 520 of the Education Act (R.S.Q., chapter I-13.3);

(13) sections 58.4, 59, 62, 65.1, 67, 69.1, 69.4, 79.1, 79.12 and 98 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);

(14) section 8 of the Watercourses Act (R.S.Q., chapter R-13);

(15) sections 23 and 77 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);

(16) section 12 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);

(17) section 8 of the Act respecting the construction of infrastructures and equipment by Hydro-Québec on account of the ice storm of 5 to 9 January 1998 (1999, chapter 27);

(18) sections 247, 248, 249 and 250 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).

Unless the context indicates otherwise, in any other Act, any statutory instrument of such an Act and any other document, a reference to a development plan is a reference to a land use and development plan.

**53.** Every regional county municipality subject to the requirement under subparagraph 9 of the first paragraph of section 5 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), enacted by section 2, must comply therewith not later than during the first period of revision of its development plan which begins after 18 December 2002.

**54.** Every resolution passed by a regional county municipality under article 678.0.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) following a permission granted by the Government pursuant to article 678.0.5 of that Code as it read before its repeal, is deemed to be a by-law adopted under article 678.0.2.1 of that Code, enacted by section 15.



**55.** Every regional county municipality no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal shall succeed, for the purposes of the exercise of jurisdiction in matters of municipal watercourses, to the rights and obligations of every local municipality whose territory is situated within its own territory.

**56.** Subject to the second paragraph, section 5.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), as amended by section 33, has effect from 1 January 2003 and section 300 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37) continues to apply.

In the case of Municipalité régionale de comté de Montmagny, that section 5.1 has effect from 1 January 2004.

On the date mentioned in the first or the second paragraph, as the case may be, the regional county municipality shall succeed, for the purposes of the exercise of its jurisdiction in matters of assessment, to the rights and obligations of every local municipality whose territory is situated within its own territory.

**57.** No officer or employee of a local municipality may be dismissed solely as a result of the loss of jurisdiction of the municipality in matters of assessment because of section 56.

The clerk or secretary-treasurer of the municipality shall, in a document transmitted by the clerk or secretary-treasurer to the regional county municipality, identify any officer or employee all of whose working time is devoted exclusively to matters of assessment, and whose services will no longer be required because the local municipality has lost its jurisdiction with respect to that matter.

Besides identifying any officer or employee concerned, the document referred to in the second paragraph shall specify the nature of the officer's or employee's employment relationship with the municipality, the conditions of employment of the officer or employee, the date on which the officer's or employee's services will no longer be required and, as the case may be, the date on which the officer's or employee's employment relationship with the municipality would normally have ended. Where the employment relationship results from a written contract of employment, an authenticated copy of the contract must accompany the document.

The document referred to in the second paragraph must be sent to the regional county municipality not later than 30 days before the date on which, according to the document, the services of the officer or employee identified in the document are no longer required. Different documents may be successively sent, according to the different dates on which the services of the various officers or employees concerned will no longer be required.

From the date on which, according to the document, the services of the officer or employee are no longer required by the municipality, the officer or employee shall become, without reduction in salary, an officer or employee of the regional county municipality and shall retain his or her seniority and employee benefits.

An officer or employee dismissed by a local municipality who is not identified in a document referred to in the second paragraph may, if the officer or employee believes that the document should provide that identification, file a complaint in writing within 30 days of being dismissed with the Commission des relations du travail requesting it to make an inquiry and dispose of the complaint. The provisions of the Labour Code (R.S.Q., chapter C-27) relating to the Commission, its commissioners, their decisions and the exercise of their jurisdictions apply, with the necessary modifications.

The local municipality may not, without the authorization of the Minister of Municipal Affairs and Greater Montréal, increase expenditures relating to the remuneration and employee benefits of any officer or employee likely to be identified in the document referred to in the second paragraph, or hire such an officer or employee, unless the increase or hiring results from the application of a clause of a collective agreement or a contract of employment in force on the date of coming into force of the order designating the regional county municipality as a rural regional county municipality.

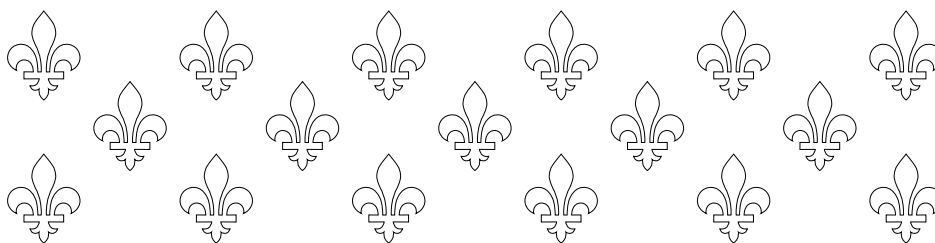
**58.** Every regional county municipality no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal may, by by-law, prescribe that an election to the office of warden must be held in 2003 in accordance with section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), with the following modifications :

(1) for the purposes of that section, the year 2003 is considered to be the year in which the general election is to be held in all the local municipalities to which Title I of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) applies ;

(2) the by-law is considered to be the by-law provided for in section 210.29.1 of the Act respecting municipal territorial organization if the by-law is in force on 1 May 2003.

The holding of an election in 2003 does not remove the requirement to hold an election in 2005.

**59.** This Act comes into force on 19 December 2002.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 96  
(2002, chapter 69)

**An Act respecting pre-hospital  
emergency services and amending  
various legislative provisions**

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**Introduced 7 May 2002  
Passage in principle 14 June 2002  
Passage 18 December 2002  
Assented to 19 December 2002**

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**Québec Official Publisher  
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## EXPLANATORY NOTES

*This bill proposes a new organizational model for pre-hospital emergency services in Québec. It identifies the services to be set in place, the various players in the organization and the rights, roles and responsibilities of each at the national, regional and local levels.*

*As concerns the national level, the bill defines the roles and responsibilities of the Minister and the national medical director of pre-hospital emergency services. The functions of the Minister will include determining the general policy orientations for pre-hospital emergency services and defining the levels of qualifications required of the actors involved in the organization. The national medical director will, among other duties, advise the Minister on the medical aspect of pre-hospital emergency services and establish national guidelines for care quality.*

*At the regional level, the regional board will be responsible primarily for determining pre-hospital emergency service priorities in the development of its three-year strategic service organization plan. In preparing the plan, the regional board will determine the organizational model for the pre-hospital emergency services offered in its region and the personnel required.*

*Other functions of the regional board will be to issue ambulance service permits, prepare and maintain a list of all first responders who will be authorized to act, and enter into a service contract with the holders of ambulance service permits.*

*The bill provides that each regional board will designate a regional medical director of pre-hospital emergency services whose functions will include monitoring and measuring the quality of the acts performed by pre-hospital emergency service providers and ensuring that the services necessary for the maintenance of their qualification are provided.*

*The bill provides for the setting up of health communication centres, their number and the regions to be served by them to be determined by the Minister. The bill specifies that a health communication centre must be a non-profit legal person and provides for the composition of its board of directors and its functions.*

*At the local level, the bill provides for first responder services and ambulance services. The bill defines the roles and responsibilities of first responders and ambulance technicians and sets out the conditions necessary to act as such within the scope of the pre-hospital emergency services organization. The bill makes it mandatory for operators of an ambulance service to hold a permit, determines the conditions under which the regional board may suspend, revoke or refuse to renew a permit and specifies the responsibilities and obligations of permit holders.*

*The bill includes special provisions that apply to Corporation d'urgences-santé and provides that the Corporation will exercise, for the territories of the regional boards of Montréal-Centre and Laval, the functions that otherwise devolve to a regional board, a health communication centre and an ambulance service.*

*Lastly, the bill contains consequential amendments and various transitional provisions.*

**LEGISLATION AMENDED BY THIS BILL :**

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Financial Administration Act (R.S.Q., chapter A-6.001);
- Automobile Insurance Act (R.S.Q., chapter A-25);
- Health Insurance Act (R.S.Q., chapter A-29);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Labour Code (R.S.Q., chapter C-27);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1);
- Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, ambulance services and the disposal of human bodies (R.S.Q., chapter P-35);
- Animal Health Protection Act (R.S.Q., chapter P-42);

- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Act respecting the Pension Plan of Management Personnel (2001, chapter 31);
- Act respecting the Health and Social Services Ombudsman and amending various legislative provisions (2001, chapter 43);
- Public Health Act (2001, chapter 60).

## **Bill 96**

### **AN ACT RESPECTING PRE-HOSPITAL EMERGENCY SERVICES AND AMENDING VARIOUS LEGISLATIVE PROVISIONS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **TITLE I**

#### **ORGANIZATION OF PRE-HOSPITAL EMERGENCY SERVICES**

#### **CHAPTER I**

#### **OBJECT**

**1.** The object of this Act is to ensure that persons in need of pre-hospital emergency services may at all times obtain an appropriate, efficient and quality response aimed at reducing the mortality and morbidity rate among the recipients of pre-hospital emergency services.

For that purpose, the Act establishes a framework for the organization of pre-hospital emergency services and fosters their integration into and harmonization with all other health and social services. The Act identifies the services to be put in place and the various players and defines their rights, roles and responsibilities.

**2.** For the purposes of this Act, “regional board” and “institution” mean, respectively, a regional board and an institution within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2) or, unless otherwise required by the context, a regional council and an institution within the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5).

#### **CHAPTER II**

#### **ROLES AND RESPONSIBILITIES AT THE NATIONAL LEVEL**

#### **DIVISION I**

#### **THE MINISTER**

**3.** The Minister of Health and Social Services is responsible for determining the general policies underlying the organization of pre-hospital emergency services. The Minister shall propose and develop strategic plans and policies, define response procedures, and develop and approve clinical and operational protocols relating to such organization.

The Minister's responsibilities shall include but are not limited to

(1) defining the operational objectives and determining the standards of quality for pre-hospital emergency services;

(2) approving the three-year priorities submitted by Corporation d'urgences-santé and those submitted by the regional boards as part of their three-year strategic service organization plans consistent with departmental policies;

(3) determining, where the Minister considers it necessary, the level of qualification required of players in the organization of pre-hospital emergency services;

(4) ensuring interministerial coordination as regards pre-hospital emergency services;

(5) ensuring the inter-regional coordination of pre-hospital emergency services so that efficient and effective use is made of the available resources;

(6) allocating the human, material and informational resources among the regions and Corporation d'urgences-santé in an equitable manner and seeing to it that the resources are used efficiently and effectively;

(7) determining the rules for the financing of pre-hospital emergency services, allocating the available financial resources among the regional boards and Corporation d'urgences-santé in an equitable manner and overseeing budgetary and financial follow-up;

(8) establishing and reviewing the national policies for the development and training of the workforce necessary to the organization of pre-hospital emergency services;

(9) determining the rules for evaluating the outcomes achieved by pre-hospital emergency services, implementing accountability mechanisms enabling these outcomes to be measured, and overseeing the application and assessment of the resulting measures;

(10) establishing and maintaining the national workforce registry in which ambulance technicians must be registered;

(11) determining the policies and management standards for air ambulance transportation in cooperation with the relevant partners; the Minister may assign all or part of the responsibility for the operation of such transportation and determine its financing;

(12) determining the minimal content of the agreement entered into under section 38 which must provide for, among other things, the operating methods of first responder services, the standards of quality that must be met, the terms



and conditions of financing, where applicable, and the terms and conditions of repayment of expenses considered to be eligible, accountability mechanisms and the cases, conditions and circumstances in which a party may terminate the agreement ;

(13) determining, in cooperation with the regional boards and the associations representing holders of ambulance service permits, the minimal content of a contract under section 9 and applicable to all such holders, which must provide for, among other things, the roles, obligations and responsibilities of each of the parties, accountability mechanisms and the performance standards to be met by permit holders, the reports permit holders must furnish and the penalties applicable to permit holders for breach or non-fulfilment of the responsibilities under the contract ; if the Minister is of the opinion that the minimal content of the contract cannot be so determined within a reasonable time, the Minister may determine it alone ; and

(14) fostering the involvement of the population as first responders within the framework of the organization of pre-hospital emergency services by promoting, in cooperation with the partners concerned, the role of first responder and its importance for persons in distress.

In addition, where the clinical protocols include activities reserved under section 31 of the Medical Act (R.S.Q., chapter M-9), the Minister must consult the Collège des médecins du Québec before approving them.

**4.** In addition to the powers conferred on the Minister by this Act, the Minister may make regulations

(1) determining ambulance service zones ;

(2) determining standards for a region or a zone for the fixing of the maximum number of ambulance service permits.

## **DIVISION II**

### **NATIONAL MEDICAL DIRECTOR OF PRE-HOSPITAL EMERGENCY SERVICES**

**5.** The Minister shall appoint a national medical director of pre-hospital emergency services who is to advise and assist the Minister with respect to the medical aspect of pre-hospital emergency services.

The director must be a physician having relevant training and experience in emergency medicine.

**6.** The additional functions of the national medical director are

(1) to establish national standards of pre-hospital care and equipment and ensure that the standards are implemented, complied with and evaluated ;

(2) to make recommendations to the Minister on the level of clinical qualification required of players in the organization of pre-hospital emergency services, participate in interministerial coordination work relating to the determination of initial training programs, and establish national continuing education programs;

(3) to promote research and public awareness concerning pre-hospital emergency services;

(4) to participate in the development and maintenance of management information systems intended for performance analysis and quality enhancement in pre-hospital emergency services;

(5) to establish national policies on the quality of pre-hospital emergency care;

(6) to participate in the preparation of the national civil protection plan provided for in section 80 of the Civil Protection Act (2001, chapter 76) in conjunction with the other ministers and heads of government bodies concerned; and

(7) to define and exercise the clinical authority necessary to maintain the standards of quality determined by the Minister with respect to the services provided and the qualification of the service providers.

For the purposes of the first paragraph, the national medical director may have access to certain personal or non-personal information held by a health communication centre or a regional board and necessary for any of those purposes.

If the national medical director is of the opinion that a regional medical director designated under section 17 is not complying with the general policies, policies and standards or observing the protocols determined pursuant to sections 3 and 6, the national medical director may address his or her recommendations to the board of directors of the regional board to which the regional medical director is responsible.

A copy of the recommendations may be transmitted by the national medical director to the Minister and, if the national medical director considers it necessary, to the Collège des médecins du Québec.

### **CHAPTER III**

#### **ROLES AND RESPONSIBILITIES AT THE REGIONAL LEVEL**

##### **DIVISION I**

###### **REGIONAL BOARDS**

**7.** In accordance with ministerial policies, objectives and priorities and having regard to the geographical location and size of its territory, the density

of the population of the territory and the availability of technologies, each regional board must

(1) establish, as part of the development of the three-year strategic service organization plan, pre-hospital emergency service priorities that must, if required, provide for the whole of the population, access to a 9-1-1 centre, a health communication centre, a first responder service, ambulance services and centres operated by receiving institutions, in particular those that dispense emergency services; the board may, according to the orientation of its plan, include programs for the general public and the school system;

(2) determine the organization model for the pre-hospital emergency services offered in its region and the personnel assigned to the services;

(3) coordinate the regional pre-hospital emergency services and ensure their interaction with the health and social services system;

(4) determine, in accordance with ministerial policies, the medical supervisory framework for the providers of pre-hospital emergency services in its region;

(5) establish, in accordance with the national policies on the quality of pre-hospital emergency care established under subparagraph 5 of the first paragraph of section 6, a procedure for and determine the means of non-emergency transportation to be used by users of health and social services between the facilities maintained by the institutions or between other service areas determined in the three-year strategic service organization plan of the regional board;

(6) participate in the preparation of the national civil protection plan provided for in section 80 of the Civil Protection Act (2001, chapter 76) in conjunction with the other ministers and heads of government bodies concerned;

(7) certify on the basis of the national standards established by the Minister, the bodies that may provide first responder training; and

(8) determine staffing needs, apportion human, material and financial resources in an equitable manner and ensure that the resources are used efficiently in accordance with the three-year strategic service organization plan.

Each regional board must also

(1) issue ambulance service permits, and manage permit allocation and the number of ambulances per permit having regard to available resources and the three-year strategic service organization plan; and

(2) prepare and maintain a list of all first responders available to provide services in accordance with the provisions of section 40.

The board shall submit to the Minister for approval the part of the three-year plan relating to pre-hospital emergency services.

**8.** The supervisory and inquiry powers conferred on a regional board by sections 414 and 415 of the Act respecting health services and social services apply, with the necessary modifications, in respect of a health communication centre as if the centre or holder were an institution.

**9.** The regional board must, within the framework of the organization of pre-hospital emergency services, enter into a three-year service contract with any ambulance service permit holder operating in its region under which the holder undertakes to provide the services as determined between the holder and the regional board according to the schedules authorized by the board.

**10.** Where no agreement is reached between the parties within 90 days after the regional board submits a proposal, the Government shall fix the terms and conditions of the contract by order and the contract is deemed to have been entered into in accordance with section 9.

The terms and conditions of a contract remain in force despite the contract having expired, until a new contract is entered into between the parties.

**11.** At the time of renewal of a contract or, in exceptional circumstances, for reasons of public interest related to the needs of the population, the regional board may, notwithstanding any inconsistent provision in the contract, revise the determination of the services to be provided by a permit holder.

In such a case, the regional board may, with the authorization of the Minister, reduce or increase the number of ambulances under the contract entered into with the permit holder. The terms of the contract and permit must be adjusted to conform to the regional board's decision.

The regional board may also, for the same reasons and with the authorization of the Minister, withdraw the operating permit.

**12.** Where the Minister authorizes a reduction in the number of ambulances or the withdrawal of the permit, the Minister shall determine the indemnity payable as a result of the reduction or withdrawal and notify the permit holder.

The indemnity is payable only once in respect of each unit subtracted from the number of ambulances appearing on the permit on 19 December 2002.

The indemnity is in lieu of any right or remedy arising out of the reduction.

**13.** Where the permit holder does not agree on the amount of the indemnity determined by the Minister pursuant to section 12, the permit holder may require within 60 days after receipt of the Minister's notice that the amount be determined by arbitration conducted in accordance with the rules of the Code

of Civil Procedure (R.S.Q., chapter C-25), with a notice to the Minister to the effect that the Minister is to appoint his or her own arbitrator.

**14.** Notwithstanding articles 945.4, 946.2 and 947 of the Code of Civil Procedure, the court may, on the application of a party made within 30 days of receiving the arbitration award, review the decision of the arbitrators on the ground of a manifest error of law or fact and fix the amount of the final indemnity. The decision of the court is not subject to appeal.

**15.** The regional board must provide, where applicable, for the necessary measures to dispose of resources which become surplus resources following the revision of the contract referred to in section 11.

**16.** A person who requests or uses pre-hospital emergency services required or provided in his or her region may file, directly with the regional board concerned, a complaint relating to the services the person received or should have received.

The provisions of Divisions III to VII of Chapter III of Title II of Part I of the Act respecting health services and social services apply to the processing of complaints.

## **DIVISION II**

### **REGIONAL MEDICAL DIRECTOR OF PRE-HOSPITAL EMERGENCY SERVICES**

**17.** Each regional board shall designate a physician having relevant training and experience in emergency medicine who shall, in particular, in accordance with the national standards and policies,

(1) exercise the clinical authority necessary to maintain the standards of quality ;

(2) monitor and measure the quality of the acts performed by the service providers of pre-hospital emergency services and ensure that any resulting recommendations made to employers and the service providers under their authority are acted upon ;

(3) ensure that the services required for continuing education and for the maintenance and evaluation of the qualifications of service providers in the pre-hospital emergency services are provided ;

(4) make recommendations on the pertinence of the medical equipment used by service providers and evaluate the use made of the equipment ;

(5) if so designated by a majority of the regional boards whose territory is served by a health communication centre, assume medical supervision at the centre ;

(6) collaborate with the representatives of the Collège des médecins du Québec as regards the obligations of the College concerning the quality of the activities reserved under section 31 of the Medical Act;

(7) exercise any other function assigned by the Minister or the regional board.

Where such a physician cannot be designated as provided for in subparagraph 5 of the first paragraph for the purpose of exercising the functions under that subparagraph, the Minister shall designate the physician.

The physician shall be designated under the name of “regional medical director of pre-hospital emergency services” when exercising those functions; the physician shall form part of the regional board’s pre-hospital emergency service organizational structure.

For the purposes of subparagraphs 1 to 3 and 5 of the first paragraph, the regional medical director may have access to certain personal or non-personal information necessary to the exercise of such functions and held by a first responder service, a health communication centre, an ambulance service permit holder or, notwithstanding section 19 of the Act respecting health services and social services, an institution.

### **DIVISION III**

#### **HEALTH COMMUNICATION CENTRES**

**18.** The Minister shall determine the number of health communication centres and the regions served by them throughout Québec.

The Minister shall also determine the standards, specifications and quality criteria which a health communication centre must meet to be certified by the Minister and the date on which the centre becomes operational.

To ensure the maintenance of its certification by the Minister, a health communication centre must comply at all times with the prescriptions determined under the second paragraph and the performance criteria determined by the Minister. In case of non-compliance with such prescriptions or performance criteria and following a request to that effect by the regional board responsible pursuant to the second paragraph of section 19, the Minister must require the health communication centre to take corrective action within such time as the Minister determines. If the centre does not comply, the Minister may apply the other measures provided for by this Act.

**19.** Where more than one region is to be served by a health communication centre, the Minister, after consultation with the regional boards concerned, may designate the regional board responsible for the implementation of the centre.

The board so designated must ensure that the health communication centre complies with the provisions of the third paragraph of section 18.

**20.** At the request of the regional board responsible for the implementation of a health communication centre, the persons, authorities or bodies referred to in subparagraphs 1 to 5 of the second paragraph of section 21 shall constitute such a centre in conformity with this Act.

If no response is obtained within 60 days of the request, the board may establish the centre with the sole collaboration of the persons, authorities or bodies referred to in the first paragraph that gave their consent within the 60-day period.

All the persons, authorities or bodies referred to in subparagraphs 1 to 5 of the second paragraph of section 21 are bound by the establishment of a health communication centre in accordance with this section, whether or not such persons, authorities or bodies participated in its establishment.

**21.** A health communication centre is a non-profit legal person constituted under an Act of Québec and having as its object the exercise of the functions specified in this Act.

The board of directors of a health communication centre shall be composed of the following persons who become members upon appointment :

(1) five members designated by the ambulance service permit holders operating in the territory served by the centre ;

(2) one member appointed by the municipalities in the territory served by the centre ;

(3) one member appointed by the health institutions in the territory served by the centre ;

(4) one member appointed by the regional board or boards whose territory is served by the centre ; and

(5) a regional medical director of pre-hospital emergency services appointed by and from among the regional medical directors appointed under section 17 by the regional boards whose territory is served by the centre or, where the territory of only one regional board is so served, the regional medical director of that regional board.

The director general of the health communication centre shall attend the meetings of the board of directors but has no vote.

**22.** The functions of a health communication centre are, in keeping with national and regional policies, to

- (1) receive the calls from a 9-1-1 centre or a person or institution requesting pre-hospital emergency services;
- (2) process and prioritize the calls in accordance with the protocols approved by the Minister;
- (3) assign and apportion available pre-hospital resources in an appropriate, efficient and effective manner;
- (4) use, where required, the information system developed by the regional board pursuant to paragraph 4 of section 359 of the Act respecting health services and social services to monitor, on a daily basis, the situation in the centres operated by the institutions in the region;
- (5) authorize the transportation of a person to another facility operated by an institution in the event that the initially intended facility is overloaded;
- (6) ensure the operational follow-up and supervision of the resources assigned to a request for pre-hospital emergency services;
- (7) collaborate with the regional board in the monitoring and in measuring the quality of the acts performed by the personnel of the centre and the service providers of the pre-hospital emergency services; and
- (8) coordinate communications between the players in the organization of pre-hospital emergency services and the institutions.

A health communication centre shall, in the exercise of its functions, observe the protocols approved by the Minister.

The health communication centre shall also, in order to monitor the quality of the acts performed by the service providers of the pre-hospital emergency services, maintain an information system approved by the Minister containing, in particular, information on the provision of services following a request for assistance, call processing, type of response and follow-up action.

**23.** Ambulance service permit holders and the institutions are bound by decisions relating to the assignment of pre-hospital resources made by a health communication centre within the scope of its functions.

**24.** A health communication centre shall establish with each of the authorities responsible for the 9-1-1 centres operating in the territory it serves a protocol for the transfer of the 9-1-1 calls to the health communication centre for the purpose of standardizing procedures and ensuring service quality.

Such a protocol must be consistent with the standards of uniformity and call processing determined by the Minister and must be approved by the Minister.



**25.** Every health communication centre must use a call processing and call prioritization system approved by the Minister.

**26.** No health communication centre may, on pain of absolute nullity, borrow moneys without the prior approval in writing of the regional board responsible for its implementation.

**27.** In exercising its functions, a health communication centre must use the technological and property infrastructures owned by the Corporation d'hébergement du Québec, constituted under the Act respecting the Corporation d'hébergement du Québec (R.S.Q., chapter C-68.1) or, with the authorization of the Minister, its own infrastructures or those of another person, body or legal person.

**28.** The fiscal year of a health communication centre ends on 31 March.

**29.** Before 1 April each year, the regional board responsible shall inform the health communication centre of the amount the regional board has allocated to the operating budget of the centre for the following fiscal year.

Within the next 60 days, the centre shall review, if necessary, the estimates of its operating budget, adopt a balanced operating budget and inform the regional board.

**30.** The health communication centre shall, to enable the regional board to conduct the verifications necessary to the exercise of its functions, furnish on request to the board any information or report the board may require on its activities.

**31.** The health communication centre shall, not later than 30 June, file its financial statements with the regional boards whose territory is served by the centre and with the Minister together with a report on its activities for the preceding fiscal year containing all the information required by the Minister and the regional boards.

**32.** The Minister may, as part of the Minister's responsibilities and powers, transmit to the regional board responsible for the implementation of a health communication centre, directives concerning the aims and objectives of the centre in the carrying out of the functions conferred on it by this Act; the directives must receive prior approval by the Government.

The directives shall be transmitted to the health communication centre by the regional board and are binding on the centre.

The directives must be tabled in the National Assembly by the Minister within 15 days of their approval or, if the Assembly is not sitting, within 15 days of resumption.

**33.** A person authorized in writing by the Minister to make an inspection may, to ascertain whether this Act, its statutory instruments or any regulation applicable to a health communication centre made under this Act are being complied with,

- (1) enter, at any reasonable time, premises occupied by the centre ;
- (2) examine and make a copy of any document relating to the activities carried on by the centre ;
- (3) demand any information relating to such activities and the production of any document connected with them.

Every person having custody, possession or control of such documents and any other person working on the premises must give the inspector reasonable assistance, furnish the inspector with the information or documents required and facilitate the examination of them.

The inspector must, on request, produce a certificate signed by the Minister attesting to the inspector's quality.

**34.** The Government may designate a controller who shall be responsible for seeing to the proper utilization of the public funds granted to a health communication centre if the centre does not exercise adequate budgetary control.

Every person performing administrative duties within the health communication centre is required to submit to the controller's directives, within the limits of the powers conferred on the controller.

No commitment may be made on behalf of the health communication centre and no disbursement may be made without the countersignature of the controller. Any commitment made contrary to this paragraph is absolutely null.

**35.** The Government may order that an inquiry be held into any matter pertaining to the administration, organization or operation of a health communication centre and designate a person entrusted with the inquiry.

The investigator is vested, for the purposes of the inquiry, with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

**36.** Where the Government orders an inquiry or designates a controller, it may suspend all or part of the powers of the centre for a period not exceeding six months and appoint an administrator to exercise such powers.

The Government may extend the suspension or the term of the administrator for a period not exceeding six months.

**37.** No person who is authorized to make an inspection under section 33, is appointed controller under section 34, or is appointed administrator under section 36 may be prosecuted for any act performed in good faith in the carrying out of the person's functions.

## **CHAPTER IV**

### **ROLES AND RESPONSIBILITIES AT THE LOCAL LEVEL**

#### **DIVISION I**

##### **FIRST RESPONDER SERVICE**

**38.** A regional board must, insofar as its three-year strategic service organization plan so provides and taking into account the resources available, take the necessary measures to support the implementation of a first responder service in its territory.

The regional board must, for that purpose, enter into, with interested municipalities having jurisdiction in its territory, an agreement the content of which must be consistent with the content determined under paragraph 12 of section 3 pursuant to which the municipality shall designate one or more services able to offer first responder services. The services so designated must be certified by the regional board.

Any municipality may enter into an agreement described in the second paragraph. A municipality that is a party to such an agreement has the powers necessary for its execution in particular the power to entrust the responsibilities vested in it to a non-profit legal person constituted under an Act of Québec.

#### **DIVISION II**

##### **ROLES AND RESPONSIBILITIES OF FIRST RESPONDERS**

**39.** A first responder, on the exclusive assignment of the health communication centre, shall perform primary stabilization techniques on any person whose condition so requires, in accordance with the clinical intervention protocols determined for such purpose by the Minister and in keeping with the level of training recognized by the Minister.

Complementing the work of the ambulance technician, the first responder shall apply the protocols intended to prevent the condition of the person in distress from deteriorating and transfer the responsibility for emergency care to the ambulance technician upon the latter's arrival at the scene.

In exceptional circumstances, such as geographic isolation, that prevent the establishment of the entire pre-hospital emergency services response chain, the regional board concerned may, in the three-year service organization plan it submits to the Minister, assign additional functions to a first responder service in relation to those assigned by this Act.

**40.** To act as a first responder within an accredited service pursuant to an agreement under section 38, a person must

(1) have successfully completed training recognized by the Ministère de la Santé et des Services sociaux and given by a body recognized by a regional board or by Corporation d'urgences-santé; and

(2) belong to a first responder service accredited by the regional board according to the terms and conditions set out in the agreement under section 38.

**41.** In the exercise of his or her functions, the first responder must observe the clinical intervention protocols referred to in section 39 and agree to be under the supervision of regional medical authorities established under section 7.

If a first responder fails to comply with the provisions of the first paragraph, the regional medical director may order him or her to cease to act as a first responder, temporarily or permanently, within the framework of the organization of pre-hospital emergency services.

**42.** No person who acts as a first responder under this Act in accordance with the clinical intervention protocols determined by the Minister under section 39 shall incur liability for any injury that may result from his or her intervention, unless the injury is due to an intentional or gross fault. The immunity also applies to the authority having established the first responder service.

Likewise, the person or body having required the intervention or assistance of a first responder service may not be held liable for any injury resulting from the intervention.

**43.** A person who acts as a first responder under this Act must inform his or her employer of the duties incumbent upon a first responder and inform the employer when, on receiving a call from the health communication centre, he or she must leave work precipitously or cannot report for work.

No employer may, without a valid reason the burden of proof of which is on the employer, by discriminatory measures or reprisals, changes in conditions of employment, a transfer, suspension or dismissal or any other sanction, prevent a person from acting as a first responder or sanction him or her for having acted in that capacity.

Any person who feels aggrieved by a measure referred to in the second paragraph may exercise a recourse before the Commission des relations du

travail established by the Labour Code (R.S.Q., chapter C-27). The provisions applicable to a recourse relating to the exercise by an employee of a right under the said Code apply, with the necessary modifications.

### **DIVISION III**

#### **AMBULANCE SERVICES**

**44.** An ambulance service means any service which, in keeping with the three-year strategic service organization plan of the regional board and the protocols determined by the Minister, furnishes pre-hospital emergency care intended to prevent a person's condition from deteriorating and transports the person in an ambulance to a centre operated by a receiving institution or between the facilities maintained by one or more institutions.

The provisions of this division do not apply to an enterprise that uses a vehicle to provide rescue services free of charge on land owned or held under a concession or lease by the enterprise provided that there is no indication that may lead to the belief that the vehicle is an ambulance.

#### **§1. — *Permits***

**45.** This subdivision does not apply to Corporation d'urgences-santé.

**46.** The operation of an ambulance service is subject to the following conditions :

(1) the operator must be the holder of an ambulance service permit issued by the regional board ; and

(2) the operator must have entered into a contract with the regional board in conformity with the provisions of section 9.

**47.** A permit may be issued to a natural person or a legal person. The permit shall indicate the region or zone in which the holder is authorized to operate, mainly but not exclusively, the ambulance service, and the number of ambulances the holder may use.

**48.** The Government may, by regulation, determine the conditions, the terms and the duties applicable to the issue or renewal of an ambulance service permit, the documents and information a permit holder must furnish and the records the permit holder must keep.

**49.** The contract entered into pursuant to section 9 must specify the number of ambulances covered by the permit of the holder having entered into the contract.

**50.** The regional board may refuse to increase the number of ambulances attached to a permit or to issue a permit if the number of ambulances available under the contracts entered into under section 9 is sufficient to enable the regional board to meet the needs identified in its estimates as regards the organization of pre-hospital emergency services.

**51.** A permit is issued for a maximum period of 36 months ending on 31 March. It is renewed for a period of 36 months if the holder fulfils the conditions for renewal set out in the regulation made under section 48.

**52.** The holder of an ambulance service permit may not transfer or assign the permit or transfer or assign the ownership of shares carrying 50% or more of the voting rights to one or more other persons, without the authorization of the regional board, which may not deny authorization unless its decision is based on reasons of public interest related to the organization and quality of the services provided to the public.

The decision of the regional board must be communicated in writing to the permit holder within 60 days of the application.

Where a permit is transferred or assigned or the ownership of shares carrying 50% or more of the voting rights is transferred or assigned to one or more other persons in accordance with the first paragraph, the regional board shall transfer to the transferee or assignee the contract entered into with the transferor or assignor for the unexpired portion of the contract.

**53.** A permit holder who wishes to modify or discontinue the services or operations the holder has undertaken to provide in the contract entered into with the regional board must obtain the authorization of the regional board and comply with any conditions it determines.

**54.** The regional board may suspend, revoke or refuse to renew the permit of any holder who

(1) has been convicted of an offence against this Act or a regulation made thereunder or of an indictable offence related to the activities in respect of which the permit is held;

(2) in the regional board's opinion is unable to provide quality ambulance services consistent with the contract entered into with the regional board;

(3) is not in a position, owing to his or her financial situation, to perform the obligations arising from the contract entered into with the regional board;

(4) obtained a permit on false representations or no longer meets the conditions required for the renewal of the permit;

(5) without the authorization of the regional board, modifies the services required under the contract entered into with the regional board.

Before making such a decision, the regional board shall give written notice as required under section 5 of the Act respecting administrative justice (R.S.Q., chapter J-3) to the holder of the ambulance service permit and allow him or her at least 10 days to present observations.

**55.** In cases which allow it, the regional board must, before suspending, revoking or refusing to renew a permit for one of the reasons provided in subparagraphs 2, 3 and 5 of the first paragraph of section 54, issue an order in writing requiring the holder to take the necessary corrective action within the time it specifies.

If the holder fails to comply with the order, the regional board may then suspend, revoke or refuse to renew the permit.

**56.** The regional board shall give written notice of its decision to the ambulance service permit holder, including reasons, within 30 days of the date of the decision.

**57.** The holder of an ambulance service permit that has been suspended or revoked or in respect of whose renewal authorization has been denied, or a permit holder in respect of whose permit or share ownership the transfer or assignment has been denied pursuant to section 52, may within 60 days after the date of notification, contest the decision of the regional board before the Administrative Tribunal of Québec.

**58.** A regional board whose decision is contested is subject to the obligations set out in the first paragraph of section 114 of the Act respecting administrative justice, with the necessary modifications.

**59.** Sections 33 and 37 apply, with the necessary modifications, to permit holders.

§2. — *Responsibilities and obligations of permit holders*

**60.** A permit holder has the following responsibilities :

(1) to offer ambulance services in compliance with the applicable legislative and regulatory provisions, ministerial policies and objectives and the terms and conditions of the service contracts entered into with the regional board under section 9 ;

(2) to participate in the local and regional implementation activities of pre-hospital emergency services ;

(3) to render an account to the regional board whose form and content shall be determined in the contract entered into under section 9, concerning, in particular, the achievement of results objectives ;

(4) to manage human and material resources in conformity with the contract entered into with the regional board; and

(5) to participate actively in the development of quality management programs relating to operations and implement the resulting measures.

In the exercise of responsibilities under the first paragraph, a permit holder may only have access to the personal or non-personal information held by a health communication centre that is necessary for the purpose of exercising such responsibilities.

A permit holder may only obtain such information insofar as it concerns the permit holder's own operations or the employees under the permit holder's responsibility.

**61.** A permit holder must file in accordance with section 9, within the prescribed time, any information, documents and reports required pursuant to the contract entered into with the regional board.

**62.** A permit holder may not use to provide ambulance services any vehicle other than a vehicle that meets the technical specifications at the time it is put into service and contains the equipment and material determined by regulation of the Government under section 77.

#### **DIVISION IV**

##### **AMBULANCE TECHNICIANS**

**63.** To act as an ambulance technician, a person must

(1) have completed the initial college training recognized by the Ministère de l'Éducation and passed the relevant examination; and

(2) be registered in the national workforce registry maintained by the Minister pursuant to paragraph 10 of section 3 and have obtained an ambulance technician qualification certificate.

**64.** The Government may, by regulation, determine the conditions that an ambulance technician must satisfy to be registered in the national workforce registry and obtain an ambulance technician qualification certificate.

The Government may also in the same manner determine the continuing education requirements and the qualification assessment process to which an ambulance technician is subject every four years as a condition for the maintenance of registration in the national workforce registry.

**65.** An ambulance technician shall provide the necessary care to a person whose condition requires pre-hospital emergency services in accordance with the clinical intervention protocols determined by the Minister.



The ambulance technician shall ascertain the presence of signs or symptoms requiring the application of protocols to prevent the person's condition from deteriorating and, where necessary, transport the person with diligence to a centre operated by the designated receiving institution or between the facilities maintained by one or more institutions.

**66.** In the exercise of his or her functions, an ambulance technician must observe the protocols referred to in section 65 and submit to the regional medical supervision established under section 17 and participate in the supervision of the regional medical authorities established pursuant to section 17.

**67.** At the request of a regional medical director of pre-hospital emergency services, an ambulance technician may be temporarily or permanently struck from the national workforce registry maintained pursuant to paragraph 10 of section 3 by the Minister by a review committee formed under section 70, if the ambulance technician

(1) does not comply with the continuing education requirements, refuses to submit to the qualification assessment process referred to in the second paragraph of section 64 for the maintenance of registration, refuses to participate in the qualification assessment process, or does not submit to medical supervision related to the application of the protocols referred to in section 65 in the exercise of his or her functions ;

(2) has been convicted of an offence under this Act or a regulation made thereunder ;

(3) has been convicted of an indictable offence related to the carrying on of the activities in respect of which the ambulance technician is registered in the national workforce registry.

**68.** In an urgent case and to ensure the quality of the care provided, the regional medical director may request an employer to temporarily suspend all or some of the clinical duties of an ambulance technician under the employer's responsibility and to require the ambulance technician to take the corrective action the regional medical director considers necessary.

The national medical director must be informed of every request for the total suspension of duties as well as the corrective action required within five days after the request.

**69.** Before requesting that an ambulance technician be temporarily or permanently struck from the national workforce registry maintained by the Minister, a regional medical director of pre-hospital emergency services must, in the cases enumerated in paragraph 1 of section 67, request the ambulance technician to take corrective action within the time he or she specifies and so inform the technician's employer.

In the cases referred to in paragraphs 2 and 3 of section 67, or where the ambulance technician does not comply with a request of the regional medical director under the first paragraph or under section 68 within the time specified, the regional medical director may, within 60 days after the request, request the national medical director of pre-hospital emergency services to form a review committee which may confirm the ambulance technician's registration or temporarily or permanently strike the ambulance technician from the registry.

The regional medical director must inform the technician's employer of the reasons for the request made to the national medical director.

**70.** The review committee shall be composed of

- (1) the national medical director of pre-hospital emergency services;
- (2) an ambulance technician designated by the union of ambulance technicians of which the technician concerned is a member or, if the technician is not a union member, an ambulance technician chosen by the technician concerned to represent him or her;
- (3) two persons, including a regional medical director, designated by a majority of the regional boards other than the regional board in whose territory the ambulance technician concerned acted, that are not attached to that board;
- (4) a person designated by the operators of ambulance services having no employment relationship with the ambulance technician concerned;
- (5) an ambulance technician instructor designated by the general and vocational colleges that provide ambulance technician training;
- (6) an ambulance technician designated by one or more organizations whose main object is the development and enhancement of the fields of practice of ambulance technicians.

If the persons or bodies mentioned in subparagraphs 2 to 6 of the first paragraph fail to agree on the designation of their representatives within the time specified in the second paragraph of section 69, the Minister shall designate them.

**71.** Before making its decision, the review committee must notify the ambulance technician in writing as prescribed by section 5 of the Act respecting administrative justice and allow the ambulance technician at least 10 days to present observations.

**72.** The review committee must, within 30 days after its establishment, notify its reasoned decision in writing to the ambulance technician whose registration is confirmed or who is struck from the registry and shall, where the ambulance technician is struck from the registry, specify on which of the grounds provided in section 67 its decision is based

The review committee shall also transmit a copy of the decision to the technician's employer.

**73.** An ambulance technician who has been struck from the registry may, within 60 days after the date of the notice, contest the decision of the review committee before the Administrative Tribunal of Québec.

The filing of a motion to bring a proceeding before the Administrative Tribunal of Québec suspends the execution of the contested decision. However, the suspension does not authorize an ambulance technician to continue to provide care to a person whose condition requires pre-hospital emergency services.

**74.** The review committee whose decision is contested is subject to the obligations set out in the first paragraph of section 114 of the Act respecting administrative justice, with the necessary modifications.

**75.** The striking of an ambulance technician from the national workforce registry entails forfeiture of that ambulance technician's qualification certificate.

**76.** Division II of Chapter IV and section 78 of the Act respecting labour standards (R.S.Q., chapter N-1.1) do not apply to employees of holders of ambulance service permits who are ambulance technicians whose work schedules, as established under contracts entered into pursuant to section 9, are made up of periods of work, on-call periods and periods of rest.

## CHAPTER V

### VEHICLES

#### DIVISION I

##### AMBULANCES

**77.** The Government shall determine, by regulation, the technical specifications applicable to any vehicle that is to be used as an ambulance within the scope of pre-hospital emergency services or for the transportation, between the facilities maintained by the institutions, of users requiring care or medical support during the transportation, and the equipment and material that may be used in such a vehicle.

The Government shall determine in the same manner the inspection standards for such a vehicle, subject to the inspection standards established under any other Act, and for the equipment and material referred to in the first paragraph.

Such a vehicle may only be used by the holder of an ambulance service permit and only for the provision of ambulance services.

## DIVISION II

### OTHER VEHICLES

**78.** The Government shall determine, by regulation, the cases, conditions and circumstances in which a vehicle other than a vehicle referred to in section 77 may be used to transport users whose condition does not require care or medical support during the transportation between the facilities maintained by the institutions.

The Government shall determine in the same manner, in the case of a region where the geographic location, the size of the territory or the density of the population so warrants, the cases, conditions and circumstances in which a vehicle other than a vehicle referred to in section 77 may be used to offer services complementary to regular pre-hospital emergency services or to transport users requiring care or medical support during the transportation, and the technical specifications applicable to such a vehicle.

The Government shall also determine in the same manner

(1) the qualification standards required of the personnel assigned to the vehicles ;

(2) the equipment and material that may be used in the vehicles ; and

(3) the inspection standards for the vehicles, subject to the inspection standards established under any other Act, and for the equipment and material referred to in subparagraph 2.

## CHAPTER VI

### RATES

**79.** The Government may, by regulation, set the rates that may be charged for transportation by pre-hospital emergency services vehicle or establish standards enabling such rates to be set.

The rates or standards may vary according to whether transportation is between the facilities maintained by one or more institutions or between regions, according to the type of vehicle used or services provided during the transportation or according to the resident or non-resident status of the person transported. Specific rates may also be determined for the placing of a vehicle referred to in section 77 or 78 on stand-by, as well as the cases, conditions and circumstances in which such rates may be charged.

The Government may, in the same manner, designate the person, body or government from whom the payment of a rate may be required. The designation may vary according to the age or the economic situation of the person transported or according to whether the person is a person not required to pay

the rate for such transportation himself or herself or who may be reimbursed in whole or in part.

**80.** No person may charge a rate for transportation or for making a vehicle available that differs from the rate set under section 79.

## CHAPTER VII

### PENAL PROVISIONS

**81.** Every person who contravenes any provision of section 46, the first paragraph of section 52 or section 53, 62 or 80 is guilty of an offence and is liable to a fine of \$2,500 to \$5,000.

**82.** Every person who knowingly furnishes false or misleading information, reports or other documents required to be communicated under this Act or the regulations or a contract entered into pursuant to this Act to the Minister, the regional board or any other person is guilty of an offence and is liable to a fine of \$2,500 to \$5,000.

**83.** Every person who hinders or prevents a person from exercising functions in connection with an inspection, investigation or verification conducted pursuant to this Act is guilty of an offence and is liable to a fine of \$2,500 to \$5,000.

**84.** Every employer who contravenes the second paragraph of section 43 is guilty of an offence and is liable to a fine of \$200 to \$1,000.

**85.** Every person who aids, abets, counsels, allows, authorizes or commands another person to commit an offence under this Act is guilty of an offence.

Every person convicted of an offence under this section is liable to the same penalty as that prescribed for the offence whose commission the person aided or abetted.

## TITLE II

### SPECIAL PROVISIONS APPLICABLE TO CORPORATION D'URGENTES-SANTÉ

**86.** Subject to the provisions of this Title and unless the context indicates otherwise, the provisions of Title I apply to Corporation d'urgences-santé as if it were a regional board and the functions that would devolve on the regional boards of Montréal-Centre and Laval shall be assumed by the Corporation.

**87.** "Corporation d'urgences-santé de la région de Montréal Métropolitain", a legal person established under section 149.1 of the Act respecting health services and social services for Cree Native persons, shall continue as

“Corporation d’urgences-santé” and shall carry on its activities for the Montréal-Centre and Laval regions.

**88.** The head office of the Corporation shall be situated in the territory of Ville de Montréal at the address determined by the board of directors.

**89.** Part III of the Companies Act (R.S.Q., chapter C-38) applies to the Corporation, subject to any inconsistent provisions of this Act.

**90.** Subject to the powers conferred on a regional board by the Act respecting health services and social services, the Corporation shall exercise, in its territory, the functions assigned to a regional board by this Act, in particular functions associated with the planning, organization and coordination of the organization of pre-hospital emergency services, including the establishment of a first responder service. The Corporation shall also exercise functions associated with the operation of a health communication centre and an ambulance service.

The Corporation may also directly or indirectly exercise activities ancillary to those provided for in the first paragraph, act as a consultant in matters relating to the organization, management or training of the players in the organization of pre-hospital emergency services, and see to the commercial development or the dissemination of that expertise within or outside Québec.

Before exercising or causing to be exercised any of the activities provided for in the second paragraph, the Corporation must enter into an agreement with the Minister and make public the conditions of the agreement.

In addition, the Corporation must, as regards pre-hospital emergency services, ensure coordination between its services and the policies of the regional boards in its territory.

**91.** In addition to its director general, the board of directors of the Corporation is composed of the following persons appointed by the Government who shall become members upon their appointment :

(1) one member appointed after consultation with Ville de Montréal from among the members of its council or among its managerial personnel ;

(2) one member appointed after consultation with Ville de Laval from among the members of its council or from among managerial personnel ;

(3) one member appointed from among persons having used the pre-hospital emergency services of the Corporation during the 12 months preceding the appointment and having shown interest in the position following a general invitation through the media ;

(4) one member appointed after consultation with the Association des hôpitaux du Québec from among the executive directors of the institutions operating the hospital centres in the territory;

(5) one member appointed after consultation with the medical affairs department of each of the regional boards in the territory from among the co-ordinators of emergency rooms situated in facilities maintained by the institutions operating the hospital centres in the territory;

(6) one member appointed after consultation with the Société de l'assurance automobile du Québec;

(7) two members appointed after consultation with the Régie régionale de la santé et des services sociaux de Montréal-Centre and the Régie régionale de la santé et des services sociaux de Laval;

(8) one member appointed after consultation with the employees of the Corporation; and

(9) one member appointed after consultation with the economic or business community in the territory of the Corporation.

**92.** The director general of the Corporation shall be appointed by the Government after consultation with the other members of the board of directors. The director general is, by virtue of his or her office, the chair of the board of directors.

**93.** The term of office of the members of the board of directors including the director general shall not exceed five years.

However, a person who ceases to be qualified shall cease to be a member of the board of directors.

**94.** The members of the board of directors shall remain in office, notwithstanding the expiry of their terms, until they are reappointed or replaced. Any vacancy occurring before the expiry of a term shall be filled within the next 120 days, in the manner and for the time set out in sections 91 to 93.

**95.** The members of the board of directors, other than the director general, shall receive no salary; they are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

**96.** The director general shall be responsible, under the authority of the board of directors, for the management of the Corporation within the scope of its by-laws and policies. The functions of the director general shall be exercised on a full-time basis.

The remuneration and other conditions of employment of the director general shall be determined by the Government.

**97.** If the director general is unable to act, the Government may appoint a person to exercise the functions of the director general while the director general is unable to act, and fix the person's remuneration and other conditions of employment.

**98.** The members of the personnel of the Corporation, other than the director general, shall be appointed according to the staffing plan established by by-law of the Corporation.

Subject to the provisions provided for in a collective agreement, the Corporation shall determine, by by-law, the standards and scales of remuneration, employment benefits and other conditions of employment of the members of its personnel other than the director general, in accordance with the conditions defined by the Government.

**99.** Each year, the Corporation shall submit its budget estimates for the next fiscal year to the Minister for approval.

The Minister shall fix the final date for filing the estimates and determine the form and content thereof.

**100.** On 1 April each year, the Minister shall transmit to the Corporation, on the conditions he or she determines, its operating budget for the current fiscal year. Failing such transmission, the operating budget transmitted by the Minister for the preceding fiscal year shall be renewed until the Corporation has received its budget for the current fiscal year.

In addition, the Minister may, where he or she considers it appropriate, transmit a capital budget to the Corporation on the conditions the Minister determines.

**101.** The fiscal year of the Corporation ends on 31 March.

**102.** The Corporation shall provide to the Minister any information or report he or she may require on its activities.

**103.** Not later than 30 June, the Corporation shall submit its financial statements and a report on its activities for the preceding fiscal year to the Minister.

The financial statements and the report on its activities must contain all the information required by the Minister.

**104.** Any person who requests or uses the pre-hospital emergency services of the Corporation may file with the Corporation a complaint relating to the services the person received or should have received from the Corporation.



The board of directors of the Corporation shall appoint a member of its personnel to exercise the functions of a regional service quality commissioner provided for in the Act respecting health services and social services and establish, by regulation, a complaint examination procedure.

The provisions of Divisions III to VII of Chapter III of Title II of Part I of the Act respecting health services and social services apply with the necessary modifications to the processing of complaints by the Corporation.

**105.** The Minister may, as part of the Minister's responsibilities and powers, give the Corporation directives concerning the aims and objectives of the Corporation in the carrying out of the functions conferred on it by this Act; the directives must receive prior approval by the Government.

Directives given pursuant to this section are binding on the Corporation.

The directives must be tabled in the National Assembly by the Minister within 15 days of their approval or, if the Assembly is not sitting, within 15 days of resumption.

**106.** A person authorized in writing by the Minister to make an inspection may, to ascertain whether this Act, its statutory instruments or any regulation applicable to the Corporation made under this Act are being complied with,

- (1) enter, at any reasonable time, premises occupied by the Corporation;
- (2) examine and make a copy of any document relating to the activities carried on by the Corporation;
- (3) demand any information relating to such activities and the production of any document connected with them.

Every person having custody, possession or control of such documents and any other person working on the premises must give the inspector reasonable assistance, furnish the inspector with the information or documents requested and facilitate the examination of them.

The inspector must, on request, produce a certificate signed by the Minister attesting to the inspector's quality.

**107.** The Government may designate a controller who shall be responsible for seeing to the proper utilization of the public funds granted to the Corporation if the Corporation does not exercise adequate budgetary control.

Every person performing administrative duties within the Corporation is required to submit to the controller's directives, within the limits of the powers conferred on the controller.

No undertaking may be entered into on behalf of the Corporation nor any disbursement made without the countersignature of the controller. Any undertaking entered into in contravention of this paragraph is absolutely null.

**108.** The Government may order that an inquiry be held into any matter pertaining to the administration, organization or operation of the Corporation and designate a person it entrusts with the inquiry.

The investigator is vested, for the purposes of the inquiry, with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

**109.** Where the Government orders an inquiry or designates a controller, it may suspend all or part of the powers of the Corporation for a period not exceeding six months and appoint an administrator to exercise such powers.

The Government may extend the suspension of powers and the administrator's mandate for a period not exceeding six months.

**110.** The Minister may, for a period not exceeding 120 days, assume the provisional administration of the Corporation,

(1) where the Corporation refuses or neglects to comply with the directives given to it pursuant to section 105 or to take the measures required to meet the objectives set forth in the directives ;

(2) where the Corporation engages in practices or tolerates a situation that could endanger the health or welfare of persons who call upon its services or that are inconsistent with the functions conferred upon the Corporation ;

(3) where it is seriously remiss in the performance of its obligations under this Act, its statutory instruments or any regulation, especially by incurring expenditures not provided for in its budget ;

(4) where there are reasonable grounds to believe that there has been a serious fault, such as embezzlement, breach of trust or other misconduct by a member of the board of directors.

The period of 120 days may be extended by the Government for a period not exceeding 90 days.

**111.** Where the Minister assumes provisional administration of the Corporation, the powers of the Corporation are suspended and are exercised by the Minister.

**112.** The Minister shall make a provisional report of the administration to the Government as soon as possible, setting forth the Minister's findings and recommendations.

Before submitting the report to the Government, the Minister shall give the Corporation an opportunity to present observations. The Minister shall attach to the report a summary of the observations presented to the Minister by the Corporation.

**113.** The Government may, if the provisional report confirms the existence of a situation described in the first paragraph of section 110,

(1) order that the situation be remedied within the time it specifies ;

(2) decide that the Minister is to continue the provisional administration or suspend it until the Corporation complies with any conditions imposed by the Government.

**114.** The Minister shall make a final report to the Government upon ascertaining that the situation described in the provisional report has been corrected or that it will not be possible to correct it.

**115.** The Government may, after receiving the final report of the Minister,

(1) terminate the provisional administration of the Corporation on the date it specifies ;

(2) declare the members of the board of directors of the Corporation forfeited of office and provide for the appointment of their replacements ;

(3) exercise any power conferred upon it by section 113.

**116.** A person who, under the authority of the Minister, assumes the provisional administration of the Corporation, is authorized to make an inspection under section 106, is appointed controller under section 107 or is appointed administrator under section 109 may not be prosecuted for any act performed in good faith in the carrying out of his or her functions.

### **TITLE III**

#### **INFORMATION SYSTEM**

**117.** For the purpose of measuring and assessing the quality of the provision of pre-hospital emergency services, the Minister may establish a system for the collection of information concerning the request for services, the provision of services and the use of resources.

The information may be collected from service providers, regional boards, Corporation d'urgences-santé or the James Bay Cree health and social services council.

**118.** Whenever a person being transported or the person's representative is unable to provide the information at the time of transportation, the institution

concerned must, notwithstanding section 19 of the Act respecting health services and social services, furnish to the person responsible for completing a declaration of transportation the following information respecting the person transported if it has the information in its possession: the name, address, age and health insurance number of the person and, where applicable, the name and address of the person's military unit, the person's veteran's number, the name and number of the person's Indian band and the person's recipient number for the purposes of a last resort financial assistance program provided for in the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001).

The information thus obtained may not be used for purposes other than obtaining payment for the transportation provided and fixing the remuneration or amount payable to the person providing the transportation service.

In addition, the Minister may, for the purposes of statistics or for planning transportation services, require information on any transportation made, from any person having possession of such information. No information may be transmitted that would allow the persons transported to be identified.

#### **TITLE IV**

#### **AMENDING, TRANSITIONAL AND FINAL PROVISIONS**

**119.** Section 7 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by replacing “and the Corporation d’hébergement du Québec” at the end of the first paragraph by “, the Corporation d’hébergement du Québec and a health communication centre established under the Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69)”.

**120.** Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001), amended by section 21 of chapter 11 of the statutes of 2001 and by section 16 of chapter 28 of the statutes of 2001, is again amended by replacing “Corporation d’urgence-santé de la région de Montréal métropolitain” by “Corporation d’urgence-santé”.

**121.** Section 155.5 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing “and to the health and social services regional councils and to the Corporation d’urgences-santé de la région de Montréal Métropolitain governed by the Act respecting health services and social services for Cree Native persons (chapter S-5)” in the third, fourth, fifth and sixth lines of the first paragraph by “, to the health and social services regional councils governed by the Act respecting health services and social services for Cree Native persons (chapter S-5) and to Corporation d’urgences-santé governed by the Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69)”.

**122.** Section 3 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by striking out “de la région de Montréal Métropolitain” in the fourth and fifth lines of the last paragraph.

**123.** Section 4 of the Highway Safety Code (R.S.Q., chapter C-24.2), amended by section 166 of chapter 60 of the statutes of 2001, is again amended by replacing “Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, ambulance services and the disposal of human bodies (chapter P-35)” in the definition of “emergency vehicle” by “Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69)”.

**124.** Section 439 of the said Code, amended by section 166 of chapter 60 of the statutes of 2001, is again amended by replacing “Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, ambulance services and the disposal of human bodies (chapter P-35)” by “Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69)”.

**125.** Section 111.0.16 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing “an ambulance service enterprise, the Corporation d’urgences-santé de la région de Montréal Métropolitain, the entity responsible for the coordination centre of calls from persons and establishments requesting ambulance services, not contemplated by paragraph 2 of section 111.2” in the first, second, third and fourth lines of paragraph 7 by “an ambulance service enterprise, Corporation d’urgences-santé and a health communication centre governed by the Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69)”.

**126.** Schedule I to the said Code, enacted by section 70 of chapter 26 of the statutes of 2001, is amended by adding the following paragraph at the end :

“(24) of the third paragraph of section 43 of the Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69).”

**127.** Section 25 of the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 18 of chapter 29 of the statutes of 2001 and by section 2 of chapter 22 of the statutes of 2002, is again amended by adding the following paragraph at the end :

“Proceedings referred to in paragraph 8.1 of section 3 of Schedule I shall be heard and determined by a single member who shall be an advocate or notary. However, where the proceeding concerns a decision based on any of the grounds set out in paragraph 1 of section 67 of the Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69), the proceeding must be heard and determined by a panel of two members, one of whom shall be an advocate or notary and the other, a physician.”

**128.** Section 119 of the said Act, amended by section 19 of chapter 29 of the statutes of 2001, by section 166 of chapter 60 of the statutes of 2001 and by section 9 of chapter 22 of the statutes of 2002, is again amended

(1) by striking out paragraph 3;

(2) by inserting the following paragraph after paragraph 5:

“(5.1) a proceeding under section 57 of the Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69) which pertains to the suspension, revocation or non-renewal of, or a denial of authorization in respect of the transfer or assignment of, an ambulance service permit or to a denial of authorization in respect of the transfer or assignment of share ownership;”.

**129.** Schedule I to the said Act, amended by section 130 of chapter 9 of the statutes of 2001, by section 107 of chapter 24 of the statutes of 2001, by section 20 of chapter 29 of the statutes of 2001, by sections 147 and 166 of chapter 60 of the statutes of 2001 and by section 25 of chapter 22 of the statutes of 2002, is again amended

(1) by striking out paragraph 6 of section 3;

(2) by inserting the following paragraph after paragraph 8 of section 3:

“(8.1) proceedings under section 57 or 73 of the Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69)”.

**130.** Section 1 of the Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1), amended by section 166 of chapter 60 of the statutes of 2001, is again amended

(1) by replacing “an ambulance service holding a permit issued pursuant to Division VI of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, ambulance services and the disposal of human bodies (chapter P-35)” in the second paragraph by “ambulance services holding a permit pursuant to Division III of Chapter IV of Title I of the Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69)”;

(2) by replacing “de la région de Montréal Métropolitain established by section 149.1 of the Act respecting health services and social services for Cree Native persons (chapter S-5)” in the first, second and third lines of subparagraph 1 of the third paragraph by “referred to in section 87 of the Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69)”;

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

“(2) every health communication centre governed by the Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69), in the same manner as to an operator of ambulance services;”.

**131.** The said Act is amended by replacing “an ambulance service” wherever it appears in sections 2, 3, 8, 9, 10, 18, 19, 20, 23 and 25 by “ambulance services” and by replacing “d’un service d’ambulance” in the French text of section 3 by “de services ambulanciers”.

**132.** The title of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, ambulance services and the disposal of human bodies (R.S.Q., chapter P-35), replaced by section 149 of chapter 60 of the statutes of 2001, is amended by striking out “ambulance services”.

**133.** Section 1 of the said Act, amended by section 150 of chapter 60 of the statutes of 2001, is again amended by striking out subparagraph *i* of the first paragraph.

**134.** Section 2 of the said Act, amended by section 151 of chapter 60 of the statutes of 2001, is again amended by striking out the second, third and fourth paragraphs.

**135.** Section 2.1 of the said Act is repealed.

**136.** Section 31 of the said Act is amended by striking out the second paragraph.

**137.** Section 34 of the said Act is amended

(1) by striking out “, the regional board or the regional council, as the case may be” in the second line of the first paragraph;

(2) by striking out “section 2 or” and “, as the case may be” in the fourth and fifth lines of the first paragraph;

(3) by striking out the third paragraph.

**138.** Section 35 of the said Act is amended by striking out everything after “carry on” in the second, third and fourth lines of the first paragraph.

**139.** Section 36 of the said Act is amended

(1) by striking out “, the regional board or the regional council, as the case may be,” in the second and third lines of the first paragraph;

(2) by striking out “of the Minister or of the regional board or regional council” in the fourth and fifth lines of the first paragraph;

(3) by striking out “or an ambulance service” in the first and second lines of the second paragraph;

(4) by striking out the fourth and fifth paragraphs.

**140.** Section 37 of the said Act is amended by replacing “for renewal, in accordance with the regulations of the Minister or the regional council, as the case may be” in the third and fourth lines by “by regulation for the renewal of a permit”.

**141.** Section 39 of the said Act is amended by replacing “the regulations of the Minister, the regional board or the regional council, as the case may be” in the second, third and fourth lines by “regulation”.

**142.** Section 40 of the said Act is amended by striking out “or of the regional board or regional council who or which issued it”.

**143.** Section 40.1 of the said Act is amended by striking out the first paragraph.

**144.** Sections 40.2 to 40.3.1 of the said Act are repealed.

**145.** Section 41 of the said Act is amended by striking out “, the regional board or the regional council, as the case may be,” in the third and fourth lines.

**146.** Section 65 of the said Act is amended by striking out everything after “regulations” in the third line except for “are being complied with”.

**147.** Section 69 of the said Act, amended by section 158 of chapter 60 of the statutes of 2001, is again amended

(1) by striking out “and in that of an ambulance service” in subparagraph *c* of the first paragraph;

(2) by striking out “except in the case of a holder of an ambulance service permit” in subparagraph *d* of the first paragraph.

**148.** Section 71 of the said Act is amended by replacing “by the Government, the Minister, the regional board or the regional council, as the case may be,” in the second and third lines by “thereunder”.

**149.** Section 11.12 of the Animal Health Protection Act (R.S.Q., chapter P-42), amended by section 2 of chapter 37 of the statutes of 2001, section 160 of chapter 60 of the statutes of 2001 and section 148 of chapter 76 of the statutes of 2001, is again amended by striking out “, ambulance services” in the second paragraph.



**150.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), replaced by section 361 of chapter 31 of the statutes of 2001, is amended by striking out “de la région de Montréal Métropolitain” in the name “Corporation d’urgences-santé de la région de Montréal Métropolitain”.

**151.** Schedule III to the said Act, replaced by section 364 of chapter 31 of the statutes of 2001, is amended by striking out “de la région de Montréal Métropolitain” in the name “Corporation d’urgences-santé de la région de Montréal Métropolitain”.

**152.** Section 60 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), replaced by section 41 of chapter 43 of the statutes of 2001, is amended by striking out paragraph 2.

**153.** Section 61 of the said Act, replaced by section 41 of chapter 43 of the statutes of 2001, is repealed.

**154.** Section 340 of the said Act, amended by section 48 of chapter 24 of the statutes of 2001, is again amended by inserting the following subparagraph after subparagraph 7 of the second paragraph :

“(7.1) exercising the responsibilities conferred on it by the Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69)”.

**155.** Section 1.1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended by striking out “and to the extent that it concerns the emergency pre-hospitalization system contemplated in Division VI.1” at the end.

**156.** Division VI.1 of the said Act, comprising sections 149.1 to 149.34, is repealed.

**157.** Schedule II to the Act respecting the Pension Plan of Managerial Personnel (2001, chapter 31) is amended by striking out “de la région de Montréal Métropolitain” in the name “Corporation d’urgences-santé de la région de Montréal Métropolitain”.

**158.** Schedule V to the said Act is amended by striking out “de la région de Montréal Métropolitain” in the name “Corporation d’urgences-santé de la région de Montréal Métropolitain”.

**159.** Section 8 of the Act respecting the Health Services Ombudsman and amending various legislative provisions (2001, chapter 43) is amended by replacing “de Montréal Métropolitain in accordance with section 61 of that Act, or deemed to have been transmitted to the person under section 72 of that Act, or” in subparagraph 3 of the first paragraph by “pursuant to the provisions of section 104 of the Act respecting pre-hospital emergency services and

amending various legislative provisions (2002, chapter 69) or deemed to have been transmitted to the person by Corporation d'urgences-santé pursuant to the provisions of that section, or who”.

**160.** Section 20 of the said Act is amended

(1) by striking out “de Montréal Métropolitain” in the first line of subparagraph 3 of the first paragraph;

(2) by inserting “or in section 16 or 104 of the Act respecting pre-hospital emergency services and amending various legislative provisions (2002, chapter 69)” after “social services” in the fourth and fifth lines of the second paragraph.

**161.** Section 166 of the Public Health Act (2001, chapter 60) is amended by striking out “, ambulance services” in the sixth and seventh lines.

**162.** An ambulance service permit that is valid on 19 December 2002 remains valid until a new permit is issued pursuant to the provisions of this Act.

**163.** A contract entered into under section 149.27 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) that is in force on 19 December 2002 remains valid and continues to produce its effects until a new contract is entered into in accordance with the provisions of section 9 of this Act.

**164.** The call coordination centre “Centrale de coordination santé de la région de Québec (03) Inc.”, a legal person constituted on 15 December 1995 under Part III of the Companies Act (R.S.Q., chapter C-38) and recognized in accordance with the provisions of section 149.26 of the Act respecting health services and social services for Cree Native persons, is recognized as a health communication centre within the meaning of this Act, if it complies with the provisions determined under the second paragraph of section 18.

The centre must, before 19 March 2003, take the necessary measures to modify its board of directors and bring it into conformity with section 21.

If the centre fails to do so, the Québec regional board of health and social services shall appoint the board members within the following month.

**165.** The call coordination centre “Groupe Alerte Santé Inc.”, a legal person constituted on 20 February 1997 under Part IA of the Companies Act, is authorized to apply to the Inspector General of Financial Institutions for the issue of letters patent constituting its members as a legal person governed by Part III of the Companies Act pursuant to section 221 of that Act; for that purpose, the shareholders of the legal person are deemed to be its members.

On the date on which the letters patent are issued,

(1) the authorized capital stock of the legal person and all its issued shares are cancelled;

(2) the shareholders of the legal person are entitled as former shareholders to claim from the legal person, within one month after the date of issue of the letters patent, the book value of their shares as established in the legal person's audited financial statements at 31 March 2002.

The legal person's property continues to belong to the legal person, and the legal person retains its rights, obligations and responsibilities in respect of third persons without prejudice to the causes of actions having already arisen.

If the centre "Groupe Alerte Santé Inc." fails to apply for the issue of the new letters patent by 19 March 2003, the Minister may, without further formality, determine that the regions which would have been served by "Groupe Alerte Santé Inc." will be served by another health communication centre determined by the Minister.

**166.** Following the issue of letters patent in conformity with section 21, the call coordination centre "Groupe Alerte Santé Inc.", recognized in accordance with the provisions of section 149.26 of the Act respecting health services and social services for Cree Native persons, shall be recognized as a health communication centre within the meaning of this Act, if it complies with the provisions determined under the second paragraph of section 18.

The centre must, before 19 March 2003, take the necessary measures to ensure that the composition of its board of directors is in conformity with section 22, failing which the Montérégie regional board of health and social services shall appoint the board members within the following month.

**167.** The centre "La Centrale des appels d'urgence Chaudière-Appalaches", a legal person constituted on 31 May 1994 under Part III of the Companies Act, is recognized as a health communication centre within the meaning of this Act, if it complies with the provisions determined under the second paragraph of section 18.

Notwithstanding the provisions of the first paragraph of section 21, the centre may continue to carry on all the activities carried on on 19 December 2002.

However, the centre must, before 19 March 2003, take the necessary measures to ensure that the operations inherent in a health communication centre within the meaning of this Act and the budgets attached to such operations are separated from the other activities of the legal person.

Notwithstanding any inconsistent provision in this Act or any other Act, the centre "La Centrale des appels d'urgence Chaudière-Appalaches" does not have to change the composition of its board of directors providing that, before 19 March 2003, it establishes a management committee in the manner and in

accordance with the composition provided for in the second paragraph of section 21, to exercise, with full authority, the responsibilities of the board of directors of a health communication centre within the meaning of this Act.

**168.** The centre “Centre d’appel d’urgence des régions de l’est du Québec (CAUREQ)”, a legal person constituted on 5 March 1996 under Part III of the Companies Act, is recognized as a health communication centre within the meaning of this Act, if it complies with the provisions determined under the second paragraph of section 18.

Notwithstanding the provisions of the first paragraph of section 21, the centre may continue to carry on all the activities carried on on 19 December 2002.

However, the centre must, before 19 March 2003, take the necessary measures to ensure that the operations inherent in a health communication centre within the meaning of this Act and the budgets attached to such operations are separated from the other activities of the legal person.

Notwithstanding any inconsistent provision in this Act or any other Act, the centre “Centre d’appel d’urgence des régions de l’est du Québec (CAUREQ)” does not have to change the composition of its board of directors providing that, before 19 March 2003, it establishes a management committee in the manner and in accordance with the composition provided for in the second paragraph of section 21, to exercise, with full authority, the responsibilities of the board of directors of a health communication centre within the meaning of this Act.

**169.** Any natural or legal person or any group of natural or legal persons in operation on 7 November 2001 that receives calls from persons requesting ambulance services for any of the territories of regional boards served by a health communication centre as determined by the Minister under section 18, is authorized to pursue such activities until the communication centre is in operation.

As of that date, the person or group of persons must ensure that all activity has ceased and that the necessary measures have been taken so that any call that may be received by the person or group is transferred directly to the health communication centre serving the territory from which the call originates.

After a health communication centre is in operation for the territory served by a person or group referred to in the first paragraph, the Minister shall, in the cases the Minister deems appropriate and after obtaining the authorization of the Conseil du trésor, pay to that person or group the amount of an indemnity considered reasonable by the Minister.

**170.** Any person who, on (*insert here the date of coming into force of this section*), is the holder of a valid ambulance technician qualification card issued by a regional board or Corporation d’urgences-santé de la région de

Montréal Métropolitain and is employed in that capacity by the Corporation or an ambulance service permit holder shall be registered of right in the national workforce registry maintained by the Minister under paragraph 10 of section 3.

The Corporation d'urgences-santé and every regional board in whose territory a permit holder operates an ambulance service shall take the necessary measures to furnish to the national medical director of pre-hospital emergency services the list of all the persons to whom the first paragraph applies, within one month after the coming into force of the regulation respecting the conditions to be met by an ambulance technician for registration in the national workforce registry established by the Government under section 64.

**171.** Any person who, on (*insert here the date of coming into force of this section*), is the holder of a valid ambulance technician qualification card issued by a regional board or the Corporation d'urgences-santé de la région de Montréal Métropolitain but is not employed in that capacity may, within 24 months after the coming into force of the regulation respecting the conditions to be met by an ambulance technician for registration in the national workforce registry established by the Government under section 64, be registered in the register.

**172.** Insofar as it is consistent with the provisions of this Act, every order, order in council, regulation, by-law, other statutory instrument or decision made or rendered by the Government, the Minister, a regional board, a regional council or any other competent authority pursuant to any of the provisions of the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, ambulance services and the disposal of human bodies (R.S.Q., chapter P-35) or Division VI.1 of the Act respecting health services and social services for Cree Native persons that applies to the persons or bodies to which this Act applies, shall continue to apply until provided to the contrary or until it is replaced pursuant to the provisions of this Act.

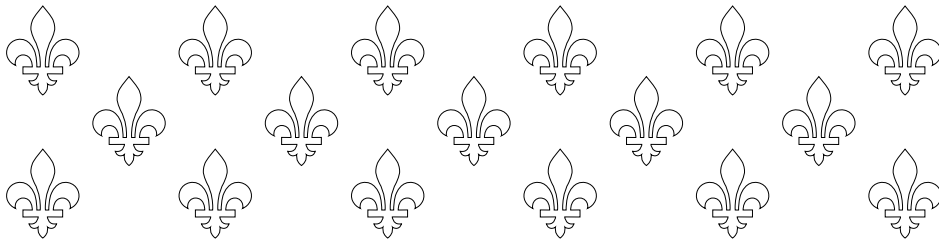
**173.** The persons appointed in accordance with paragraphs 1 to 5 of section 149.6 of the Act respecting health services and social services for Cree Native persons are deemed to be appointed under paragraphs 1 to 5 of section 91 of this Act and shall remain in office until the end of their terms.

The persons appointed in accordance with paragraphs 6 to 8 of section 149.6 of the Act respecting health services and social services for Cree Native persons shall remain in office until replaced in accordance with paragraphs 6 to 9 of section 91 of this Act.

**174.** The person who, on 19 December 2002, holds the office of executive director of Corporation d'urgences-santé de la région de Montréal Métropolitain shall continue to hold that office until the end of his or her term.

**175.** The Minister of Health and Social Services is responsible for the administration of this Act.

**176.** The provisions of this Act come into force on 19 December 2002 except the provisions of sections 63, 67, 69 to 75, 170 and 171, which come into force on the date or dates to be fixed by the Government.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 102  
(2002, chapter 59)

**An Act to amend the Environment  
Quality Act and the Act respecting the  
Société québécoise de récupération et de  
recyclage**

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**Introduced 8 May 2002  
Passage in principle 5 June 2002  
Passage 12 December 2002  
Assented to 18 December 2002**

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**Québec Official Publisher  
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## **EXPLANATORY NOTES**

*This bill proposes amendments to the Environment Quality Act and the Act respecting the Société québécoise de récupération et de recyclage that deal chiefly with measures related to residual materials management.*

*The Environment Quality Act is amended to allow municipalities to be compensated for the services they provide as regards residual materials recovery and reclamation. The proposed compensation regime is based on agreements that will be entered into between the associations of municipalities and the various associations of enterprises concerned. The role of the Société québécoise de récupération et de recyclage is to be one of support provider, trustee and, where required, arbitrator.*

*The measures contained in the bill confer new powers on the Société, among others the mandate to assist the Minister in the exercise of ministerial powers relating to the residual materials management plans developed by the municipalities pursuant to the provisions of the Environment Quality Act.*

*Amendments to the constituting Act of the Société are also proposed, in particular to revise the rules governing the composition of its board of directors and its operating procedures.*

### **LEGISLATION AMENDED BY THIS BILL :**

- Environment Quality Act (R.S.Q., chapter Q-2);
- Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01).



## Bill 102

### AN ACT TO AMEND THE ENVIRONMENT QUALITY ACT AND THE ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE RÉCUPÉRATION ET DE RECYCLAGE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### ENVIRONMENT QUALITY ACT

**1.** The Environment Quality Act (R.S.Q., chapter Q-2) is amended by inserting the following section after section 53.5 :

**“53.5.1.** The Minister may give the Société québécoise de récupération et de recyclage various mandates to assist the Minister with the responsibilities relating to the regional planning of residual materials management. In particular, the Minister may transmit to the Société the management plans received from the municipalities so that the Société may analyse the plans and make recommendations to the Minister.”

**2.** Section 53.7 of the said Act is amended by replacing the first paragraph by the following paragraph :

**“53.7.** Subject to the provisions of section 237 of chapter 68 of the statutes of 2001, every regional municipality must, within three years from 1 January 2001, establish a residual materials management plan.”

**3.** Section 53.30 of the said Act is amended

(1) by replacing “establishment, in particular” in subparagraph 6 of the first paragraph by “persons, in particular those operating”;

(2) by replacing “by agreement between the organization and the Minister” at the end of subparagraph *a* of subparagraph 7 of the first paragraph by “in an agreement between the organization and the Société québécoise de récupération et de recyclage, which must be transmitted to the Minister”;

(3) by replacing “the Minister” in subparagraph *b* of subparagraph 7 of the first paragraph by “the Société”;

(4) by striking out “the Minister or” in subparagraph 13 of the first paragraph;

(5) by replacing the second sentence of the second paragraph by the following: “The Minister may prescribe conditions on which such agreements may be approved and determine the minimum content thereof. The provisions of the agreements are public information.”

**4.** The said Act is amended by inserting the following after section 53.31 :

“§4.1. — *Compensation for municipal services*

**“53.31.1.** The persons referred to in subparagraph 6 of the first paragraph of section 53.30 are required, to the extent and on the conditions set out in this subdivision, to compensate the municipalities for the services provided by the municipalities to ensure that the materials designated by the Government under section 53.31.2 are recovered and reclaimed.

**“53.31.2.** The Government may, by regulation, designate the materials or classes of materials referred to in subparagraph 6 of the first paragraph of section 53.30 in respect of which the compensation regime established under this subdivision is to apply.

The designation shall be made taking into account, among other things, the proportion of the population receiving municipal curbside recycling services and the territories in which the services are provided, after evaluating the results achieved with regard to recycling or reclamation in other forms of the containers, packaging or packaging materials, printed matter or other products concerned.

The Government may also, by regulation, as regards one or more designated materials or classes of materials, specify which persons from among the persons referred to in subparagraph 6 of the first paragraph of section 53.30 are required to pay a compensatory contribution as compensation to the municipalities.

**“53.31.3.** The annual compensatory contribution payable corresponds to a percentage of the total of the net costs of the services provided by the municipalities in relation to the materials or a class of materials designated by the Government.

The amount of the compensatory contribution shall be determined by material or class of materials designated by the Government.

Subject to a maximum percentage fixed under section 53.31.4, the amount of the compensatory contribution is established by multiplying the percentage determined under that section by the total amount of the net costs determined under section 53.31.5 or, where applicable, section 53.31.7.

To establish the first annual compensatory contribution payable in relation to a material or a class of materials, the net costs taken into account are those borne by the municipalities in the year preceding the year in which the

designation of the material or class of materials by the Government becomes effective. The amount of the compensatory contribution shall, however, be established as a proportion of the number of months elapsed since the designation.

**“53.31.4.** The percentage of the total of the net costs subject to compensation shall be determined by the Government and may not exceed 50%.

The Government may also determine, by regulation, the maximum amount of the annual compensatory contribution payable in relation to a material or a class of materials.

**“53.31.5.** The total amount of the net costs of the municipal services subject to compensation and the nature of the expenses taken into account shall be determined by agreement between the municipal groupings and the body certified by the Société québécoise de récupération et de recyclage.

**“53.31.6.** The Société québécoise de récupération et de recyclage shall support and assist the municipal groupings and the certified body in reaching an agreement. The Société shall see that any agreement entered into is conducive to the achievement of the objectives established in the residual materials management policy adopted under section 53.4 of this Act.

**“53.31.7.** Failing agreement between the certified body and the municipal groupings within the time determined by the Minister, the Société québécoise de récupération et de recyclage shall determine the total amount of the net costs of the municipal services subject to compensation.

The determination of the amount is subject to the prior approval of the Minister.

**“53.31.8.** The municipal groupings referred to in section 53.31.5 are the Union des municipalités du Québec and the Fédération québécoise des municipalités. Another body representing the municipalities may be substituted for or added to the municipal groupings if the body is designated for that purpose by the Société québécoise de récupération et de recyclage.

**“53.31.9.** Applications for certification to represent the persons required to pay a compensatory contribution under this subdivision shall be made to the Société québécoise de récupération et de recyclage.

The Société may require any body to supply it with any information necessary to assess the merits of the application and, in particular, to ascertain the body's representativeness of the persons specified in the application.

**“53.31.10.** Unless another grouping criterion is established by the Société québécoise de récupération et de recyclage, the Société shall issue as

many certifications as there are materials or classes of materials designated by the Government under section 53.31.2.

This rule does not prevent the Société from issuing more than one certification to the same body.

The Société may also issue joint certification in relation to the same materials or class of materials if the applicant bodies submit to the Société an agreement which the Société considers satisfactory as regards the manner in which the bodies are to share their responsibilities. The agreement shall specify in particular the proportion of the compensatory contribution that will be paid by each body.

**“53.31.11.** The Minister may specify minimum criteria to be taken into account by the Société québécoise de récupération et de recyclage in certifying a body.

The Minister may also determine the period within which applications for certification may be made to the Société. At the end of that period, the Société may designate a body on its own initiative if no application has been made or if no application satisfies the criteria fixed.

**“53.31.12.** The certified body shall remit to the Société québécoise de récupération et de recyclage, in trust, the amount of the compensation owed to the municipalities.

The times at which and the terms according to which the amount is payable to the Société shall be agreed between the Société and the certified body. Failing agreement, they shall be determined by the Minister.

The Government may, by regulation, provide that the amount of the compensation referred to in the first paragraph in relation to materials or a class of materials may be paid, in whole or in part, through a contribution in goods or services.

The contributions in goods or services must enable the dissemination of information, awareness and education messages concerning environmental matters and favour messages intended to promote the recovery and reclamation of residual materials.

The terms and conditions for applying a payment through contributions in goods or services shall be established by agreement between the certified body concerned and the Société québécoise de récupération et de recyclage, subject to any directives that the Minister may give in that regard.

**“53.31.13.** A certified body required to remit an amount of compensation under section 53.31.12 may collect, from its members and from persons who or which, without being members, carry on activities similar to those carried on by the members in relation to the designated materials or

classes of materials, the contributions necessary to remit the full amount of compensation and to indemnify the body for its management costs and other expenses incidental to the compensation regime.

**“53.31.14.** The contributions payable shall be established on the basis of a schedule of contributions that has been the subject of a special consultation of the persons concerned.

The criteria taken into account to determine the schedule must evolve over the years in such manner as to foster the accountability of the various classes of persons concerned as regards the environmental consequences of the products they manufacture, market, distribute or commercialize or the materials they otherwise generate, having regard in particular to the content of recycled materials, the nature of the materials used, the volume of residual materials produced and their potential for recovery, recycling or other forms of reclamation.

The schedule of contributions may also provide for exemptions or exclusions in addition to those resulting from decisions made under section 53.31.2. The schedule of contributions may also specify the terms according to which the contributions are to be paid to the certified body, which must take into account payments through a contribution in goods or services made in accordance with section 53.31.12.

The schedule must be approved by the Government.

**“53.31.15.** The Société québécoise de récupération et de recyclage shall give an opinion to the Government on the advisability of approving the schedule of contributions proposed by the certified body. The approved schedule of contributions shall be published in the *Gazette officielle du Québec*.

**“53.31.16.** The sum owed to a certified body as a compensatory contribution to the municipalities bears interest at the rate fixed under section 28 of the Act respecting the Ministère du Revenu (chapter M-31).

Where a certified body pursues a remedy to claim a sum it is owed under this Act, the certified body is entitled to claim, in addition to interest, an amount equal to 20% of that sum.

**“53.31.17.** The certified body and the municipal groupings shall agree on the criteria under which the compensation paid is to be distributed among the municipalities. They shall also agree on the times at which and the terms according to which the compensation is payable to the municipalities concerned.

Failing agreement within the time prescribed by the Minister, the Société québécoise de récupération et de recyclage shall determine the applicable distribution criteria and fix the other terms according to which the payments are to be made to the municipalities concerned.

**“53.31.18.** The Société québécoise de récupération et de recyclage may withhold from any sum received as compensation for the municipalities a percentage of the sum to indemnify the Société for its management costs and other expenses related to the compensation regime, including expenses for informational, awareness and educational activities and for development activities related to the reclamation of the designated materials or classes of materials.

The percentage that may be withheld by the Société under the first paragraph shall be determined by the Government and may not exceed 10%.

**“53.31.19.** In addition to the powers provided for in section 53.31, the Minister may determine, by regulation, the information and documents concerning the matters referred to in that section that a person or municipality is required to periodically make available to the Minister or to furnish to the Société québécoise de récupération et de recyclage or to a body certified by the Société under this subdivision, as regards designated materials or classes of materials, for the establishment or application of a schedule of contributions for the purpose of compensating the municipalities.

**“53.31.20.** The information obtained under section 53.31.19 by a body certified by the Société québécoise de récupération et de recyclage is confidential; it may not be disclosed or made accessible to persons not legally entitled thereto except with the written authorization of the person concerned.

Persons working with such a body may not use confidential information obtained in connection with the compensation regime established under this subdivision to obtain, directly or indirectly, a benefit for themselves or for others.”

#### ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE RÉCUPÉRATION ET DE RECYCLAGE

**5.** The Act respecting the Société québécoise de récupération et de recyclage (R.S.Q., chapter S-22.01) is amended by replacing sections 5 to 17 by the following sections:

**“5.** The affairs of the Société shall be administered by a board of directors composed of not more than 11 members, including a chief executive officer, appointed by the Government on the recommendation of the Minister.

In making such recommendations, the Minister shall seek to ensure the presence on the board of directors of persons who are representative of or drawn from the various sectors concerned by the Société’s activities.

**“6.** On the recommendation of the Minister, the Government shall appoint, from among the members of the board of directors other than the chief executive officer, a chair and a vice-chair of the board.

**“7.** The chief executive officer is responsible for the administration and direction of the Société within the scope of its by-laws and policies.

The chair of the board of directors shall call and preside at the meetings and see to the proper operation of the board. The chair shall exercise any other functions assigned to the chair by the board.

The vice-chair shall exercise the functions of the chair when the latter is absent or unable to act.

**“8.** The chief executive officer shall be appointed for a term not exceeding five years; the term of the other members of the board of directors shall not exceed three years.

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

**“9.** Any vacancy on the board of directors, other than in the position of chief executive officer, shall be filled for the unexpired portion of the term of the member to be replaced.

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

**“10.** The Government shall determine the remuneration, employment benefits and other conditions of employment of the chief executive officer of the Société.

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

**“11.** The secretary and the other members of the personnel of the Société are appointed and remunerated in accordance with the staffing plan established by by-law of the Société.

Subject to the provisions of a collective agreement, the Société shall determine, by by-law, the standards and scales of remuneration of the members of its personnel in accordance with the conditions defined by the Government.

**“12.** The board of directors of the Société may deliberate validly only if a majority of its members, including the chair or the vice-chair of the board, are present.

Decisions of the board are made by a majority vote of the members present. In the case of a tie-vote, the chair of the meeting has a casting vote.

**“13.** The Société may make internal by-laws, which must be approved by the Government. It comes into force on the date of such approval or on any later date determined by the Government.

**“14.** The minutes of the meetings of the board of directors, approved by it and certified by the chief executive officer, the chair, the vice-chair or the secretary of the board, are authentic. The same applies to documents and copies of documents emanating from the Société or forming part of its records, where so certified.

**“15.** No document binds the Société or may be attributed to it unless it is signed by the chief executive officer, the chair or vice-chair of the board, the secretary or another member of the personnel of the Société but, in the last case, only to the extent determined in the internal by-laws of the Société.

**“16.** The internal by-laws of the Société may allow, on the conditions and to the documents determined therein, that a signature be affixed by means of an automatic device, that the signature be electronic or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile shall have the same force as the signature itself only if the document is countersigned by a person referred to in section 15.”

**6.** Section 18 of the said Act is amended

(1) by replacing subparagraph 6 of the second paragraph by the following subparagraph :

“(6) administer any program of the Government or a government department or body, in any field related to its objects, or provide assistance in developing those programs.”;

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

“The Société shall also exercise the responsibilities entrusted to it under another Act, in particular the responsibilities entrusted to it under the Environment Quality Act (chapter Q-2).

The Société shall promote the implementation of the policy adopted by the Government pursuant to section 53.4 of the Environment Quality Act.”

**7.** Section 19 of the said Act is amended by replacing the second and third paragraphs by the following paragraph :

“The Société may also make an agreement with a government in Canada or a foreign government, a department or agency of such a government, an international organization or a body of that organization in accordance with the requirements of section 24 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) and section 3.12 of the Act respecting the Ministère du Conseil exécutif (chapter M-30).”



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

“**21.** The Société shall also carry out any other mandate related to its objects entrusted to it by the Government or the Minister and the costs of which may be assumed in whole or in part by the Government or the Minister.”

**9.** The said Act is amended by inserting the following section after section 23

“**23.1.** The Société shall keep the interest earned on the sums received in trust under the regime established to compensate municipalities pursuant to sections 53.31.1 and following of the Environment Quality Act.”

#### MISCELLANEOUS AND FINAL PROVISIONS

**10.** Section 10 of the Regulation respecting the recovery and reclamation of discarded paint containers and paints, made by Order in Council 655-2000 dated 1 June 2000 (2000, G.O. 2, 2613), is amended

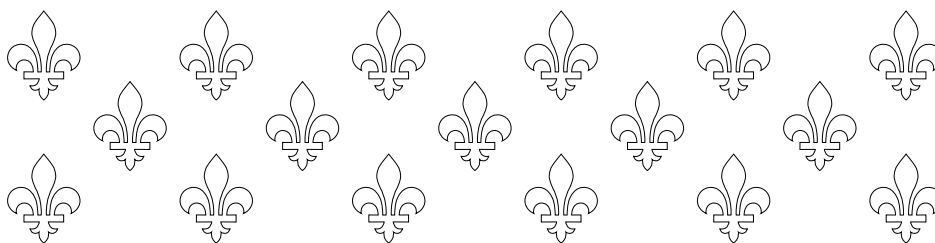
(1) by replacing “by that organization and the Minister” at the end of paragraph 1 by “under subparagraph 7 of the first paragraph of section 53.30 of the Environment Quality Act (R.S.Q., chapter Q-2)”;

(2) by replacing “drawn up by the Minister of the Environment and published in the *Gazette officielle du Québec*” at the end of paragraph 2 by “published in the *Gazette officielle du Québec* pursuant to subparagraph 7 of the first paragraph of section 53.30 of that Act”.

**11.** The president of the Société québécoise de récupération et de recyclage in office on the date of coming into force of this Act shall become the chief executive officer of the Société, until replaced or reappointed.

**12.** This Act comes into force on 18 December 2002.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 112  
(2002, chapter 61)

## **An Act to combat poverty and social exclusion**

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**Introduced 12 June 2002**  
**Passage in principle 26 November 2002**  
**Passage 13 December 2002**  
**Assented to 18 December 2002**

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**Québec Official Publisher**  
**2002**

## EXPLANATORY NOTES

*The object of this bill is to guide the Government and Québec society as a whole towards a process of planning and implementing actions to combat poverty and counter social exclusion and strive towards a poverty-free society. To that end, the bill establishes a national strategy to combat poverty and social exclusion that consists of a set of actions implemented by the Government, its socio-economic partners, regional and local communities, community organizations and other social stakeholders to counter poverty and facilitate social inclusion.*

*The goals of the national strategy are to promote respect for and protection of the dignity of persons living in poverty and to combat prejudices against them, to improve the economic and social situation of persons and families living in poverty and social exclusion, to reduce the inequalities that may be detrimental to social cohesion, to encourage persons and families living in poverty to participate into community life and social development, and to develop and reinforce the sense of solidarity throughout Québec.*

*The bill creates the obligation for the Government to table an action plan setting forth a set of activities designed to achieve the goals envisioned. The action plan must include measures designed to improve the financial situation both of recipients under the Employment-Assistance Program and persons holding employment and living in poverty.*

*The bill establishes an advisory committee on the prevention of poverty and social exclusion, the main function of which will be to advise the Minister responsible for the administration of the Act on the planning, implementation and evaluation of actions taken within the scope of the national strategy. An observatory on poverty and social exclusion is also established as a place of observation, research and exchange designed to provide dependable and objective information on poverty issues and social exclusion. The bill further provides for the creation of the Fonds québécois d'initiatives sociales, a fund dedicated to the financing of initiatives to combat poverty and social exclusion.*

*The bill creates the obligation for the minister responsible for the administration of the Act to table a report every year on the*

*activities related to the government action plan, as well as a status report every three years evaluating the progress of Québec society towards achieving the goals set out in the national strategy.*

*In addition, the bill creates the obligation for the advisory committee to submit to the Minister, within two years of its establishment, an opinion and recommendations on income targets and the means to attain them, and on a minimum benefit to be paid within the scope of the Employment-Assistance Program.*

*The bill also creates the obligation for the Minister to submit to the Government, in the following year, a report and recommendations on those matters.*

*Lastly, the bill contains miscellaneous, transitional and final provisions.*

**LEGISLATION REPEALED BY THIS BILL :**

- Act to establish a fund to combat poverty through reintegration into the labour market (R.S.Q., chapter F-3.2.0.3).



## **Bill 112**

### **AN ACT TO COMBAT POVERTY AND SOCIAL EXCLUSION**

#### **PREAMBLE**

WHEREAS according to the principles set out by the Charter of human rights and freedoms, respect for the dignity of human beings and recognition of the rights and freedoms they possess constitute the foundation of justice and peace;

WHEREAS poverty and social exclusion may constitute obstacles to the protection of and respect for human dignity;

WHEREAS the effects of poverty and social exclusion impede the economic and social development of Québec society as a whole and threaten its cohesion and equilibrium;

WHEREAS the fight against poverty and social exclusion is a national imperative within the spirit of a universal movement which seeks to enhance the social, cultural and economic development of all human beings;

WHEREAS persons living in poverty and social exclusion are the first to act to improve their situation and that of their families, and whereas such improvement is linked to the social, cultural and economic development of the entire community;

WHEREAS it is appropriate to affirm the desire of Québec society as a whole to act in a coordinated manner and pursue a course of action designed to combat poverty and social exclusion;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **CHAPTER I**

##### **OBJECT AND DEFINITION**

**1.** The object of this Act is to guide the Government and Québec society as a whole towards a process of planning and implementing actions to combat poverty, prevent its causes, reduce its effects on individuals and families, counter social exclusion and strive towards a poverty-free Québec.

To that end, this Act establishes a national strategy to combat poverty and social exclusion. It also establishes an advisory committee on the prevention of poverty and social exclusion and an observatory on poverty and social exclusion which shall assume the functions assigned to them by this Act to achieve the goals set out in the national strategy.

This Act further provides for the creation of the Fonds québécois d'initiatives sociales, dedicated to combatting poverty and social exclusion.

**2.** For the purposes of this Act, “poverty” means the condition of a human being who is deprived of the resources, means, choices and power necessary to acquire and maintain economic self-sufficiency or to facilitate integration and participation in society.

## **CHAPTER II**

### **NATIONAL STRATEGY TO COMBAT POVERTY AND SOCIAL EXCLUSION**

**3.** For the purposes of this Act, a national strategy to combat poverty and social exclusion is established.

**4.** The national strategy is intended to progressively make Québec, by *(insert here the year occurring 10 years after the date of coming into force of this section)*, one of the industrialized nations having the least number of persons living in poverty, according to recognized methods for making international comparisons.

**5.** The national strategy shall consist of a set of actions implemented by the Government, its socio-economic partners, regional and local communities, community organizations and other social stakeholders to counter poverty and facilitate social inclusion. In that respect, the Government shall solicit citizen participation, particularly the participation of persons living in poverty.

The actions must address both the causes and the consequences of poverty and social exclusion to ensure that all persons concerned may obtain the support and encouragement their situation requires and may, on their own, achieve self-sufficiency, and participate actively in the life and advancement of the community.

**6.** The goals of the national strategy are

(1) to promote respect for and protection of the dignity of persons living in poverty and combat prejudices in their regard;

(2) to improve the economic and social situation of persons and families living in poverty and social exclusion;

(3) to reduce the inequalities that may be detrimental to social cohesion;



(4) to encourage persons and families living in poverty to participate in community life and social development;

(5) to develop and reinforce the sense of solidarity throughout Québec so that society as a whole may participate in the fight against poverty and social exclusion.

**7.** In order to achieve the goals set out in the national strategy, the actions taken by Québec society as a whole and the Government, to the extent provided for by law or on the conditions determined by the Government, must be oriented along the following five axes:

(1) preventing poverty and social exclusion, with a focus on developing the potential of individuals;

(2) strengthening the social and economic safety net;

(3) promoting access to employment and increasing the attractiveness of work;

(4) promoting the involvement of society as a whole; and

(5) ensuring consistent and coherent intervention at all levels.

Those actions must also, in their conception and implementation, take into account realities specific to women and men, in particular through gender-based analysis, as well as the greater incidences of poverty in certain regions or areas and the specific needs of certain groups in society having particular difficulties, particularly because of their age, ethnic origin or an impairment or disability.

**8.** Preventive action must be aimed at, in particular,

(1) recognizing the family as the basic unit of personal and social development and, while respecting the role of parents, supporting families with dependent children that are at risk of long-term poverty through early and integrated intervention aimed at giving the families access to a range of services and programs adapted to their needs and to those of their children;

(2) promoting school success and facilitating school and social integration of young persons, particularly the disadvantaged;

(3) improving basic education and access to continuing education to enable adults to complete and update their occupational qualifications, facilitating recognition of their experience and promoting access to information and communication technologies;

(4) supporting volunteer and community actions that contribute to the social inclusion of persons living in poverty;

(5) recognizing the contribution of the elderly to society and supporting those living in poverty to provide them with access to a variety of services and programs adapted to their needs; and

(6) promoting, for persons living in poverty, access to culture, recreation and sports.

**9.** Action to strengthen the social and economic safety net must be aimed at, in particular,

(1) raising the level of income granted to persons and families living in poverty, having regard to their particular situation and the resources at their disposal to meet their essential needs;

(2) encouraging low-income workers to enter or remain on the labour market, especially through work income supplements;

(3) providing persons living in poverty or social exclusion with health, social and educational services that are adapted to their specific needs;

(4) facilitating dignified access, for persons and families living in poverty, to a food supply that is both sufficient and nutritious, at reasonable costs, and to simple and reliable information enabling those persons and families to make enlightened dietary choices;

(5) facilitating the availability of decent and affordable housing through housing assistance measures or the development of social housing for the socially disadvantaged, including the homeless, and strengthening community support for those persons.

**10.** Within the scope of its action to promote access to employment and increase the attractiveness of work, the Government must act in concert with its various labour market partners and community organizations, in particular

(1) to intensify employment assistance so as to better support the communities in their efforts to create employment and, particularly in high-poverty areas in which employment assistance measures and services must be adapted to the needs of the groups identified as being more affected by poverty;

(2) to favour an approach centred on community-based intervention and the integration of social and economic development;

(3) to favour, in the workplace, the social and occupational integration of persons who have particular difficulty entering the labour market, in particular persons who have an impairment or disability; and

(4) to enhance the quality of jobs so that the workers receive an income adequate to provide an acceptable standard of living, in comparison with the

income of Québec workers generally, enjoy better employment protection against the risks of exclusion and benefit from measures enabling them to achieve a better balance between family and work.

**11.** Action to promote the involvement of society as a whole must provide for the inclusion of stakeholders representative of the broader Québec community. For that purpose, such actions must, in particular,

(1) favour citizen participation, particularly that of persons living in poverty and social exclusion and the organizations representing them ;

(2) support specific local and regional initiatives for the achievement of the goals set out in the national strategy ;

(3) recognize the social responsibility of enterprises and include the labour market partners ; and

(4) recognize the contribution of volunteer and community action.

**12.** Within the scope of its action to ensure consistent and coherent intervention at all levels, the Government must, in particular,

(1) ensure that the policies and measures intended to help in the fight against poverty and social exclusion are complementary and coherent ;

(2) devise means of measuring the progress achieved and improving knowledge on poverty issues, in particular through the development of research networks, and provide for accountability and coordination mechanisms designed to ensure consistent intervention ;

(3) support in a durable manner innovation and adaptation of programs and services on the regional and local levels, develop coordinated action and collaboration and provide for a procedure for disseminating innovative experiments carried out ;

(4) remain abreast of and examine innovative approaches taken by other countries and participate in international forums ; and

(5) with the representatives of the native nations, discuss ways in which the actions may be adapted to the particular needs of the native peoples.

### CHAPTER III

#### GOVERNMENT ACTION PLAN

**13.** To implement the national strategy to combat poverty and social exclusion, the Government must, before (*insert here the date that is 60 days after the date of coming into force of this section*), establish a government action plan setting forth a set of activities the Government plans on carrying out to achieve the goals pursued, and make it public.

**14.** The Government shall, within the scope of the action plan, set targets to be reached, in particular to improve the income of recipients under the Employment-Assistance Program established under the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001), and the income of persons working full-time or on a sustained basis who live in poverty according to the indicators used by the Government.

**15.** The action plan must also propose amendments to the Employment-Assistance Program, to the extent provided for by the Act respecting income support, employment assistance and social solidarity, in particular

(1) to eliminate the reductions of benefits resulting from the application of the provisions of that Act as regards shared housing and minimum lodging costs;

(2) to introduce the minimum benefit principle, a threshold below which benefits cannot be reduced by reason of the application of administrative penalties, setoff or a combination of both;

(3) to enable adults and families to own property and liquid assets of a value greater than the value allowed at the time the action plan is established, in order to encourage self-sufficiency or take into account transitory economic difficulties; and

(4) in respect of any family having a dependent child, to exclude an amount from child support income.

**16.** The conditions, terms and schedule for the implementation of the activities set forth in the action plan, and those related to the attainment of the income improvement targets, shall be determined by the Government or, where applicable, as provided for by law, having regard to the other national priorities, the collective wealth and the particular circumstances of the persons and families concerned.

**17.** The action plan must also include measures and programs designed to improve the economic and social situation of persons and families living in poverty and social exclusion, and a procedure for determining the resources that the departments and bodies concerned intend to devote to priority intervention areas identified concurrently with regional or municipal representatives.

**18.** As an incentive for collective involvement, the action plan may provide for the making of agreements between the Minister and national, regional and local partners, and for coordination mechanisms and periodical monitoring of activities carried out in connection with those agreements.

The Minister may, within the scope of an agreement and subject to the conditions the Minister determines, provide financial assistance to support specific initiatives.

**19.** The Minister is by virtue of his or her office the advisor of the Government on issues concerning the fight against poverty and social exclusion. In that capacity, the Minister shall give the other ministers any advice he or she considers advisable to improve the economic and social circumstances of persons and families living in poverty and social exclusion, and shall take part in the development of measures that could have a significant impact on such persons and such families.

It is incumbent upon the departments and bodies of the Government to communicate to the Minister any information necessary for the carrying out of such responsibilities.

**20.** Each minister shall, if the minister considers that proposals of a legislative or regulatory nature could have direct and significant impacts on the incomes of persons or families who, according to the indicators retained under this Act, are living in poverty, shall, when presenting the proposals to the Government, give an account of the impacts the minister foresees.

**21.** The Minister shall make an annual report to the Government on the activities carried out within the scope of the government action plan. The Minister may, for that purpose, request from other ministers specific reports concerning the activities carried out in their fields of jurisdiction. The Minister shall make the report public within 60 days after submitting it to the Government.

The Minister may also propose to the Government amendments to the action plan, taking into account the advisory opinions received from the Comité consultatif de lutte contre la pauvreté et l'exclusion sociale and those of the indicators proposed by the Observatoire de la pauvreté et de l'exclusion sociale that were retained.

## **CHAPTER IV**

### **COMITÉ CONSULTATIF DE LUTTE CONTRE LA PAUVRETÉ ET L'EXCLUSION SOCIALE**

#### **DIVISION I**

##### **ESTABLISHMENT AND ORGANIZATION**

**22.** An advisory committee on the prevention of poverty and social exclusion called the "Comité consultatif de lutte contre la pauvreté et l'exclusion sociale" is hereby established.

**23.** The advisory committee is composed of seventeen members, appointed by the Government, on the recommendation of the Minister.

Fifteen members shall be appointed after consultation with the most representative bodies or groups of the various sectors concerned, including

five persons from representative bodies or groups involved in the fight against poverty and social exclusion, at least three of whom must also be persons for whose benefit those bodies or groups work, and ten persons from the management, organized labour, municipal, community and other sectors of the civil society.

The appointments must be made so as to achieve as equitably as possible a representation of women and men and the regions of Québec and reflect the demographic composition of the population of Québec.

The two other members of the advisory committee shall be from the public service and shall not be entitled to vote.

**24.** The Government shall designate the chair from among the voting members.

The voting members shall select a vice-chair from among their number.

**25.** The members of the advisory committee shall be appointed for a term of not more than three years.

However, seven of the first voting members of the advisory committee, other than the chair, shall be appointed for a term of two years.

On the expiry of their terms, the members shall remain in office until they are reappointed or replaced.

**26.** Any vacancy occurring before the expiry of a member's term shall be filled in the manner set out in section 23.

**27.** The members of the advisory committee shall receive no remuneration except in such cases, on such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

**28.** The advisory committee shall meet at the request of the chair or vice-chair or of one-third of the voting members.

The quorum at meetings of the advisory committee is a majority of the voting members including the member acting as chair or vice-chair.

The advisory opinions shall be adopted by a majority of the members present.

**29.** The advisory committee may make any by-law concerning the exercise of its functions and its internal management.

**30.** The secretary and the other members of the personnel of the advisory committee shall be appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

## **DIVISION II**

### **FUNCTIONS AND POWERS**

**31.** The main function of the advisory committee is to advise the Minister on the planning, implementation and evaluation of actions taken within the scope of the national strategy to combat poverty and social exclusion.

The advisory committee shall advise the Minister on any question referred to it by the Minister on any matter concerning poverty or social exclusion.

It shall also collaborate with the Observatoire de la pauvreté et de l'exclusion sociale to determine indicators enabling the progress made in achieving the goals pursued under the national strategy to be evaluated.

**32.** The advisory committee may, in addition,

(1) consult with, solicit opinions from, or receive or hear requests and suggestions from persons, bodies, organizations or associations in relation to any matter concerning poverty or social exclusion ;

(2) make recommendations to the Minister on any matter concerning poverty or social exclusion ;

(3) give opinions on government policies having an impact on poverty or social exclusion ; and

(4) give opinions on the use of the sums making up the fund dedicated to the fight against poverty and social exclusion.

In the exercise of its functions, the advisory committee may work in association with other advisory bodies whose work concerns poverty or social exclusion. The advisory committee may also solicit the assistance of the observatory.

**33.** The advisory committee shall make its advice, advisory opinions and recommendations public 30 days after transmitting them to the Minister.

## **DIVISION III**

### **REPORT**

**34.** The advisory committee shall, not later than 30 June each year, file with the Minister a report on its activities for the preceding fiscal year.

The Minister shall table the report in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

## CHAPTER V

### OBSERVATOIRE DE LA PAUVRETÉ ET DE L'EXCLUSION SOCIALE

#### DIVISION I

##### ESTABLISHMENT AND ORGANIZATION

**35.** An observatory on poverty and social exclusion called “Observatoire de la pauvreté et de l'exclusion sociale” is established under the responsibility of the Minister.

The observatory is a place of observation, research and exchange devoted to providing dependable and objective information on matters concerning poverty and social exclusion.

**36.** The observatory shall be managed by a managing committee composed of seven members appointed by the Government on the recommendation of the Minister, after consultation with representative bodies of the sector concerned. The Government shall designate a chair from among the members.

Two members shall be persons working with persons living in poverty or social exclusion, chosen after consultation with the Comité consultatif de lutte contre la pauvreté et l'exclusion sociale.

The other members of the managing committee of the observatory shall be persons from the government, university and research sectors whose competence and expertise in matters related to poverty or social exclusion are recognized.

**37.** The members of the managing committee of the observatory shall be appointed for a term of not more than three years.

On the expiry of their terms, the members shall remain in office until they are reappointed or replaced.

**38.** Any vacancy occurring before the expiry of a member's term shall be filled in the manner set out in section 36.

**39.** The members of the managing committee of the observatory shall receive no remuneration except in such cases, on such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.



**40.** The managing committee of the observatory shall, after consulting the advisory committee, determine the observatory's strategic orientations, general objectives, policies and action plans.

Its functions also include evaluating the relevance, priority aspect and scientific quality of the observatory's programs and research projects.

**41.** The Minister shall entrust, after agreement, the administration of the observatory to the Institut de la statistique du Québec.

## **DIVISION II**

### **FUNCTIONS AND POWERS**

**42.** The function of the observatory is to collect, integrate, compile, analyze and disseminate information, in particular of a statistical nature, on poverty and social exclusion.

The observatory shall conduct qualitative and quantitative research to improve knowledge on poverty issues and social exclusion and may for that purpose consult experts and stakeholders from the sector under study.

The observatory must facilitate the transfer of knowledge to the various stakeholders concerned with poverty or social exclusion and facilitate collaboration on such issues, in particular with university institutions, research centres and other observatories.

**43.** The observatory shall develop and propose to the Minister a series of indicators to be used to measure poverty and social exclusion, social and economic inequalities, including income differentials, and other poverty determinants. The data related to those indicators must, if possible, be broken down by region and compared by gender.

The Minister shall make public the indicators retained.

The observatory shall monitor the indicators retained by the Minister to measure the progress achieved within the scope of the national strategy to combat poverty and social exclusion, in particular as regards the improvement of the economic and social situation of persons and families living in poverty or social exclusion.

**44.** Within the scope of its work, the observatory must consult the advisory committee.

**DIVISION III****ANNUAL ACTION PLAN**

**45.** The managing committee of the observatory shall submit its annual action plan to the Minister for approval.

**CHAPTER VI****FONDS QUÉBÉCOIS D'INITIATIVES SOCIALES**

**46.** The Fonds québécois d'initiatives sociales, a fund dedicated to the financing of initiatives to combat poverty and social exclusion, is hereby established.

**47.** 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.

**48.** 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 50 and 51 ;

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

(3) the contributions paid into the fund to further the attainment of the objects of the fund ;

(4) the revenues provided for that purpose by the Government or any contribution determined by the Government, following a proposal by the Minister of Finance ; and

(5) the interest earned on bank balances in relation to the sums referred to in paragraphs 3 and 4.

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

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

Conversely, the Minister of Finance may 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.

**51.** The minister responsible for the administration of this Act is the minister responsible for the administration of the fund. In that capacity, the minister may borrow from the Minister of Finance sums taken out of the financing fund of the Ministère des Finances.

**52.** The following sums shall be paid out of the fund:

(1) the sums to be paid within the scope of agreements entered into by the Minister to support national, regional and local initiatives, the awarding standards of which have been approved by the Government, in particular, to enable an adapted implementation of those initiatives;

(2) the sums to be paid to permit the carrying out of projects in connection with programs complementary to regular programs established or approved by the Government within the scope of the national strategy to combat poverty and social exclusion;

(3) the sums required for the payment of any other expenditure related to the activities and priority interventions established or approved by the Minister to combat poverty and social exclusion; and

(4) the sums required for the payment of the remuneration and expenses relating to employment benefits and other conditions of employment of the persons who, in accordance with the Public Service Act, are assigned to the operation of the fund.

**53.** Sections 20, 21, 26 to 28, Chapter IV and Chapter 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.

**54.** The fiscal year of the fund ends on 31 March.

**55.** 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 fund dedicated to the fight against poverty and social exclusion the sums required for the execution of a judgment against the State that has become *res judicata*.

**56.** The minister responsible for the administration of the fund shall submit to the National Assembly, for each fiscal year, a report on the activities financed by the fund.

The competent parliamentary committee of the National Assembly shall examine the report.

**57.** The Government shall determine the date on which this chapter ceases to have effect.

On that date, any sum remaining in the fund shall be paid into the consolidated revenue fund and shall be appropriated to the financing of such complementary measures consistent with the objects of the fund as are determined by the Government, in the manner fixed by the Government.

## CHAPTER VII REPORTS

**58.** On or before (*insert here the date occurring five years after the date of coming into force of this section*) and, thereafter, every three years, the Minister shall, in coordination with the other ministers concerned and taking into account the advisory opinions received from the Comité consultatif de lutte contre la pauvreté et l'exclusion sociale and those of the indicators proposed by the Observatoire de la pauvreté et de l'exclusion sociale retained by the Minister, report to the Government on the results obtained following the actions implemented by the Government and the community as a whole within the scope of the national strategy to combat poverty and social exclusion.

The report must include a status report on the progress of Québec society towards achieving the goals set out in the national strategy, in particular as regards the improvement of the income of persons and families living in poverty and income differentials.

**59.** The advisory committee shall, before (*insert here the date occurring two years after the date of coming into force of section 22*), submit to the Minister, taking into account in particular the indicators proposed by the observatory, an opinion and recommendations concerning revenue targets and the means to attain them to improve the financial situation of persons and families living in poverty.

The advisory committee shall also, before that date, submit to the Minister an opinion and recommendations concerning a minimum benefit paid under the Employment-Assistance Program established under the Act respecting income support, employment assistance and social solidarity.

**60.** The Minister shall, before (*insert here the date occurring three years after the date of coming into force of section 22*), report to the Government with recommendations concerning the matters referred to in section 59, taking into account the opinions and recommendations of the advisory committee, and present a status report on the actions undertaken within the framework of the national strategy to combat poverty and social exclusion and on the results obtained.

**61.** The Minister shall, in coordination with the other ministers concerned and before (*insert here the date occurring two years after the date of coming into force of this section*), report to the Government and make recommendations on the approach taken in government programs as regards child support income.

**62.** The reports required under sections 58, 60 and 61 shall be tabled by the Minister in the National Assembly within 60 days after they are submitted to the Government or, if the Assembly is not sitting, within 60 days of resumption.

Each report shall be examined by the competent committee of the National Assembly for an opinion and recommendations, where applicable.

**63.** The Minister shall make recommendations to the Government concerning the matters referred to in section 58 and the proposals regarding the financing of the actions to be taken in the course of the ensuing three-year period.

## CHAPTER VIII

### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**64.** This Act shall not be construed in such manner as to extend, limit or qualify the scope of any provision of another Act.

**65.** The Minister shall, in the first report made pursuant to section 58, make a valuation of the fund established under section 46 and state whether the fund is to be maintained or whether its financing is to be reviewed.

The Minister shall also, in the report, provide an assessment of the work of the observatory and give an opinion on the advisability of maintaining it and, if appropriate, make recommendations in that respect.

**66.** The obligation imposed on the Minister of Employment and Social Solidarity under section 228 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) as concerns the Individualized Integration, Training and Employment Plan and the application of the parental contribution becomes effective on (*insert here the date occurring two years after the date of coming into force of section 13*).

However, the report filed on that date must also pertain to the measures and programs implemented within the scope of the government action plan established pursuant to section 13 to meet the specific needs of young adults who depend on financial assistance for support.

**67.** The sums remaining in the fund to combat poverty through reintegration into the labour market, established under the Act to establish a fund to combat poverty through reintegration into the labour market (R.S.Q., chapter F-3.2.0.3),

on the date on which the activities of the Fonds québécois d'initiatives sociales commence shall, on that date, be transferred to the latter fund.

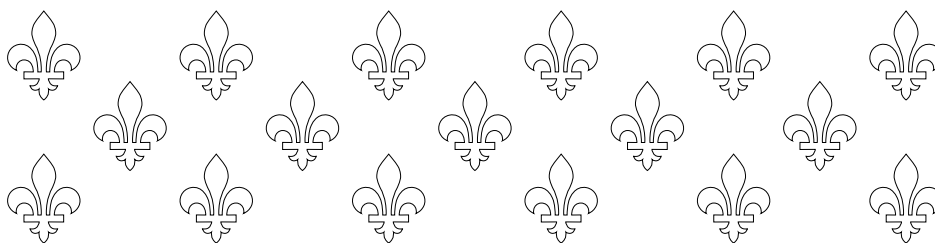
On that same date, the latter fund shall acquire the rights and assume the obligations of the fund to combat poverty through reintegration into the labour market.

**68.** The Act to establish a fund to combat poverty through reintegration into the labour market (R.S.Q., chapter F-3.2.0.3) is repealed.

**69.** The Government shall designate the minister responsible for the administration of this Act.

The designated minister shall exercise his or her functions in a manner complementary to the powers and functions conferred on the other ministers by the Government and chief executive officers, according to their respective responsibilities.

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



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 113  
(2002, chapter 71)

**An Act to amend the Act respecting  
health services and social services as  
regards the safe provision of health  
services and social services**

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**Introduced 14 June 2002  
Passage in principle 17 October 2002  
Passage 19 December 2002  
Assented to 19 December 2002**

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**Québec Official Publisher  
2002**

## EXPLANATORY NOTES

*This bill makes amendments to the Act respecting health services and social services as regards the safe provision of health services and social services.*

*It provides that a user has the right to be informed of any accident having occurred during the provision of services that has potential consequences for the user's state of health or welfare. Furthermore, any person working in an institution will be under obligation to report any incident or accident as soon as possible after becoming aware of it.*

*Every institution will be required to form a risk management committee, responsible for seeking, developing and promoting means to ensure the safety of users and to reduce the incidence of adverse effects and accidents related to the provision of health services and social services.*

*In addition, the board of directors of every institution will be required to make rules concerning disclosure of all necessary information to the user when an accident occurs, and to establish support measures to be made available to the user as well as measures to prevent the recurrence of such an accident.*

*Finally, the bill makes regional boards responsible, in their region, for ensuring users the safe provision of health services and social services.*



## Bill 113

### AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES AS REGARDS THE SAFE PROVISION OF HEALTH SERVICES AND SOCIAL SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** Section 2 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by inserting the following paragraph after paragraph 8 :

“(8.1) to ensure users the safe provision of health services and social services ;”.

**2.** Section 3 of the said Act is amended by replacing “and needs” in the second line of paragraph 3 by “, needs and safety”.

**3.** Section 5 of the said Act is amended by inserting “and safe” after “personalized” in the first line.

**4.** Section 8 of the said Act is amended by adding the following paragraphs at the end :

“The user is also entitled to be informed, as soon as possible, of any accident having occurred during the provision of services that has actual or potential consequences for the user’s state of health or welfare and of the measures taken to correct the consequences suffered, if any, or to prevent such an accident from recurring.

For the purposes of this section and sections 183.2, 233.1, 235.1 and 431 and unless the context indicates otherwise,

“accident” means an action or situation where a risk event occurs which has or could have consequences for the state of health or welfare of the user, a personnel member, a professional involved or a third person.”

**5.** Section 100 of the said Act is amended by inserting “safe,” after “provision of” in the first line.

**6.** The said Act is amended by inserting the following section after section 107

**“107.1.** Every institution must have the health services and social services it provides accredited by a recognized accreditation body.

On receiving a response concerning the accreditation, the institution shall send to the Minister, the regional board and the various professional orders concerned that have members practising in a centre operated by the institution, a condensed report containing the recommendations relating to accreditation and specifying the validity period of the accreditation.”

**7.** Section 172 of the said Act is amended by inserting “, ~~safty~~” after “quality” in paragraph 1.

**8.** Section 182 of the said Act, amended by section 46 of chapter 43 of the statutes of 2001, is again amended by inserting “183.1,” after “173.”

**9.** The said Act is amended by inserting the following sections after section 183

**“183.1.** The organization plan of an institution must also provide for the creation of a risk and quality management committee.

The number of members of that committee and the rules governing its functioning shall be determined by by-law of the board of directors of the institution.

The composition of the committee shall ensure a balanced representation of the employees of the institution, of users, of the persons practising in a centre operated by the institution and, if applicable, of the persons who, under a service contract, provide services to users on behalf of the institution. The executive director or the person the executive director designates shall be *ex officio* a member of the committee.

**“183.2.** The functions of the committee include seeking, developing and promoting ways to

(1) identify and analyze incident or accident risks to ensure the safety of users ;

(2) make sure that support is provided to the victim and the close relatives of the victim; and

(3) establish a monitoring system including the creation of a local register of incidents and accidents for the purpose of analyzing the causes of incidents and accidents, and recommend to the board of directors of the institution measures to prevent such incidents and accidents from recurring and any appropriate control measures.

For the purposes of this section and sections 233.1, 235.1 and 431 and unless the context indicates otherwise,

“incident” means an action or situation that does not have consequences for the state of health or welfare of a user, a personnel member, a professional involved or a third person, but the outcome of which is unusual and could have had consequences under different circumstances.

**“183.3.** The answers given by a person in the course of risk management activities, including any information or document supplied in good faith by the person in response to a request of a risk and quality manager or a risk and quality management committee may not be used or be admitted as evidence against the person or against any other person in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions.

Notwithstanding any inconsistent provision, a risk and quality manager or a member of a risk and quality management committee may not be compelled to make a deposition in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions concerning any confidential information obtained in the exercise of his or her functions, or to produce a document containing such information, except to confirm its confidential nature.

Nothing contained in a risk and quality management record, including the conclusions with reasons and any related recommendations, may be construed as a declaration, recognition or extrajudicial admission of professional, administrative or other misconduct capable of establishing the civil liability of a party in a judicial proceeding.

**“183.4.** Notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the records and minutes of a risk and quality management committee are confidential.

No person may have access to the minutes of a risk and quality management committee except the members of the committee, the representatives of accreditation bodies in the exercise of functions pertaining to the accreditation of the health services and social services provided by institutions or the representatives of a professional order in the exercise of the functions assigned to them by law.”

**10.** The said Act is amended by inserting the following section after section 233

**“233.1.** Any employee of an institution, any person practising in a centre operated by an institution, any person undergoing training in such a centre or any person who, under a service contract, provides services to users on behalf of an institution must, as soon as possible after becoming aware of any incident or accident, report it to the executive director of the institution or to a person designated by the executive director. Such incidents or accidents shall be reported in the form provided for such purposes, which shall be filed in the user’s record.

The executive director of the institution or the person designated by the executive director shall report, in non-nominative form, all reported incidents or accidents to the regional board at agreed intervals or whenever the board so requires.”

**11.** The said Act is amended by inserting the following section after section 235

“**235.1.** The board of directors of an institution shall, by by-law, establish rules to be followed, on the occurrence of an accident, so that all the necessary information is disclosed to the user, to the representative of an incapable user of full age or, in the event of the user’s death, to the persons referred to in the first paragraph of section 23.

The board of directors shall also establish, in the same manner, support measures, including the appropriate care, to be made available to such a user, such a representative or such persons and measures to prevent such an accident from recurring.”

**12.** Section 278 of the said Act is amended by inserting “, including activities related to risk and quality management,” after “activities”.

**13.** Section 340 of the said Act, amended by section 48 of chapter 24 of the statutes of 2001, is again amended by inserting the following subparagraph after subparagraph 1 of the second paragraph :

“(1.1) ensuring the safe provision of health services and social services to users;”.

**14.** Section 391 of the said Act is amended

(1) by inserting “, including activities related to risk and quality management,” after “activities” in the fourth line of the second paragraph ;

(2) by inserting “, including activities related to risk and quality management,” after “activities” in the first line of the fourth paragraph.

**15.** Section 431 of the said Act, amended by section 82 of chapter 24 of the statutes of 2001 and by section 164 of chapter 60 of the statutes of 2001, is again amended by inserting the following paragraphs after paragraph 6 :

“(6.1) take measures to ensure users the safe provision of health services and social services ;

“(6.2) from the content of the local registers referred to in section 183.2, establish and maintain a national register of incidents and accidents having occurred during the provision of health services and social services for the purpose of monitoring and analyzing the causes of incidents and accidents, ensuring that measures are taken to prevent such incidents and accidents from

recurring and ensuring that control measures are implemented, where appropriate;”.

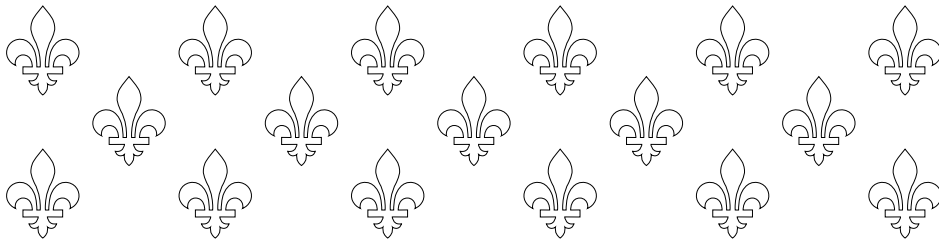
**16.** Section 532 of the said Act is amended by adding the following paragraph:

“The provisions of the first paragraph do not apply to a person who fails to report an incident or accident as provided for in section 233.1.”

**17.** An institution has three years from 19 December 2002 to apply for the first accreditation of the health services and social services it provides, pursuant to section 107.1 of the Act respecting health services and social services.

**18.** The provisions of this Act come into force on 19 December 2002, except subparagraph 6.2 of section 431 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), introduced by section 15, which comes into force on the date to be fixed by the Government.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 116  
(2002, chapter 72)

**An Act respecting the Ministère  
des Finances, de l'Économie  
et de la Recherche**

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**Introduced 7 November 2002  
Passage in principle 27 November 2002  
Passage 18 December 2002  
Assented to 19 December 2002**

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**Québec Official Publisher  
2002**

## EXPLANATORY NOTES

*The object of this bill is to create the Ministère des Finances, de l'Économie et de la Recherche.*

*The bill defines the mission of the new Ministère des Finances, de l'Économie et de la Recherche as consisting of the functions exercised by the Minister of Finance, the Minister of Industry and Trade and the Minister of Research, Science and Technology. The bill maintains the provisions respecting the different special funds established under the Act respecting the Ministère des Finances and the Act respecting the Ministère de l'Industrie et du Commerce, which are incorporated into the Act respecting the Ministère des Finances, de l'Économie et de la Recherche.*

*In addition, the bill amends the Act respecting the Ministère de la Recherche, de la Science et de la Technologie so that it becomes the Act respecting the development of research, science and technology and entrusts its administration to the Minister of Finance, the Economy and Research.*

*Lastly, the bill contains transitional and consequential amendments.*

## LEGISLATION AMENDED BY THIS BILL :

- Executive Power Act (R.S.Q., chapter E-18);
- Act respecting the Ministère de la Recherche, de la Science et de la Technologie (R.S.Q., chapter M-19.1.2);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting the Société de promotion économique du Québec métropolitain (R.S.Q., chapter S-11.04);
- Act respecting Société Innovatech du Grand Montréal (R.S.Q., chapter S-17.2.0.1);
- Act respecting Société Innovatech du sud du Québec (R.S.Q., chapter S-17.2.2);



- Act respecting Société Innovatech Québec et Chaudière-Appalaches (R.S.Q., chapter S-17.4);
- Act respecting Société Innovatech Régions ressources (R.S.Q., chapter S-17.5).

**LEGISLATION REPLACED BY THIS BILL :**

- Act respecting the Ministère de l'Industrie et du Commerce (R.S.Q., chapter M-17);
- Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01).



## Bill 116

### AN ACT RESPECTING THE MINISTÈRE DES FINANCES, DE L'ÉCONOMIE ET DE LA RECHERCHE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### CHAPTER I

##### RESPONSIBILITIES OF THE MINISTER

**1.** The Ministère des Finances, de l'Économie et de la Recherche shall be under the direction of the Minister of Finance, the Economy and Research appointed under the Executive Power Act (R.S.Q., chapter E-18).

**2.** The mission of the Minister is to direct the financial activities of the Government, to determine fiscal and budgetary orientations and to enhance economic development in Québec. The Minister shall propose to the Government the policies to achieve those purposes.

In order to promote and support economic growth, the growth of investment and the creation of employment opportunities, the Minister shall propose to the Government financial assistance measures and fiscal measures.

The Minister shall also propose to the Government policies to promote the development of industry and trade, including the tourist industry, see to the implementation of such policies and supervise and coordinate their carrying out.

The mission of the Minister also includes promoting research, science, technology and innovation through the development and implementation of the appropriate policies and ensuring the coherence of government action and the presence of Québec in those fields both within Canada and abroad.

**3.** In the exercise of the Minister's responsibilities as regards directing the financial activities of the Government, promoting economic development, supporting economic growth, the growth of investment and the creation of employment opportunities, the functions of the Minister are, in particular,

(1) to prepare the Budget Speech setting out the economic, fiscal, budgetary and financial policies of the Government and deliver it in the National Assembly;

(2) to establish and propose to the Government the overall level of expenditure;

(3) to make policy proposals to the Government on revenue matters, and advise the Government on its investments;

(4) in cooperation with the chair of the Conseil du trésor, to develop policies and guidelines applicable to capital expenditures and establish the level of financial commitments involved in the renewal of collective agreements;

(5) to supervise, control and manage all matters related to State finances not assigned to another authority;

(6) to develop and propose to the Conseil du trésor the accounting policies to be followed by government departments and bodies, the rules applicable to payments made out of the consolidated revenue fund and the rules governing the collection and management of State revenue;

(7) to manage the consolidated revenue fund and the public debt;

(8) to see to the preparation of the public accounts and other financial reports of the Government.

**4.** In the exercise of the Minister's responsibilities as regards industry and trade, including the tourist industry, the functions of the Minister are, in particular,

(1) to devise and implement assistance programs to contribute to the development of industry and trade and promote the export of Québec products and services;

(2) to determine objectives in cooperation with the government departments and bodies concerned and submit them to the Government and establish priorities and strategies for industrial and commercial development;

(3) to provide enterprises and investors with such services as the Minister may consider necessary for the development of industry and trade;

(4) to promote the development of cooperatives;

(5) to promote concerted action among economic players;

(6) to make recommendations to the Government on the policies and activities of the Government and public bodies whenever they may have an impact on industry and trade;

(7) to participate in the development and promotion of industry and trade, particularly by seeking new investments, expanding existing markets and

ensuring the realization of the resulting activities in keeping with the policy on Canadian intergovernmental affairs and the policy on international affairs ;

(8) for the purposes of the exercise of the Minister's powers and functions, to grant financial assistance to any person or body, with the authorization of the Government ;

(9) for the purposes of the exercise of the Minister's powers and functions, to conduct or commission research, surveys and analyses ; and

(10) to collect, compile, analyse and publish information respecting industry and trade.

**5.** In the exercise of the Minister's responsibilities as regards the coherence, dissemination and promotion of research, science, technology and innovation, the Minister shall exercise the powers and functions conferred on the Minister by the Act respecting the development of research, science and technology (*insert here the chapter number of that Act*).

**6.** The Minister shall also exercise any other function assigned by the Government.

**7.** The Minister may, by a regulation approved by the Government, determine, for the purposes of the refundable tax credit for design, the annual fees payable for the registration or renewal of a certificate or for a recognition of qualification.

## CHAPTER II

### DEPARTMENTAL ORGANIZATION

**8.** The Government, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), shall appoint a person as Deputy Minister of the Ministère des Finances, de l'Économie et de la Recherche.

**9.** Under the direction of the Minister, the Deputy Minister shall administer the department. The Deputy Minister shall, in the same manner, exercise any other function coming under the responsibility of the Minister or assigned to him or her by the Government.

**10.** In the exercise of deputy-ministerial functions, the Deputy Minister has the authority of the Minister.

**11.** The Deputy Minister may, in writing and to the extent indicated, delegate the exercise of deputy-ministerial functions to a public servant or the holder of a position.

The Deputy Minister may, in the instrument of delegation, authorize the subdelegation of the functions indicated, and in that case shall specify the public servant or holder of a position to whom the functions may be subdelegated.

**12.** The personnel of the department shall consist of the public servants required for the exercise of the functions of the Minister; they shall be appointed in accordance with the Public Service Act.

The Minister shall determine the duties of the public servants to the extent that they are not determined by law or by the Government.

**13.** The signature of the Minister or Deputy Minister gives authority to any document emanating from the department.

Subject to the provisions of this Act or any other Act, a deed, document or writing is binding on the Minister or may be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only to the extent determined by the Government.

**14.** The Government may, on the conditions it determines, allow a signature to be affixed by an automatic device or by electronic means.

The Government may also allow, on the conditions it determines, a facsimile of such a signature to be engraved, lithographed or printed. Except in the cases determined by the Government, the facsimile signature must be authenticated by the countersignature of a person authorized by the Minister.

**15.** A document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in section 13 or any other person authorized by the Minister, is authentic.

**16.** An intelligible transcription of a decision or other data stored by the department in a computer or by any other means is a document of the department and is proof of its contents where certified true by a person authorized by the Minister.

**17.** The Minister may enter into agreements, in accordance with applicable legislative provisions, with a government other than the Government of Québec, with a department or body of such a government, or with an international organization or an agency of such an organization.

The Minister may also enter into agreements with a government department or body or with any person in a field under the Minister's jurisdiction.

**18.** The Minister shall table a report in the National Assembly on the activities of the department within four months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption.

### CHAPTER III

#### COMPTROLLER OF FINANCE

**19.** A Comptroller of Finance and a Deputy Comptroller of Finance shall be appointed at the Ministère des Finances, de l'Économie et de la Recherche in accordance with the Public Service Act.

**20.** The Comptroller of Finance shall be responsible for government accounting and for the integrity of the Government's accounting system. In addition, the Comptroller shall see that the financial data recorded in the accounting system is accurate and ensure compliance with the Government's accounting standards, principles and policies.

**21.** The functions of the Comptroller of Finance shall include the preparation, for the Minister, of the public accounts and other financial reports of the Government.

**22.** The Comptroller of Finance shall carry out any mandate assigned to the Comptroller by the Minister or the Government.

**23.** The Comptroller of Finance may provide advisory, support and training services to government departments, bodies and enterprises governed by the Financial Administration Act (R.S.Q., chapter A-6.001) on matters coming under the Comptroller's authority.

**24.** The Comptroller of Finance may require such information relating to the financial operations and business of the government departments, bodies and enterprises as is necessary for the carrying out of the Comptroller's functions or mandates, and may require that any book, register, account, record or other document relating thereto be produced.

The Comptroller of Finance may make copies of any document containing such information and may require the production of any report considered necessary.

Every person having custody, possession or control of the documents shall, on request, give access thereto to the Comptroller of Finance and facilitate the Comptroller's examination of the documents.

**25.** The Comptroller of Finance may, in writing and to the extent indicated, delegate the exercise of the functions of Comptroller of Finance to a public servant or to the holder of a position.

## CHAPTER IV

### FINANCING FUND

**26.** A fund, to be known as the “financing fund”, is hereby established at the Ministère des Finances, de l’Économie et de la Recherche for the financing of the following bodies, enterprises and special funds :

(1) a general and vocational college governed by the General and Vocational Colleges Act (R.S.Q., chapter C-29);

(2) the Conseil scolaire de l’île de Montréal or a school board governed by the Education Act (R.S.Q., chapter I-13.3) or a school board governed by the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);

(3) a university establishment governed by the University Investments Act (R.S.Q., chapter I-17)

(4) a public institution governed by the Act respecting health services and social services (R.S.Q., chapter S-4.2) or a regional board established under that Act;

(5) a public institution governed by the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) or a regional council established under that Act;

(6) any body or enterprise of the Government whose borrowings may, by law, be guaranteed by the Government;

(7) any body whose constituting Act provides that its borrowings may be authorized by the Government or a minister, where such borrowing is repaid in whole in the case of a municipality or other municipal body, or in whole or in part in other cases, by a subsidy granted for such purpose;

(8) any special fund or public body designated by the Government, except a municipality or other municipal body.

The Government shall determine the nature of the loans that may be granted, the criteria for fixing the rates of interest that may be charged on the loans and the nature of the costs that may be charged in computing interest rates or in computing the repayment of loans.

**27.** The fund shall also serve to finance the financial services provided to government departments, and to the bodies, enterprises and special funds mentioned in section 26.

The Government shall determine the nature of the financial services financed by the fund, the nature of the costs that may be charged to the fund, and the departments, enterprises, bodies and special funds that must, to the extent it indicates, apply to the fund for such financial services.



**28.** The Government shall fix the date on which the fund begins to operate and determine the fund's assets and liabilities.

**29.** The fund shall be made up of the following sums, exclusive of interest earned on bank balances :

(1) the sums collected for the financial services provided and the sums received as repayment of the principal of and interest on loans ;

(2) the sums paid by the Minister out of appropriations granted for that purposed by Parliament ;

(3) the advances paid by the Minister under section 32

(4) the sums collected following the assignment of loans or following transactions effected pursuant to section 33 or 34.

**30.** The management of the sums making up the fund is entrusted to the Minister. Such sums shall be paid to the credit of the Minister and deposited with the financial institutions designated by the Minister.

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

**31.** The Minister, as the manager of the fund, may grant loans, on the terms and conditions the Minister determines, to the bodies, enterprises and special funds referred to in section 26.

**32.** The Minister may, for any purpose consistent with section 27, make advances to the fund out of the consolidated revenue fund with the authorization of the Government and on the conditions it determines.

The Minister may also, for any purpose consistent with section 31, with the authorization of the Government and on the conditions it determines, make advances to the fund out of the consolidated revenue fund. The authorization of the Government shall specify the intervals at which the advances are to be paid into the fund and the costs reimbursable out of the advance or chargeable in computing the applicable rates of interest.

Where the sums advanced are borrowed under a borrowing plan, the Minister shall determine the amount of each advance and the time it is paid into the fund within the limits fixed in the order authorizing the advance made in the context of the borrowing plan.

Conversely, the Minister may make advances to the consolidated revenue fund, on a short-term basis and on the conditions determined by the Minister, out of any sums making up the fund that are not required for its operation.

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

**33.** The Minister may, for the purposes of securitization, assign loans granted under section 31. The Minister may make any commitment payable out of the fund, conclude any contract in that respect and continue to manage the loans for the benefit of the assignee.

**34.** The Minister may also, in managing the financing fund, perform a transaction referred to in section 16 of the Financial Administration Act between the financing fund and the consolidated revenue fund.

Sections 16 to 19 of the said Act apply to such a transaction, with the necessary modifications.

**35.** The Government shall establish a schedule of administrative, commitment and professional fees for the financial services offered to departments, bodies, enterprises and special funds.

**36.** The sums required for the following purposes are taken out of the fund :

(1) the granting of a loan pursuant to section 31

(2) the payment of any expenses incurred for the carrying out of the functions entrusted to the Minister by this chapter, including the payment of the remuneration and expenses pertaining to employee benefits and other conditions of employment of the public servants assigned, in accordance with the Public Service Act, to activities related to the fund ;

(3) the payment of any sum required for the performance of any obligation contracted by the Minister as the manager of the fund in respect of loans, assignments of loans or transactions under section 31, 33 or 34.

**37.** All surpluses accumulated by the fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

**38.** The provisions of sections 2021, 26 to 28, Chapter IY Chapter VI and sections 89 and 90 of the Financial Administration Act apply to the fund, with the necessary modifications.

**39.** The fiscal year of the fund ends on 31 March.

**40.** Notwithstanding any provision to the contrary, the Minister shall, in the event of a deficiency in the consolidated revenue fund, pay out of the financing fund the sums required for the execution of a judgment against the State that has become *res judicata*.

## CHAPTER V

### TOURISM PARTNERSHIP FUND

**41.** A tourism partnership fund is hereby established at the Ministère des Finances, de l'Économie et de la Recherche for the promotion and development of tourism.

**42.** The Government shall fix the date on which the fund begins to operate and determine its assets and liabilities. The Government shall also determine the nature of the activities that may be financed by the fund and the nature of the costs and expenses that may be charged to the fund. Moreover, the Government may change the name of the fund.

**43.** The fund shall be made up of

(1) the proceeds from the sale of the goods and services financed by the fund;

(2) the sums paid into the fund by the Minister and taken out of the appropriations granted for that purpose by Parliament;

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

(4) the sums paid into the fund by the Minister pursuant to section 45 and the first paragraph of section 46

(5) the sums paid into the fund by the Minister of Revenue as the proceeds from the specific accommodation tax collected pursuant to the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);

(6) the sums paid into the fund by the Minister of Revenue, out of the proceeds of the Québec sales tax collected pursuant to the Act respecting the Québec sales tax, on the dates and to the extent determined by the Government; and

(7) the interest earned on bank balances proportionate to the sums referred to in paragraphs 3 and 5.

**44.** The management of the sums making up the funds shall be entrusted to the Minister. The sums shall be paid to the order of the Minister and deposited with the financial institutions designated by him.

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

**45.** The Minister, as manager of the fund, may borrow sums taken out of the financing fund established under section 26 of this Act.

**46.** The Minister may, with the authorization of and subject to the conditions determined by the Government, advance to the fund sums taken out of the consolidated revenue fund.

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

Any sum advanced to a fund is repayable out of that fund.

**47.** The sums referred to in paragraph 5 of section 43 and the interest earned thereon shall be paid out to the regional tourism associations representing the tourism regions where the specific accommodation tax is applicable.

The Minister shall determine the dates on which and the conditions subject to which the payments are to be made as well as the terms and conditions of payment.

**48.** Paragraph 2 of section 36 and sections 37 to 40 apply to that fund, with the necessary modifications.

## CHAPTER VI

### INCORPORATION INTO THIS ACT OF CERTAIN PROVISIONS FROM OTHER ACTS

**49.** Chapter III of the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01), comprising sections 17 to 23, becomes, under the same heading, Chapter III of this Act, comprising sections 19 to 25, subject to “Ministère des Finances” in section 17 being replaced by “Ministère des Finances, de l’Économie et de la Recherche”.

**50.** Chapter IV of the said Act, comprising sections 24 to 38, becomes, under the same heading, Chapter IV of this Act, comprising sections 26 to 40, subject to the following amendments:

(1) “Ministère des Finances” in the introductory sentence of the first paragraph of section 24 is replaced by “Ministère des Finances, de l’Économie et de la Recherche”;

(2) the reference to section 24 in the first paragraph of section 25 becomes a reference to section 26;

(3) in section 27,

(a) the reference to section 30 in paragraph 3 becomes a reference to section 32

(b) the reference to section 31 or 32 in paragraph 4 becomes a reference to section 33 or 34;

(4) the reference to section 24 in section 29 becomes a reference to section 26

(5) in section 30,

(a) the reference to section 25 in the first paragraph becomes a reference to section 27;

(b) the reference to section 29 in the second paragraph becomes a reference to section 31;

(6) the reference to section 29 in section 31 becomes a reference to section 31

(7) in section 34,

(a) the reference to section 29 in paragraph 1 becomes a reference to section 31

(b) the reference to section 29, 31 or 32 in paragraph 3 becomes a reference to section 31, 33 or 34.

**51.** Division II.2 of the Act respecting the Ministère de l'Industrie et du Commerce (R.S.Q., chapter M-17), comprising sections 17.1 to 17.7, becomes, under the same heading, Chapter V of this Act, comprising sections 41 to 47, subject to the following amendments:

(1) “at the Ministère des Finances, de l'Économie et de la Recherche” is inserted after “established” in section 17.1;

(2) the reference to section 17.5 and to the first paragraph of section 17.6 in paragraph 4 of section 17.3 becomes a reference to section 45 and to the first paragraph of section 46;

(3) “of Finance” is struck out wherever it appears in the first paragraph of section 17.4;

(4) “from the Minister of Finance” in section 17.5 is struck out and “established under the Act respecting the Ministère des Finances (chapter M-24.01)” in that section is replaced by “established under section 26 of this Act”;

(5) strike out “of Finance” in the first paragraph of section 17.6

(6) the reference to paragraph 5 of section 17.3 in the first paragraph of section 17.7 becomes a reference to paragraph 5 of section 43.

**CHAPTER VII****AMENDING PROVISIONS****EXECUTIVE POWER ACT**

**52.** Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 26 of chapter 44 of the statutes of 2001, is again amended

(1) by replacing subparagraph 6 of the first paragraph by the following subparagraph:

“(6) A Minister of Finance, the Economy and Research;”;

(2) by striking out subparagraphs 16 and 35 of the first paragraph.

**ACT RESPECTING THE MINISTÈRE DE LA RECHERCHE,  
DE LA SCIENCE ET DE LA TECHNOLOGIE**

**53.** The Act respecting the Ministère de la Recherche, de la Science et de la Technologie (R.S.Q., chapter M-19.1.2), amended by chapter 28 of the statutes of 2001, is again amended by replacing the title by the following title:

“ACT RESPECTING THE DEVELOPMENT OF RESEARCH,  
SCIENCE AND TECHNOLOGY”.

**54.** The heading of Chapter I of the said Act is replaced by the following heading:

“OBJECT”.

**55.** Section 1 of the said Act is replaced by the following section:

“**1.** The object of this Act is to promote and develop research, science, technology and innovation in Québec.

The Act also aims to promote synergy between the various players in the fields concerned through the establishment of mechanisms to facilitate concerted and integrated action.”

**56.** Section 2 of the said Act is amended

(1) by striking out the first paragraph;

(2) by replacing “The mission includes preparing and implementing a policy” in the first line of the second paragraph by “The Minister of Finance, the Economy and Research is responsible for preparing and implementing a policy”.

- 57.** Section 6 of the said Act is amended by replacing “of the department” in the second line of the first paragraph by “carried out under this Act”.
- 58.** Chapter II of the said Act, comprising sections 7 to 15, is repealed.
- 59.** Section 15.47 of the said Act is repealed.
- 60.** The heading of Chapter IV of the said Act is amended by striking out “TRANSITIONAL AND”.
- 61.** Sections 42 to 44 and 52 of the said Act are repealed.
- 62.** The said Act is amended by inserting the following section after section 52:

“**52.1.** The Minister of Finance, the Economy and Research is responsible for the administration of this Act.”

#### GOVERNMENT DEPARTMENTS ACT

**63.** Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 29 of chapter 44 of the statutes of 2001, is again amended

(1) by replacing paragraph 5 by the following paragraph:

“(5) The Ministère des Finances, de l’Économie et de la Recherche presided over by the Minister of Finance, the Economy and Research;”;

(2) by striking out paragraphs 15 and 35.

#### ACT RESPECTING THE SOCIÉTÉ DE PROMOTION ÉCONOMIQUE DU QUÉBEC MÉTROPOLITAIN

**64.** Section 4 of the Act respecting the Société de promotion économique du Québec métropolitain (R.S.Q., chapter S-11.04), amended by section 180 of chapter 25 of the statutes of 2001, is again amended by replacing “seven” in the first line of subparagraph 2 of the first paragraph by “six” and by replacing “six” in the second line of that subparagraph by “five” and by replacing “, the Minister of Industry and Trade and the Minister of Research, Science and Technology” at the end of subparagraph 2 of that paragraph by “and the Minister of Finance, the Economy and Research”.

#### ACT RESPECTING SOCIÉTÉ INNOVATECH DU GRAND MONTRÉAL

**65.** Section 5 of the Act respecting Société Innovatech du Grand Montréal (R.S.Q., chapter S-17.2.0.1) is replaced by the following section:

“**5.** Two persons shall be delegated to the board of directors, one by the Minister of Finance, the Economy and Research and one by the Minister of

Municipal Affairs and Greater Montréal from among the personnel members of their respective departments.”

**66.** Section 33 of the said Act is amended by replacing “, the Minister of Research, Science and Technology and the Minister of Finance” by “and the Minister of Finance, the Economy and Research”.

**67.** Sections 26 to 28, 31 and 42 of the said Act are amended by replacing “Minister of Finance” wherever it appears by “Minister of Finance, the Economy and Research”.

#### ACT RESPECTING SOCIÉTÉ INNOVATECH DU SUD DU QUÉBEC

**68.** Section 5 of the Act respecting Société Innovatech du sud du Québec (R.S.Q., chapter S-17.2.2) is replaced by the following section :

“**5.** A person shall be delegated to the board of directors by the Minister of Finance, the Economy and Research from among the personnel members of the Ministère des Finances, de l'Économie et de la Recherche.”

**69.** Sections 26 to 28 and 31 of the said Act are amended by replacing “Minister of Finance” wherever it appears by “Minister of Finance, the Economy and Research”.

**70.** Section 33 of the said Act is amended by replacing “Minister of Industry and Trade, the Minister of Research, Science and Technology and the Minister of Finance” by “Minister of Finance, the Economy and Research”.

**71.** Section 45 of the said Act is replaced by the following section :

“**45.** The Minister of Finance, the Economy and Research is responsible for the administration of this Act.”

#### ACT RESPECTING SOCIÉTÉ INNOVATECH QUÉBEC ET CHAUDIÈRE-APPALACHES

**72.** Section 5 of the Act respecting Société Innovatech Québec et Chaudière-Appalaches (R.S.Q., chapter S-17.4) is replaced by the following section :

“**5.** A person shall be delegated to the board of directors by the Minister of Finance, the Economy and Research from among the personnel members of the Ministère des Finances, de l'Économie et de la Recherche.”

**73.** Sections 26 to 28 and 31 of the said Act are amended by replacing “Minister of Finance” wherever it appears by “Minister of Finance, the Economy and Research”.



**74.** Section 33 of the said Act is amended by replacing “Minister of Industry and Trade, the Minister of Research, Science and Technology and the Minister of Finance” by “Minister of Finance, the Economy and Research”.

**75.** Section 45 of the said Act is replaced by the following section:

“**45.** The Minister of Finance, the Economy and Research is responsible for the administration of this Act.”

#### ACT RESPECTING SOCIÉTÉ INNOVATECH RÉGIONS RESSOURCES

**76.** Section 5 of the Act respecting Société Innovatech Régions ressources (R.S.Q., chapter S-17.5) is replaced by the following section:

“**5.** A person shall be delegated to the board of directors by the Minister of Finance, the Economy and Research from among the personnel members of the Ministère des Finances, de l'Économie et de la Recherche.”

**77.** Sections 26 to 28 and 31 of the said Act are amended by replacing “Minister of Finance” wherever it appears by “Minister of Finance, the Economy and Research”.

**78.** Section 33 of the said Act is amended by replacing “Minister of Industry and Trade, the Minister of Research, Science and Technology and the Minister of Finance” by “Minister of Finance, the Economy and Research”.

**79.** Section 42 of the said Act is replaced by the following section:

“**42.** The Minister of Finance, the Economy and Research is responsible for the administration of this Act.”

### CHAPTER VIII

#### TRANSITIONAL AND FINAL PROVISIONS

**80.** This Act replaces the Act respecting the Ministère de l'Industrie et du Commerce (R.S.Q., chapter M-17) and the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01) except for section 55, which continues to have effect until the regulation referred to in that section is replaced or repealed by a regulation made under this Act.

**81.** In any other Act and in any regulation, order in council, ministerial order, agreement, contract or other document, whatever its nature or storage medium, unless the context indicates otherwise and with the necessary modifications,

(1) a reference to the Minister or Deputy Minister of Finance or to the Ministère des Finances is a reference to the Minister or Deputy Minister of

Finance, the Economy and Research or to the Ministère des Finances, de l'Économie et de la Recherche ;

(2) a reference to the Minister or Deputy Minister of Industry and Trade or to the Ministère de l'Industrie et du Commerce is a reference to the Minister or Deputy Minister of Finance, the Economy and Research or to the Ministère des Finances, de l'Économie et de la Recherche ;

(3) a reference to the Minister or Deputy Minister of Research, Science and Technology or to the Ministère de la Recherche, de la Science et de la Technologie is a reference to the Minister or Deputy Minister of Finance, the Economy and Research or to the Ministère des Finances, de l'Économie et de la Recherche ;

(4) a reference to the Act respecting the Ministère des Finances or to any of its provisions is a reference to the Act respecting the Ministère des Finances, de l'Économie et de la Recherche or to the corresponding provision of that Act ;

(5) a reference to the Act respecting the Ministère de l'Industrie et du Commerce or to any of its provisions is a reference to the Act respecting the Ministère des Finances, de l'Économie et de la Recherche or to the corresponding provision of that Act ;

(6) a reference to the Act respecting the Ministère de la Recherche, de la Science et de la Technologie or to any of its provisions is a reference to the Act respecting the Ministère des Finances, de l'Économie et de la Recherche or the Act respecting the development of research, science and technology or to the corresponding provision of either of those Acts.

**82.** The members of the personnel of the Ministère des Finances, the Ministère de l'Industrie et du Commerce and the Ministère de la Recherche, de la Science et de la Technologie become, without further formality, members of the personnel of the Ministère des Finances, de l'Économie et de la Recherche.

The records and other documents of those departments are transferred to the Ministère des Finances, de l'Économie et de la Recherche.

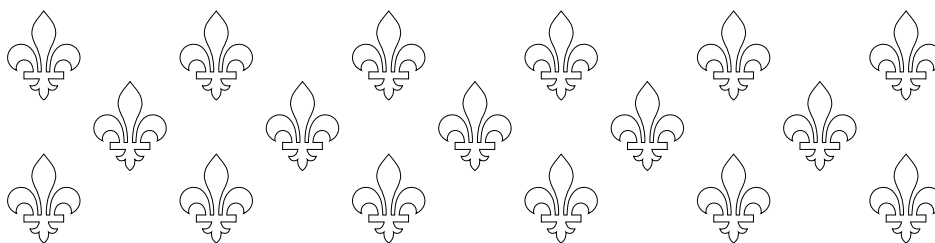
**83.** The appropriations granted to a government department for the fiscal year 2002-2003 by this Act and relating to a responsibility assigned to the Minister of Finance, the Economy and Research are transferred to the Ministère des Finances, de l'Économie et de la Recherche.

**84.** The financial information of the Ministère des Finances, the Ministère de l'Industrie et du Commerce and the Ministère de la Recherche, de la Science et de la Technologie shall be entered separately in the government accounting system until 31 March 2003. It shall also be presented separately in the public accounts for the financial year ending on that date.

Furthermore, the Minister shall table, in the National Assembly, a separate annual management report for each of those departments for the financial year ending on that date.

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





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 119  
(2002, chapter 73)

## **An Act to amend the Act respecting Attorney General's prosecutors**

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**Introduced 16 October 2002**  
**Passage in principle 22 October 2002**  
**Passage 19 December 2002**  
**Assented to 19 December 2002**

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**Québec Official Publisher**  
**2002**

## EXPLANATORY NOTES

*This bill amending the Act respecting Attorney General's prosecutors provides for the recognition by the Attorney General of an association representing exclusively the Attorney General's prosecutors for labour relations purposes and authorizes the deduction at source of a mandatory assessment to be remitted to the association. The bill also provides for the establishment of a collective bargaining system for the negotiation of agreements between the association and the Attorney General, acting in the name of the Government and with the authorization of the Conseil du trésor.*

*Additional amendments provide for a dispute resolution process in the event of a disagreement as to the application or interpretation of an agreement.*

## Bill 119

### AN ACT TO AMEND THE ACT RESPECTING ATTORNEY GENERAL'S PROSECUTORS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** Section 1 of the Act respecting Attorney General's prosecutors (R.S.Q., chapter S-35) is replaced by the following section :

“**1.** The Attorney General's prosecutors shall be appointed by the Attorney General in accordance with this Act, from among advocates authorized by law to practise in Québec.

Except where inconsistent with the provisions of this Act, the Public Service Act (chapter F-3.1.1) applies to prosecutors with permanent tenure.”

**2.** Section 5 of the said Act is repealed.

**3.** Section 6 of the said Act is amended

(1) by striking out “, in accordance with section 5,” in the first line ;

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

“The Government may, by an order made on the recommendation of the Attorney General, determine the rules, standards and scales applicable to the appointment, remuneration, employment benefits and other conditions of employment of chief prosecutors and assistant chief prosecutors.”

**4.** Section 10 of the said Act is replaced by the following :

#### “DIVISION III

#### “PROVISIONS RESPECTING THE CONDITIONS OF EMPLOYMENT OF PROSECUTORS APPOINTED UNDER SECTION 1

“**10.** The Attorney General shall recognize, as the exclusive representative of all prosecutors appointed under section 1, for labour relations purposes, an association comprising more than half of those prosecutors, except the chief prosecutors, the assistant chief prosecutors and the prosecutors the Attorney General considers appropriate to exclude owing to the confidential functions assigned to them and that are related to labour relations.

The Attorney General or an association of prosecutors may apply to the Commission des relations du travail for a verification of the representativeness of an association. The Commission may, for that purpose, require any information and the production of any document it considers necessary.

On report of the Commission, the Attorney General may revoke the recognition of an association that is no longer representative.

**“11.** The association shall not act in bad faith or in an arbitrary or discriminatory manner or show serious negligence in respect of a prosecutor it represents, whether or not the prosecutor is a member of the association.

**“12.** The Attorney General, in the name of the Government and with the authorization of the Conseil du trésor, shall negotiate for the purpose of entering into an agreement with the association regarding the rules, standards and scales applicable to the appointment, remuneration, employment benefits and other conditions of employment of the prosecutors represented by the association.

However, no provision of the agreement may limit the powers of the Minister of Justice, the Deputy Minister of Justice or the latter’s representative, or the powers of the Government or the Conseil du trésor with regard to any of the following matters :

- (1) the granting of permanent tenure to a prosecutor and the determination of the duration of the probationary period upon recruitment ;
- (2) the establishment of standards of ethics and discipline ;
- (3) the establishment of organization plans and staffing procedures.

**“13.** The agreement may contain any provision respecting conditions of employment which is not contrary to public policy or prohibited by law and which is not inconsistent with any provision of this Act.

**“14.** The agreement is binding on all the prosecutors represented by the association.

**“15.** The employer shall, according to the terms of the agreement, withhold from the salary of every prosecutor represented by the association, and remit to the association, an assessment in the amount specified by the association.

**“16.** Any disagreement as to the interpretation or application of the agreement shall be submitted by the employer or the association to the Commission de la fonction publique in accordance with the provisions of the agreement.



Sections 116 to 119 and 123 of the Public Service Act apply to the matters submitted to the Commission under this section.

The Commission may, in disciplinary matters, confirm, amend or set aside the decision of the employer and, if appropriate, substitute therefor the decision it deems fair and reasonable, in view of all circumstances.

**“17.** All prosecutors must perform their duties and functions without resorting to a strike, a concerted slowdown or a reduction of normal work activities.

**“18.** The Government may, by an order made on the recommendation of the Attorney General, determine the rules, standards and scales applicable to the appointment, remuneration, employment benefits and other conditions of employment of prosecutors excluded under section 10 from representation by the association.”

**5.** The Association des substituts du procureur général du Québec is recognized as a representative association within the meaning of section 10, as of 19 December 2002, and shall remain subject to the provisions of that section.

**6.** The Règlement sur les substituts du procureur général, made by Order in Council 1178-2002 (2002, G.O. 2, 7111), remains applicable

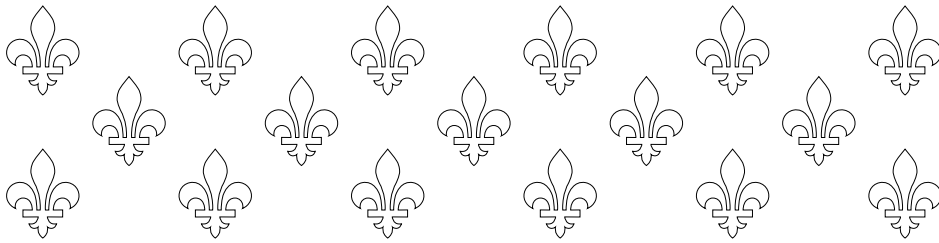
(1) to prosecutors represented by the association until the date of the first agreement entered into under section 12 of the Act respecting Attorney General’s prosecutors;

(2) to prosecutors excluded under section 10 from representation by the association, until the date of coming into force of the first order made after 19 December 2002, pursuant to section 18 of the Act respecting Attorney General’s prosecutors.

**7.** The Règlement sur les substituts en chef du procureur général, made by Order in Council 818-91 (1991, G.O. 2, 2987), remains applicable to chief prosecutors and assistant chief prosecutors until the date of coming into force of the first order made after 19 December 2002, pursuant to section 6 of the Act respecting Attorney General’s prosecutors as amended by section 3 of this Act.

**8.** This Act comes into force on 19 December 2002.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 126  
(2002, chapter 51)

**An Act to amend the Act respecting income support,  
employment assistance and social solidarity and  
the Act respecting the Ministère de l'Emploi et  
de la Solidarité sociale and establishing the  
Commission des partenaires du marché du travail**

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**Introduced 31 October 2002  
Passage in principle 21 November 2002  
Passage 13 December 2002  
Assented to 17 December 2002**

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**Québec Official Publisher  
2002**

## EXPLANATORY NOTES

*This bill provides that employment-assistance allowances paid to persons sharing a dwelling as well as allowances for housing costs will no longer be reduced.*

*The bill provides that in the future, not more than 50% of amounts paid as employment-assistance allowances and of benefits under the Parental Wage Assistance Program may be seized for non-payment of support.*

*The bill contains various clarifications that relate to persons eligible under the Employment-Assistance Program and the Parental Wage Assistance Program, including amendments to ensure concordance with the recent Immigration and Refugee Protection Act as regards classes of persons legally authorized to remain in Canada.*

*The bill amends certain provisions of the Parental Wage Assistance Program to reflect amendments of a fiscal nature concerning among other things the computation of a person's total net income.*

*The bill provides for recovery rules to apply to amounts granted within the framework of agreements entered into with the Minister under the Act.*

*Lastly, the bill contains various transitional provisions and makes consequential amendments.*

## Bill 126

### **AN ACT TO AMEND THE ACT RESPECTING INCOME SUPPORT, EMPLOYMENT ASSISTANCE AND SOCIAL SOLIDARITY AND THE ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE AND ESTABLISHING THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** Section 7 of the Act respecting income support, employment assistance and social solidarity (R.S.Q., chapter S-32.001) is amended by replacing “except for non-payment of support” by “with the exception of the employment-assistance allowance up to 50% of which may be seized for non-payment of support”.

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

“In addition, an adult must, for eligibility purposes, be resident in Québec within the meaning of the regulation and in the cases and subject to the conditions determined by regulation, and be

(1) a Canadian citizen, within the meaning of the Citizenship Act (Revised Statutes of Canada, 1985, chapter C-29);

(2) an Indian registered as an Indian pursuant to the Indian Act (Revised Statutes of Canada, 1985, chapter I-5);

(3) a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27); or

(4) a person to whom asylum has been granted in Canada by the competent Canadian authorities in accordance with the Immigration and Refugee Protection Act.

However, an adult in any class of persons other than those referred to in subparagraphs 1 to 4 of the second paragraph may, in the cases and subject to the conditions determined by regulation, be eligible in respect of such benefits and allowances as may be determined by regulation.”

**3.** Section 15 of the said Act, amended by section 1 of chapter 44 of the statutes of 2001, is again amended by striking out subparagraphs 1 and 2 of the first paragraph.

**4.** Section 19 of the said Act, amended by section 208 of chapter 6 of the statutes of 2002, is again amended by adding “, unless they establish that their cohabiting is temporary and results from exceptional circumstances related to a serious health problem of either person or of any of their children” at the end of subparagraph 2 of the first paragraph.

**5.** Section 22 of the said Act is amended

(1) by replacing “deux” in the French text of subparagraph 2 of the first paragraph by “d’eux”;

(2) by replacing “supbaragraph 1,2,” in the second paragraph by “the second or third paragraph of section 14 or subparagraph”.

**6.** Section 26 of the said Act is amended by adding “or granted in such form to a Native person under a manpower and employment agreement entered into with the Government of Canada and determined by regulation” at the end of the first paragraph.

**7.** Section 27 of the said Act is amended

(1) by striking out subparagraphs *a* and *g* of subparagraph 3 of the first paragraph;

(2) by replacing “Subparagraphs *g* and *h* of subparagraph 3 of the first paragraph do not apply” in the second paragraph by “Subparagraph *h* of subparagraph 3 of the first paragraph does not apply”.

**8.** Chapter II of title II of the said Act is repealed.

**9.** Section 67 of the said Act is amended by replacing “one employed adult” by “one adult with a work income”.

**10.** Section 68 of the said Act, amended by section 3 of chapter 44 of the statutes of 2001, is again amended by replacing subparagraphs 1 and 2 of the second paragraph by the following subparagraphs :

“(1) be resident in Québec within the meaning of the regulation and in the cases and subject to the conditions determined therein;

“(2) be

(*a*) a Canadian citizen, within the meaning of the Citizenship Act (Revised Statutes of Canada, 1985, chapter C-29),

(b) an Indian registered as an Indian pursuant to the Indian Act (Revised Statutes of Canada, 1985, chapter I-5),

(c) a permanent resident within the meaning of the Immigration and Refugee Protection Act (Statutes of Canada, 2001, chapter 27), or

(d) a person to whom asylum has been granted in Canada by the competent Canadian authorities in accordance with the Immigration and Refugee Protection Act.”

**11.** Section 79.3 of the said Act, enacted by section 11 of chapter 44 of the statutes of 2001, is amended

(1) by striking out “last resort” in the part of paragraph 3 preceding subparagraph *a*;

(2) by replacing “under section 311.1” in subparagraph *a* of paragraph 3 by “under sections 311.1 and 311.2”;

(3) by inserting “designated” before “dependent child” in paragraph 6.

**12.** Section 82.1 of the said Act, enacted by section 15 of chapter 44 of the statutes of 2001, is amended

(1) by striking out “last resort” in the second paragraph;

(2) by adding the following sentence at the end of the second paragraph: “In establishing the net total income, the Minister may also disregard all amounts deductible under the Taxation Act (chapter I-3) in the computation of that income.”

**13.** Section 84 of the said Act is amended by adding “and only, in such case, up to 50% of the amount of the benefit” at the end.

**14.** Section 91 of the said Act, amended by section 17 of chapter 44 of the statutes of 2001, is again amended

(1) by replacing “and dependent children” in subparagraph 1 of the first paragraph by “and the designated dependent child”;

(2) by striking out “last resort” in subparagraph 4 of the first paragraph.

**15.** Section 97 of the said Act is amended

(1) by replacing “dependent child” in paragraph 3 by “designated dependent child”;

(2) by striking out “of, or the amounts received as work income replacement by, one of such persons” at the end of paragraph 3.

**16.** Section 100 of the said Act is amended by inserting the following paragraph after the first paragraph :

“A person, association, partnership or body must also repay any amount granted pursuant to an agreement entered into with the Minister under this Act, in the cases and subject to the conditions determined in the agreement.”

**17.** Section 110 of the said Act is amended by inserting “one or” after “included” in the first paragraph.

**18.** Section 141 of the said Act is amended by replacing “dependent child and for the purpose of calculating amounts received as work income replacement by the adult or the adult’s spouse” in the fifth and sixth lines by “designated dependent child”.

**19.** Section 142 of the said Act is repealed.

**20.** Section 155 of the said Act, amended by section 19 of chapter 44 of the statutes of 2001, is again amended

(1) by replacing “not resident in Québec is eligible under a financial assistance program” in paragraph 2 by “is resident in Québec”;

(2) by striking out “and prescribing a method for determining the amount to be subtracted for the purpose of calculating the benefit” in the third and fourth lines of paragraph 5.

**21.** Section 156 of the said Act, amended by section 20 of chapter 44 of the statutes of 2001, is again amended

(1) by striking out “or the Social Welfare Program” in the part preceding paragraph 1 ;

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

“(1) determining, for the purposes of the third paragraph of section 14, the cases in which and the conditions subject to which other classes of persons may be eligible under the program and determining, where applicable, the benefits or allowances that are to be granted;”;

(3) by inserting the following paragraph after paragraph 11 :

“(11.1) determining, for the purposes of section 26, the agreements pursuant to which the financial assistance granted cannot be combined with the temporarily limited capacity for employment;”;

(4) by striking out paragraph 16.

**22.** Section 157 of the said Act is repealed.



**23.** Section 213 of the said Act is repealed.

**24.** The said Act is amended by inserting the following section after section 225.2, enacted by section 22 of chapter 44 of the statutes of 2001 :

“**225.3.** The rules contained in this Act apply to any claim concerning an amount granted before 1 January 2003 under Title I or section 16 of this Act, or section 25 of the Act respecting income security (chapter S-3.1.1) if it is established on or after that date in respect of an amount granted to a person, association, partnership or body, or in respect of an amount granted on condition of repayment.”

**25.** 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 by inserting the following section after section 5

“**5.1.** Financial assistance granted by the Minister to a natural person within the framework of measures relating to the areas under the Minister's authority is, subject to a contrary provision of the Act respecting income support, employment assistance and social solidarity (chapter S-32.001), unassignable and unseizable.”

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

“**7.** An agreement between the Minister and a body may provide for the transfer to the department of personnel members from that body, and the procedure governing the transfer. The agreement shall be submitted to the Government for approval.

The procedure for integrating the employees covered by the agreement may depart from the provisions of the Public Service Act (chapter F-3.1.1) except those of sections 64 to 69 of that Act. The employees become employees of the Government and public servants within the meaning of that Act as of the date of their integration.

The Conseil du trésor may, for the purposes of such an agreement, establish any rule, standard or policy relating to classification, the determination of the pay scale, permanent tenure or any other condition of employment applicable to the employees.”

**27.** Section 149 of the said Act is replaced by the following section :

“**149.** Section 7 ceases to have effect on 1 January 2008.”

## TRANSITIONAL AND FINAL PROVISIONS

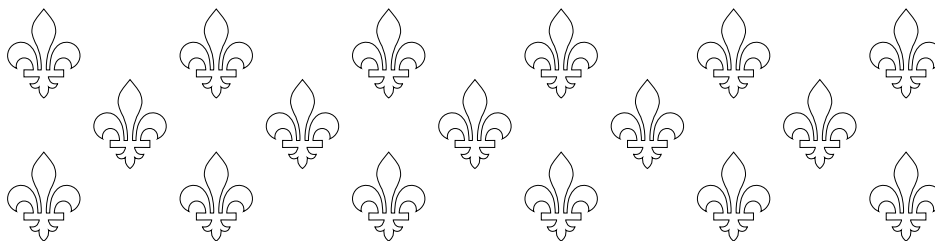
**28.** The provisions of paragraphs 1 and 2 of section 11, paragraph 1 of section 12 and paragraph 2 of section 14 have effect from 1 January 2000 and any regulation made pursuant to those provisions may have effect from that date.

**29.** The provisions of paragraph 3 of section 11, paragraph 2 of section 12, paragraph 1 of section 14 and sections 15 and 18 have effect from 1 January 2002 and any regulation made pursuant to those provisions may have effect from that date.

**30.** Section 17 has effect from 1 October 1999.

**31.** Any regulation made pursuant to provisions other than those of sections 28 and 29 may have effect from 1 January 2003.

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



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 129  
(2002, chapter 74)

## **Natural Heritage Conservation Act**

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**Introduced 31 October 2002**  
**Passage in principle 28 November 2002**  
**Passage 18 December 2002**  
**Assented to 19 December 2002**

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**Québec Official Publisher**  
**2002**

## **EXPLANATORY NOTES**

*The object of this bill is to provide for the conservation of Québec's natural heritage. More specifically, it introduces measures to facilitate the establishment of a network of protected areas that are representative of Québec's biodiversity.*

*The bill makes it possible to protect certain natural settings by assigning biodiversity reserve, aquatic reserve, ecological reserve, or man-made landscape status to parts of Québec's territory. It specifies the procedure for setting aside land for the purpose of assigning temporary protection status, and the procedure leading to the assignment by the Government of permanent protection status. The bill provides a framework for the management and supervision of the activities permitted in such areas once temporary or permanent status has been assigned.*

*Special protection measures consisting in authorizations and orders are also proposed to help preserve certain natural settings.*

*The bill replaces the current legislative provisions governing nature reserves on private land by incorporating them into the new Act.*

*Lastly, the bill contains amending and transitional provisions to ensure concordance with various existing legislative provisions.*

### **LEGISLATION REPLACED BY THIS BILL :**

- Ecological Reserves Act (R.S.Q., chapter R-26.1);
- Act respecting nature reserves on private land (2001, chapter 14).

### **LEGISLATION AMENDED BY THIS BILL :**

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1);

- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère de l'Environnement (R.S.Q., chapter M-15.2.1);
- Act respecting off-highway vehicles (R.S.Q., chapter V-1.2).



## **Bill 129**

### **NATURAL HERITAGE CONSERVATION ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### **TITLE I**

##### **GENERAL PROVISIONS**

#### **CHAPTER I**

##### **OBJECTS, DEFINITIONS AND SCOPE**

**1.** The object of this Act is to contribute to the objective of safeguarding the character, diversity and integrity of Québec's natural heritage through measures to protect its biological diversity and the life-sustaining elements of natural settings.

More specifically, the Act is intended to facilitate the establishment of a network of protected areas representative of biodiversity by introducing protection measures for natural settings that complete existing measures, including the assigning of protection status to certain areas under the responsibility of other government departments or bodies.

**2.** In this Act,

“aquatic reserve” means an area, consisting mainly of fresh water, salt water or brackish water, established to protect all or part of a body of water or watercourse, including associated wetlands, because of the exceptional value it holds from a scientific, biodiversity-based viewpoint, or to conserve the diversity of its biocenoses or biotopes ;

“biodiversity or biological diversity” means the variability among living organisms from all sources including terrestrial, marine, estuarial and freshwater ecosystems and the ecological complexes of which they are a part ; those terms include diversity within species, between species and of ecosystems ;

“biodiversity reserve” means an area established in order to maintain biodiversity and in particular an area established to preserve a natural monument — a physical formation or group of formations — and an area established as a representative sample of the biological diversity of the various natural regions of Québec ;

“ecological reserve” means an area established

(1) to conserve the elements constituting biological diversity in their natural state, as integrally as possible and in a permanent manner, in particular by protecting ecosystems and the elements or processes on which their dynamics are based;

(2) to set aside land for scientific study or educational purposes ; or

(3) to safeguard the habitats of threatened or vulnerable species of flora or fauna ;

“government body” means a body a majority of whose members are appointed by the Government or by a minister and whose personnel is, by law, appointed in accordance with the Public Service Act (chapter F-3.1.1), or whose assets form part of the domain of the State ;

“man-made landscape” means an area established to protect the biodiversity of an inhabited area of water or land whose landscape and natural features have been shaped over time by human activities in harmony with nature and present outstanding intrinsic qualities the conservation of which depends to a large extent on the continuation of the practices that originally shaped them ;

“nature reserve” means land under private ownership recognized as a nature reserve because it has significant biological, ecological, wildlife, floristic, geological, geomorphic or landscape features that warrant preservation ;

“protected area” means a geographically defined expanse of land or water established under a legal and administrative framework designed specifically to ensure the protection and maintenance of biological diversity and of related natural and cultural resources.

**3.** This Act is binding on the Government, government departments and bodies that are mandataries of the State.

**4.** The Minister of the Environment is responsible for the administration of this Act.

## **CHAPTER II**

### **POWERS OF THE MINISTER**

**5.** The Minister shall maintain a register of the various protected areas. The register shall contain information on the surface area, location, type or types of protection status of each area, the minister, government body or person responsible for the area and its classification according to the different categories recognized by the World Conservation Union (UICN).



In addition, in the case of a nature reserve, the register shall contain the name and address of its owner, the name of the conservation organization, if any, with which an agreement has been entered into, and the term of the recognition or, where applicable, an indication of the fact that recognition is perpetual. The information is public information.

**6.** Land within a protected area that is entered in the register provided for in section 5 cannot be assigned to a new use, be sold or exchanged or be the subject of a transaction that affects its protection status, unless the Minister of the Environment has been consulted.

**7.** The government departments and bodies solicited by the Minister shall lend their assistance to the Minister for matters involving biodiversity protection in the fields within their competence. In particular, they must disclose to the Minister all the information required for the establishment of a network of protected areas representative of biodiversity or for the implementation of other protection measures provided for in this Act, including information on the ecological characteristics, state of preservation or degradation, and constraints affecting certain zones of the land.

**8.** In order to facilitate the administration of this Act, the Minister may, in particular,

(1) conduct or commission research, studies and analyses on natural settings and biodiversity protection, and make grants for that purpose ;

(2) establish and implement programs of financial or technical assistance to foster the preservation of the natural heritage or the development or re-establishment of natural settings, including programs to support the creation, conservation, supervision and management of nature reserves on private land ;

(3) delegate the establishment or implementation of the programs under paragraph 2 to any person, and grant financial assistance for that purpose ;

(4) lease or acquire property or real rights in property by agreement or, where authorized by the Government and subject to the conditions it fixes, by expropriation in accordance with the Expropriation Act (chapter E-24) ; and

(5) accept any movable or immovable property or any real right in property as a gift or legacy.

**9.** Land in the domain of the State within an ecological reserve and land that has been set aside for that purpose shall be under the authority of the Minister.

Land in the domain of the State within an aquatic reserve, biodiversity reserve or man-made landscape and land set aside for those purposes shall remain under the authority of the minister or of the government body holding them. That minister or a government body may, however, transfer authority

over all or part of such land to the Minister, or may entrust the administration of the land to the Minister.

Similarly, the Minister may entrust the administration of land or transfer authority over land to another minister or to a government body.

**10.** The Government may change the current protection status of a protected area in order to assign a protection status provided for in this Act.

Unless the order effecting such a change provides for another type of status, the protected area shall become a biodiversity reserve and be governed by the provisions of this Act that apply to biodiversity reserves, with the necessary modifications, from the time and on the conditions specified in the order.

Where conditions are provided for by law for the revocation or termination of a protected area's status, the conditions must be fulfilled before a change in status under this section may take place.

Authority over land in the domain of the State is not affected by such a change of status, unless the Government provides otherwise.

**11.** Legislative and regulatory provisions not incompatible with this Act, the regulations or the agreements and conservation plans provided for in the Act continue to apply within land that has been set aside or established as an aquatic reserve, biodiversity reserve, ecological reserve, nature reserve or man-made landscape.

The activities permitted in those areas may, therefore, remain subject to the measures provided for in other laws that govern the carrying on of the activities, including activities for which an authorization, lease, permit or licence must be obtained or certain fees must be paid.

**12.** The Minister may, on the conditions the Minister determines, entrust any natural person or legal person established in the public interest or for a private interest with all or any of the Minister's powers relating to the management of an aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape.

A delegation of functions in relation to a man-made landscape must be first offered to the local and regional municipal authorities in whose territory the protected area is situated.

## TITLE II

### SPECIAL PROTECTION MEASURES FOR CERTAIN NATURAL SETTINGS

#### CHAPTER I

##### AUTHORIZATIONS

#### DIVISION I

##### NATURAL SETTINGS DESIGNATED BY A PLAN

**13.** A natural setting that is remarkable because of the rarity or exceptional interest of one of its biophysical features may be designated by the Minister, who shall prepare a plan of it.

Any proposed human intervention in a designated natural setting, or if the human intervention has commenced, any furtherance or continuance of it, is subject to the authorization of the Minister.

The Minister may, however, exempt any person or any category of human intervention determined by the Minister from the requirement to obtain authorization. Any human intervention already subject to an authorization of the Minister under the Environment Quality Act (chapter Q-2) or any other provision for which the Minister is responsible is also exempted from that requirement.

In this chapter, human intervention includes any type of undertaking, works, construction, industry or activity, including the production of goods or services.

**14.** The Minister shall prepare a plan of the natural setting proposed to be designated under section 13, in collaboration with the Société de la faune et des parcs du Québec, the Minister responsible for the Société and the Minister of Natural Resources.

**15.** The Minister shall make public a proposal to designate a natural setting under section 13 by publishing a notice in the *Gazette officielle du Québec* and in a newspaper circulated in the region in which the natural setting is situated.

The notice must include a summary plan of the zone proposed to be designated. The notice must state

(1) the places where copies of the original plan kept by the Minister are accessible, and the procedure for obtaining a copy of the plan ;

(2) that no designation by the Minister may be made before 30 days have elapsed following publication of the notice in the *Gazette officielle du Québec* ;  
and

(3) that any interested person may, within the 30-day period, send comments to the person specified in the notice.

Where the natural setting is situated on land under private ownership, the Minister shall also forward a copy of the notice to the owner of the land.

**16.** The Minister shall publish the definitive plan of a natural setting designated under section 13 in the *Gazette officielle du Québec*. The Minister shall also give notice of any subsequent revocation of the designation.

The Minister shall forward a copy of the plan

(1) to every minister and government body that was consulted on the plan ;

(2) to the Minister of Natural Resources for entry on the land use plan prepared in accordance with section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1) and in the registers of rights kept by that minister ;

(3) to the regional and local municipal authorities whose territory is affected by the plan, so that the plan may be taken into account in the exercise of their powers ; and

(4) to the owner of any land under private ownership covered by the plan and to the registry office for entry in the land register.

**17.** The designation of a natural setting comes into force on the fifteenth day following the date of publication of the plan in the *Gazette officielle du Québec*.

**18.** The Minister shall maintain and make accessible a register of all natural settings designated under section 13.

## DIVISION II

### OTHER SETTINGS DESIGNATED BY THE MINISTER

**19.** The Minister may also require, in a zone that is not designated under section 13, that proposed human intervention, or if the human intervention has commenced, any furtherance or continuance of it be submitted for authorization, if the Minister has serious cause for believing that the human intervention may severely degrade a natural setting that is remarkable because of the rarity or exceptional interest of one of its biophysical features.

**20.** The Minister's decision subjecting human intervention to authorization must be communicated by registered mail to the person concerned, informing the person of the right to appeal.

**DIVISION III****APPLICATIONS FOR AUTHORIZATIONS AND DECISIONS**

**21.** The Minister may require an applicant to provide any information or document the Minister considers is necessary to examine an application or to make an authorization subject to appropriate conditions.

The Minister may give directives as to the form and content of the applications for authorization that must be made to the Minister.

The Minister may, by order, determine the fees payable for an application for authorization or an application to amend, renew or terminate an existing authorization. Every ministerial order made under this section shall be published in the *Gazette officielle du Québec* and shall come into force in accordance with the Regulations Act (chapter R-18.1).

**22.** When deciding an application for authorization, the Minister shall take into consideration

(1) any constraints and damaging effects of the intervention on the natural setting;

(2) the possibility of ensuring the conservation of the natural setting in another manner;

(3) the consequences of an authorization on the maintenance of the biodiversity of Québec;

(4) the availability of other locations in which the intervention may be carried on;

(5) the possibility of modifying the methods and means considered, of revising the stages or other components of the intervention so that any degradation of the natural setting is reduced to a minimum or prevented;

(6) the possibilities of using the land for purposes other than the intervention;

(7) the consequences of a refusal for the applicant;

(8) the presence of a marked disproportion between the anticipated benefits derived from preserving the natural setting and the injury that may result from limiting or prohibiting the intervention; and

(9) the comments made by the Ministère des Ressources naturelles and the Société de la faune et des parcs du Québec.

The Minister may subject an authorization to the conditions the Minister determines.

**23.** The Minister's decisions on applications for authorization must be communicated by registered mail to the persons concerned and inform them of the right to appeal.

**24.** Every decision made by the Minister on an application for authorization and every decision to subject human intervention to an authorization under section 19 may be contested by the person concerned before the Administrative Tribunal of Québec.

The proceeding in respect of such decisions must be brought within 30 days of the Minister's decision.

## CHAPTER II

### ORDERS

**25.** Where the Minister is of the opinion that a natural setting that is remarkable because of the rarity or exceptional interest of one of its biophysical features is facing a real or apprehended threat of irreversible degradation, the Minister may make an order, effective for a period of not more than 30 days,

(1) directing that the site be closed, or permitting access only to certain persons or on certain conditions, and providing for the posting of a notice to that effect in public view at or near the entrance to the site;

(2) directing that an activity be terminated or that special security measures be taken if the activity is a source of threat to the natural setting;

(3) directing that any thing, animal or introduced plant be destroyed in the manner indicated by the Minister, or that certain animals or plants be treated if they are a source of threat to the natural setting; and

(4) directing that any other measure the Minister considers necessary be taken to prevent greater threat to the natural setting, or to mitigate the effects of or eliminate the threat.

Before making an order against a person, the Minister must notify the person in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the interested person at least 10 days to present observations. The Minister may, however, where urgent action is required or so as to prevent irreparable harm, make an order without being bound by such prior obligations. In such a case, the person may, within the time prescribed, present observations to the Minister for a review of the order.

A judge of the Superior Court may reduce the effective period of or cancel the order on application by an interested person.

On application by the Minister, a judge of that Court may also, in addition to ordering the person to comply therewith, extend, renew or make permanent the order if the judge considers that the continued existence of the natural setting is seriously threatened and is of the opinion that the order made by the Minister is appropriate.

The judge may also make any amendment to the order that appears to the judge to be reasonable in the circumstances.

**26.** Every application to a judge under this division must be made according to the rules applicable to ordinary procedure contained in the Code of Civil Procedure (chapter C-25).

Applications made by the Minister must be served on the person or persons they concern, but the judge may waive that requirement if the judge considers that the delay resulting from the service would unnecessarily imperil the natural setting.

All orders issued must be personally served on the person concerned and may in particular be executed by a peace officer.

Applications are decided by preference and orders issued are executory notwithstanding an appeal. A judge of the Court of Appeal may, however, suspend the execution of an order if the judge considers the suspension is necessary in the interest of justice.

### **TITLE III**

#### **TEMPORARY PROTECTION OF LAND**

##### **CHAPTER I**

###### **LAND SET ASIDE AND TEMPORARY PROTECTION STATUS**

**27.** For the purpose of protecting land to be established as a new protected area, such as a park, the Minister shall, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape.

The selection of land, the choice of protection status, and the conservation plans for the areas shall be effected by the Minister in collaboration with the government departments and bodies concerned including the minister responsible for the Société de la faune et des parcs du Québec, the Société, the Minister of Natural Resources, the Minister of Agriculture, Fisheries and Food, the Minister of Culture and Communications, the Minister of Municipal Affairs and Greater Montréal and the Minister of Regions.

In the case of a proposed man-made landscape, the local and regional municipal authorities in whose territories the land set aside is situated must also be consulted.

Such consultations shall not affect consultations required under other laws, such as consultation of the Coordinating Committee on hunting, fishing and trapping provided for in section 75 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

**28.** Unless the Government authorizes a longer period, the setting aside of land under section 27 is valid for a period of not more than four years, which may be renewed or extended.

The renewals or extensions of that period may not, however, unless so authorized by the Government, be such that the term of the setting aside exceeds six years.

**29.** Notice of the setting aside of land by the Minister pursuant to section 27 shall be published in the *Gazette officielle du Québec* and in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the proposed protected area. The notice shall contain a summary description of the location of the land set aside and state that a copy of the notice may be obtained on the payment of a fee.

The notice shall also specify

(1) the type or types of permanent protection status proposed for the area and the Act under which the status may be conferred;

(2) the date on which temporary protection of the land is to take effect, or if the area includes different protection zones according to its conservation plan, the dates on which protection takes effect in each zone and where applicable, the duration of the protection; and

(3) the period of time for which the land has been set aside by the order.

The notice published in the *Gazette officielle du Québec* shall also include the conservation plan for the land set aside.

**30.** A copy of the plan prepared for land set aside under section 27 shall be forwarded

(1) to every minister or government body having participated in the preparation of the plan;

(2) to the Minister of Natural Resources for entry on the land use plan prepared in accordance with section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1) and in the registers of rights kept by that minister;



(3) to the regional and local municipal authorities whose territory is affected by the plan so that the plan may be taken into account in the exercise of their powers ; and

(4) in the case of a proposed man-made landscape on land that includes land under private ownership, to the registry office for entry in the land register.

**31.** The Minister may, on the same conditions, amend, replace or revoke the plan of land set aside under section 27 or the conservation plan established for that land.

No amendment to or replacement of a plan may affect the period of time for which the land has been set aside.

**32.** Land ceases to be set aside when permanent protection status is assigned under this or another Act, when the term for which the land has been set aside expires, or on publication in the *Gazette officielle du Québec* of a notice of revocation of the plans by the Minister, with the approval of the Government.

## CHAPTER II

### CONSERVATION PLAN

**33.** A conservation plan established for a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape must contain, in particular, the following information :

(1) a description of the land and a summary plan of the protected area ;

(2) the type or types of permanent protection status proposed ;

(3) the conservation measures and zoning for the various types of protection proposed and, if different, those that are to apply while the land is set aside ;

(4) the activities that are permitted or prohibited while the land is set aside and following the assignment of permanent protection status by the Government, including the conditions on which permitted activities may be carried on ; and

(5) where applicable, the alternative dispute resolution mechanisms for disputes involving land occupancy or resource development that will apply in the area while the land is set aside or following the assignment of permanent protection status by the Government.

### CHAPTER III

#### ACTIVITIES IN PROPOSED ECOLOGICAL RESERVES, AQUATIC RESERVES, BIODIVERSITY RESERVES AND MAN-MADE LANDSCAPES

**34.** On land in the domain of the State covered by the plan of a proposed aquatic reserve, biodiversity reserve or ecological reserve,

(1) the following activities are prohibited :

(a) mining, and gas or petroleum development ;

(b) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1) ;

(c) the development of hydraulic resources and any production of energy on a commercial or industrial basis ;

(d) any other activity prohibited by the conservation plan for the proposed area ;

(e) any other activity which the Government may prohibit by regulation ;  
and

(f) subject to measures in the conservation plan authorizing the activities and specifying the conditions on which they may be carried on :

i. mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring where those activities necessitate stripping, the digging of trenches, excavation or deforestation,

ii. any new allocation of a right to occupy land for vacation resort purposes,  
and

iii. earthwork or construction work ;

(2) all other activities are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities. Notwithstanding subparagraph *b* of subparagraph 1, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are permitted, subject to the conditions contained in the conservation plan governing the carrying on of the activities.

The prohibitions and restrictions on the carrying on of activities under subparagraphs 1 and 2 of the first paragraph also apply, in addition to the prohibitions set out in section 69 of the Expropriation Act (chapter E-24), on all private land subject to a reserve for public purposes established by the Minister pursuant to Title III of that Act.

**35.** The activities permitted and prohibited on land in a proposed man-made landscape are the activities provided for in the conservation plan for the area.

**36.** The conditions that may be imposed for the carrying on of an activity in a proposed aquatic reserve, biodiversity reserve or man-made landscape may include a requirement to pay fees or to provide security or any other form of financial guarantee.

The conditions may also include a requirement to obtain the authorization of the Minister or of another government authority. An authorization may be suspended or revoked

(1) if the holder of the authorization does not comply with the conditions fixed by the Minister or with the regulatory standards prescribed under this Act;

(2) if the authorization was granted on the basis of erroneous or false information; or

(3) if the measure has become necessary to ensure the protection of the area concerned.

The Minister or the authority shall, before suspending or revoking an authorization, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.

The Minister or the authority may, however, where urgent action is required or in order to prevent irreparable damage, make a decision without being bound by those prior obligations. In such a case, the holder may within the time specified present observations for a review of the decision.

## **TITLE IV**

### **PERMANENT PROTECTION OF LAND**

#### **CHAPTER I**

##### **AQUATIC RESERVES, BIODIVERSITY RESERVES, ECOLOGICAL RESERVES AND MAN-MADE LANDSCAPES**

#### **DIVISION I**

##### **PUBLIC CONSULTATION**

**37.** A public consultation shall be held by the Minister in accordance with the following provisions following the setting aside of land under section 27.

§1. — *Ecological reserves*

**38.** Before proposing to the Government that land be established as an ecological reserve, the Minister shall solicit comments from the public. For that purpose and in addition to the other information required by section 29, the notice of the setting aside of land published in the *Gazette officielle du Québec* must specify

(1) that no permanent protection status may be ordered by the Government before 60 days have elapsed following publication of the notice in the *Gazette officielle du Québec*; and

(2) that any interested person may, within the 60-day period, send comments to the person specified in the notice.

§2. — *Aquatic reserves, biodiversity reserves and man-made landscapes*

**39.** Before a proposal is made to the Government on permanent protection status for land set aside as a proposed aquatic reserve, biological reserve or man-made landscape, the Minister shall entrust the Bureau d'audiences publiques sur l'environnement or one or more persons the Minister designates as commissioners with the mandate to hold a public consultation.

The Government may, however, exempt any proposal it designates from the consultation process. An exemption may be made in particular where the Government considers that other means may be used to clarify the various issues raised by the proposal, such as the environmental and social impact assessment and review procedure provided for in Chapter II of the Environment Quality Act (chapter Q-2).

In every such case of exemption, the Minister shall publish in the *Gazette officielle du Québec* a notice containing the particulars required under paragraphs 1 and 2 of section 38, with the necessary modifications. The notice shall also be published in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the proposed protected area. The decision of the Government shall be published in the *Gazette officielle du Québec* with the Minister's notice, and shall briefly state the reasons justifying the exemption.

**40.** The provisions of sections 6.3 to 6.6 of the Environment Quality Act (chapter Q-2), with the necessary modifications, apply to consultations held by the Bureau d'audiences publiques sur l'environnement.

**41.** Where one or more persons are designated by the Minister as commissioners under section 39, they must submit their rules for the proper conduct of the consultation to the Minister for approval.

The mandate of those persons terminates when they submit their report to the Minister. The commissioners are entitled, to carry out their mandate, to the remuneration, allowances and indemnities determined by the Government.

**42.** The public consultation provided for in the first paragraph of section 39 shall begin where possible not more than 12 months following publication in the *Gazette officielle du Québec* of the notice referred to in section 29.

The report of the Bureau or, where applicable, of the commissioners, must be submitted to the Minister not more than six months after the consultation ends. It shall be made available to the public on the date and subject to the conditions determined by the Minister.

## **DIVISION II**

### **PERMANENT PROTECTION STATUS**

**43.** The Minister may recommend to the Government that all or part of land set aside under section 27 of this Act be assigned one of the following types of protection status: aquatic reserve, biodiversity reserve, ecological reserve, or man-made landscape.

The Minister shall at the same time submit to the Government for its approval the conservation plan for the land or, in the case of a man-made landscape under the management of a municipal authority, the proposed protection agreement.

**44.** In addition to the public consultation provided for in Division I, the establishment of an aquatic reserve, a biodiversity reserve, an ecological reserve or a man-made landscape, a change in their limits, or their abolishment, is effected by order of the Government, on a proposal by the Minister, subject to

(1) compliance with the prescriptions of Chapter VI of Title I of the Act respecting land use planning and development (chapter A-19.1) where they apply within the area;

(2) the opinion of the Commission de protection du territoire agricole du Québec if all or part of the land is situated in a reserved area or in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1); and

(3) publication of a notice of the decision of the Government in the *Gazette officielle du Québec* with the plan of the area and the applicable conservation plan or protection agreement in the case of a man-made landscape.

**45.** Permanent protection status for land, conservation plans and applicable agreements, and amendments or revocations take effect on the date of publication of the order in the *Gazette officielle du Québec* or on any later date specified in the order.

**DIVISION III****ACTIVITIES**

§1. — *Aquatic reserves, biodiversity reserves and ecological reserves*

**46.** In an aquatic reserve and a biodiversity reserve

(1) the following activities are prohibited :

(a) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1);

(b) mining, and gas or petroleum development ;

(c) mining, gas and petroleum exploration, brine and underground reservoir exploration, prospecting, and digging or boring ;

(d) the development of hydraulic resources and any production of energy on a commercial or industrial basis ;

(e) any other activity prohibited by the approved conservation plan ;

(f) any other activity which the Government may prohibit by regulation ;  
and

(g) subject to measures in the conservation plan authorizing the activities and specifying the conditions on which they may be carried on :

i. any allocation of a right to occupy land for vacation resort purposes,

ii. earthwork, backfilling or construction work ; and

iii. commercial activities ;

(2) all other activities are permitted, subject to the conditions contained in the approved conservation plan governing the carrying on of such activities. Notwithstanding subparagraph *a* of subparagraph 1, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are permitted, subject to the conditions contained in the conservation plan governing the carrying on of such activities.

**47.** In an aquatic reserve, the following activities are also prohibited :

(1) any type of activity likely to degrade the bed, banks or shores or to otherwise affect the integrity of the body of water or watercourse ; and

(2) any operation of a motorized vessel in contravention of the conditions contained in the conservation plan approved by the Government.

**48.** In an ecological reserve, the activities described in subparagraphs *a* to *f* of paragraph 1 of section 46 are prohibited.

The following activities are also prohibited: hunting, trapping, fishing, earthwork and construction activities, agricultural, industrial or commercial activities and, generally, any activity likely to alter the state or nature of ecosystems.

No person may be in an ecological reserve, except for an inspection or for the carrying on of an activity authorized under law.

However, the Minister may authorize, in writing and on the conditions the Minister determines, any activity consistent with the purposes of an ecological reserve or with the management thereof.

The Minister shall, before issuing an authorization, take into account, in particular, the nature and objectives of the proposed activity, its impact on living organisms and ecosystems and, where applicable, any protection measures required. The holder of an application for authorization granted for the purposes of scientific research shall submit to the Minister a final activity report and, where the activities extend over a period of more than one year, an annual report.

**49.** The conditions that may be imposed for the carrying on of an activity in an aquatic reserve, biodiversity reserve or ecological reserve may include the requirement to pay fees or to provide security or any other form of financial guarantee.

The conditions may also include a requirement to obtain the authorization of the Minister or of another government authority. An authorization may be suspended or revoked

(1) if the holder of the authorization does not comply with the conditions fixed by the Minister or with the regulatory standards prescribed under this Act;

(2) if the authorization was granted on the basis of erroneous or false information; or

(3) if the measure has become necessary to ensure the protection of the area concerned.

The Minister or the authority shall, before suspending or revoking an authorization, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.

The Minister or the authority may, however, where urgent action is required or in order to prevent irreparable damage, make a decision without being bound by those prior obligations. In such a case, the holder may within the time specified present observations for a review of the decision.

**50.** For the purposes of the periodic review of the conservation plan of an area, the Minister shall, during the seventh year following the year of its initial approval by the Government and thereafter at least every ten years, assess the implementation of the conservation plan and assess the advisability of amending it.

§2. — *Man-made landscapes*

**51.** Where a man-made landscape is under the management of a municipal authority, the activities permitted or prohibited in the man-made landscape are determined in a protection agreement for the man-made landscape entered into by the municipal authority and the Minister.

The terms of the agreement provided for in the first paragraph shall be established in collaboration with the government departments and bodies concerned.

**52.** A protection agreement for a man-made landscape must contain, in particular,

- (1) a description of the land and the natural setting ;
- (2) the protection and development objectives for the natural setting ;
- (3) the means retained to achieve the objectives, including a description of the administrative or regulatory measures that will be applied by the municipality ;
- (4) the respective obligations of the municipal authorities and government departments concerned ; and
- (5) the term of the agreement, which may not be less than 25 years, and the conditions on which it may be renewed or terminated.

**53.** Where a man-made landscape is not, or is no longer, under a protection agreement with a municipal authority, the permitted and prohibited activities are the activities provided for in the conservation plan established by the Minister in collaboration with the government departments and bodies concerned and approved by the Government. The provisions of sections 49 and 50 apply, with the necessary modifications, to the agreement.



## CHAPTER II

### NATURE RESERVES

#### DIVISION I

##### RECOGNITION

**54.** Any private property having significant biological, ecological, wildlife, floristic, geological, geomorphic or landscape features that warrant preservation may be recognized as a nature reserve on the application of the owner as provided in this Act.

The recognition may be perpetual or for a term of not less than 25 years.

#### DIVISION II

##### APPLICATION

**55.** An application for recognition, which may be made jointly with a non-profit conservation organization, shall be submitted in writing to the Minister. The application must contain

- (1) the name and address of the owner;
- (2) a description of the property that is the subject of the application and a summary site plan;
- (3) the significant features of the property that warrant preservation;
- (4) an indication that the application is for perpetual recognition, or the term of recognition applied for;
- (5) a description of the conservation measures the owner intends to implement;
- (6) a description of the activities the owner wishes to allow and of those the owner wishes to prohibit on the property;
- (7) the management arrangements for the property, including, where applicable, an indication that management will be assumed by a non-profit conservation organization;
- (8) a copy of the deed conferring ownership of the property on the owner;
- (9) where applicable, a copy of any permit or authorization required under an Act or regulation for the carrying on of an activity on the property; and
- (10) any other information or document determined by regulation by the Government.

The application may be submitted together with the report of a qualified person demonstrating why the recognition of the property as a nature reserve is warranted.

**56.** The Minister may require of the owner any information or document the Minister considers necessary for the examination of the application.

### DIVISION III

#### AGREEMENT AND PUBLICATION OF RECOGNITION

**57.** Before recognizing a property as a nature reserve, the Minister shall enter into an agreement with the owner or, as the case may be, approve an agreement entered into between the owner and a non-profit conservation organization. In either case, the agreement shall contain, among other provisions,

- (1) a description of the property ;
- (2) the perpetual nature of the recognition or the applicable term ;
- (3) the significant features of the property that warrant preservation ;
- (4) the management arrangements for the property, including, where applicable, the identity of the non-profit conservation organization that is to manage the property ;
- (5) the conservation measures to be applied ;
- (6) the permitted and prohibited activities ; and
- (7) any other provision determined by regulation by the Government.

**58.** The Minister shall publish a notice stating that the property is recognized as a nature reserve in the *Gazette officielle du Québec* and in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the recognized property.

The recognition takes effect on the date of the publication of the notice in the *Gazette officielle du Québec*.

**59.** The Minister shall require the registration of the agreement in the land register and shall transmit a certified statement of registration to the owner, to the conservation organization, where applicable, and to the local and regional municipal authorities having authority in whose territory the property is situated.

The agreement, once registered, is binding on all subsequent acquirers of the property.

To enable the updating of the register maintained by the Minister under section 5, every acquirer of property recognized as a nature reserve must, within 30 days of acquiring the property, send a copy of the deed of transfer to the Minister.

**60.** The Minister shall issue to the owner a certificate attesting that the property has been recognized as a nature reserve.

The designation “recognized nature reserve” may only be used in respect of a property for which a valid certificate is held.

#### **DIVISION IV**

#### **AMENDMENTS TO THE AGREEMENT AND TERMINATION OF RECOGNITION**

**61.** The agreement may be amended at any time with the consent of the parties, provided the amendments are not contrary to the purpose for which the property has been recognized as a nature reserve. Where amendments are made to an agreement between an owner and a conservation organization, the amendments require the approval of the Minister.

**62.** If the agreement is amended, the Minister shall require registration of the amendments in the land register and shall transmit a certified statement of registration to the persons mentioned in the first paragraph of section 59.

Amendments have no effect against third persons until their registration in the land register.

**63.** The recognition of a property as a nature reserve shall terminate at the expiry of its term or upon the Minister’s decision to withdraw the recognition because

(1) the property was recognized on the basis of inaccurate or incomplete information or documents ;

(2) the provisions of the agreement are not being complied with ;

(3) the features of the property no longer warrant preservation ; or

(4) it would be more detrimental to the community to maintain the recognition than to withdraw it.

**64.** A decision of the Minister to withdraw recognition may be contested before the Administrative Tribunal of Québec within 30 days of notification of the decision to the owner and, where applicable, to the conservation organization that is a party to the agreement or that is managing the property.

**65.** Upon termination of the recognition of a property as a nature reserve, the Minister shall publish, in the *Gazette officielle du Québec* and in a newspaper circulated in the territory of the local and regional municipal authorities where the property is situated, a notice stating that the recognition terminated on the date specified therein.

As well, the Minister shall require the land registrar to cancel the registrations made under this Act and shall transmit a notice of the cancellation to the persons mentioned in the first paragraph of section 59.

## TITLE V

### ADMINISTRATIVE MEASURES AND PENAL PROVISIONS

#### CHAPTER I

##### POWERS OF INSPECTION

**66.** For the purposes of this Act, the Minister may authorize a person to act as an inspector.

The person may, as an inspector,

(1) have access at any reasonable time to a place, other than a dwelling-house, where activities are carried on on land that is temporarily or permanently protected under this Act, and any premises specified in an order or a ministerial order made under Title II or in an authorization issued pursuant to the provisions of that title, for the purposes of an inspection;

(2) take photographs of the premises and the property located there, take samples, and conduct analyses;

(3) enter on and pass over private land; and

(4) require any information or document pertaining to the application of this Act.

Where so requested, the person must show a certificate signed by the Minister authorizing the person to act as an inspector.

**67.** No person may be prosecuted for an act performed in good faith while acting as an inspector.

**68.** Every person carrying on an activity in a place that is temporarily or permanently protected under this Act, or in a place in respect of which an order or a ministerial order has been issued under Title II or in respect of which an authorization has been issued pursuant to the provisions of that title must, at the request of an inspector, show any authorization required to be held under this Act for the activity.

**69.** An inspector may, in exercising inspection functions, seize any thing

- (1) that may be used to prove an offence against this Act or the regulations ;
- (2) the possession of which constitutes an offence against this Act or the regulations ; or
- (3) that was obtained, directly or indirectly, through the perpetration of an offence against this Act or the regulations.

The provisions of the Code of Penal Procedure (chapter C-25.1) relating to the seizure of things during a search apply to seizures made under this section.

## **CHAPTER II**

### **OFFENCES AND PENALTIES**

**70.** Every person who, contrary to the conditions for the carrying on of a permitted activity set out in this Act for a place that is temporarily or permanently protected, or contrary to the conditions for carrying on an activity set out in a conservation plan applicable to such a place, damages the place or destroys property forming part of it is guilty of an offence and is liable to a fine of not less than \$500 nor more than \$100,000 in the case of a natural person, and to a fine of not less than \$1,000 nor more than \$200,000 in the case of a legal person.

Every person is guilty of an offence and liable to the same penalty who

- (1) engages in an activity or intervention prohibited under this Act ;
- (2) engages in an activity or intervention without an authorization required by this Act ;
- (3) engages in an activity or intervention contrary to a condition imposed or an obligation prescribed by this Act ; or
- (4) engages in an activity or intervention contrary to an order of the Minister made under this Act, or otherwise contravenes such an order.

**71.** Every person who enters an ecological reserve without authorization is liable to a fine of not less than \$100 nor more than \$1,000.

**72.** Every person who hinders the work of a person authorized to exercise powers under this Act, makes a false or misleading statement to such a person or refuses to provide information or a document that the person is entitled to obtain under this Act is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$2,000.

**73.** Every person who assists another person in committing an offence under this Act or who encourages, advises, allows, authorizes or orders another person to commit an offence under this Act is guilty of an offence.

A person convicted under this section is liable to the same penalty as is prescribed for the offence committed by the other person.

**74.** For a second or subsequent offence, the fines prescribed in sections 70, 71 and 72 shall be doubled.

**75.** On convicting a person of an offence under this Act, the court may, in addition to imposing any other penalty and provided the application for the order is made in the person's presence or the person was given prior notice by the prosecutor, order the person to take every measure, at his or her expense and within the time fixed, necessary to restore the premises to the state they were in before the commission of the offence.

If the place cannot be restored to its previous state, the court may, on application by the prosecutor, impose an additional fine based on the degree of degradation.

**76.** If an offender fails to comply with a court order, the Minister may restore a place to its previous state at the offender's expense.

The Minister may claim the direct and indirect restoration costs from the offender in the same manner as any debt due to the Government.

**77.** Penal proceedings for an offence against this Act are prescribed two years after the date on which the offence is committed.

## TITLE VI

### AMENDING PROVISIONS

**78.** Section 149 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by replacing "or an ecological reserve" in subparagraph 4 of the first paragraph by " , an ecological reserve, an aquatic reserve, a biodiversity reserve or a man-made landscape".

**79.** Section 5 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended by replacing paragraph 4 by the following paragraph:

"(4) the Natural Heritage Conservation Act (2002, chapter 74);".

**80.** Section 21 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1) is amended by replacing "Ecological Reserves Act (chapter R-26.1)" in the second paragraph by "Natural Heritage Conservation Act (2002, chapter 74)".

**81.** Schedule III to the Act respecting administrative justice (R.S.Q., chapter J-3), amended by section 24 of chapter 14 of the statutes of 2001 and by section 27 of chapter 22 of the statutes of 2002, is again amended

(1) by replacing “under section 96” in paragraph 3 by “under sections 24 and 64 of the Natural Heritage Conservation Act (2002, chapter 74), section 96”;

(2) by striking out paragraph 5.

**82.** Section 11 of the Act respecting the Ministère de l’Environnement (R.S.Q., chapter M-15.2.1) is amended by replacing “ecological reserves” in subparagraph 4 of the first paragraph by “aquatic reserves, biodiversity reserves, ecological reserves and man-made landscapes”.

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

“**13.1.** The Minister shall exercise in respect of the lands in the domain of the State under the Minister’s authority the rights and powers inherent in the right of ownership, excluding any alienation, transfer or exchange of property. The exercise by the Minister of those rights and powers must be compatible with the use of the land under the Minister’s authority or on which the property is situated.

In respect of such land, the Minister may, in particular, authorize or carry out such maintenance, development and construction work as is advisable to maintain or improve its quality.

The Minister may also take any necessary measures to remedy or mitigate any damage sustained by the natural environment on such lands and may claim the costs incurred from the person responsible in the same manner as any debt due to the Government.

The lands in the domain of the State referred to in section 2 of the Watercourses Act (chapter R-13) are excluded from the lands to which the first paragraph applies.”

**84.** Sections 1 to 12 of the Act respecting nature reserves on private land (2001, chapter 14) become sections 54 to 65 of this Act, with the following amendments:

(1) Chapter I becomes Division I;

(2) Division I of Chapter I becomes Division II;

(3) section 2 is amended by striking out “of the Environment” in the first paragraph;

(4) Division II of Chapter I becomes Division III;

(5) section 5 is amended by replacing the first paragraph by the following paragraph:

**“5.** The Minister shall publish a notice stating that the private property is recognized as a nature reserve in the *Gazette officielle du Québec* and in a newspaper circulated in the region concerned or, if there is no such newspaper, in the region closest to the recognized property.”;

(6) section 6 is amended

(a) by replacing “to any municipal body” in the first paragraph by “to the local and regional municipal authorities having authority”;

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

“To enable the updating of the register maintained by the Minister under section 5, every acquirer of property recognized as a nature reserve must, within 30 days of acquiring the property, send a copy of the deed of transfer to the Minister.”;

(7) Division III of Chapter I becomes Division IV and its heading is replaced by the following heading:

“AMENDMENTS TO THE AGREEMENT AND TERMINATION OF RECOGNITION”;

(8) by striking out the heading of Division IV;

(9) section 12 is amended by replacing “circulated in the territory of the municipal body” in the first paragraph by “circulated in the territory of the local and regional municipal authorities”.

**85.** Section 8 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2) is amended by replacing “Ecological Reserves Act (chapter R-26.1)” in subparagraph 1 of the first paragraph by “Natural Heritage Conservation Act (2002, chapter 74)”.

## TITLE VII

### TRANSITIONAL AND FINAL PROVISIONS

**86.** The Ecological Reserves Act (R.S.Q., chapter R-26.1) is replaced by this Act.

**87.** The Act respecting nature reserves on private land (2001, chapter 14) is replaced by this Act.



**88.** The ecological reserves established and the nature reserves recognized before 19 December 2002 are maintained. The same applies to proposed ecological reserves in whose respect a notice was published in the *Gazette officielle du Québec* before that date. Those reserves are governed, as of that date, by the provisions of this Act subject to the following paragraph.

The Minister is not required to propose to the Government for approval a conservation plan for the ecological reserves already established. The Minister has one year from 19 December 2002 to have the Government approve a conservation plan for proposed ecological reserves. The proposed ecological reserves are deemed to have been set aside, in accordance with Title III, for a period of four years beginning on 19 December 2002. Any public consultation on the proposals being held on that date shall continue in accordance with the provisions of this Act.

**89.** Unless otherwise indicated by the context, in any text or document, of whatever nature and regardless of its storage medium, a reference to the Ecological Reserves Act or the Act respecting nature reserves on private land or to any provision of those Acts is a reference to this Act and to the relevant provision of this Act.

**90.** The proposed protected areas listed in the schedule, announced before 19 December 2002 are deemed to have been set aside by the Minister as biodiversity reserves in accordance with Title III, for a period of four years beginning six months after that date.

Any consultation on the proposals in progress on that date is deemed to be the consultation required under this Act.

**91.** Subject to any extension authorized by the Government, the Minister shall cause a conservation plan for the area to be published in the *Gazette officielle du Québec* within six months from the date on which the land is set aside.

**92.** During the period where land is set aside prior to the publication of the plan, the permitted or prohibited activities in an area referred to in section 90 are as follows :

(1) the following activities are prohibited :

(a) forest management within the meaning of section 3 of the Forest Act (chapter F-4.1) ;

(b) mining, and gas or petroleum development ;

(c) the development of hydraulic resources and any production of energy on a commercial or industrial basis ;

(d) any other activity which the Government may prohibit by regulation ;

(e) subject to the authorization of the Minister and to compliance with the conditions on which they may be carried on:

i. activities relating to mining, gas or petroleum exploration and development, brine and underground reservoir exploration activities, prospecting, digging or boring, if those activities are not already authorized by the Minister of Natural Resources on 19 December 2002, where such activities necessitate stripping, the digging of trenches, excavation or deforestation,

ii. any new allocation of a right to occupy land for vacation resort purposes, and

iii. earthwork or construction work;

(2) all other activities are permitted.

Notwithstanding subparagraph *a* of subparagraph 1 of the first paragraph, activities carried out to meet domestic needs or for the purpose of maintaining biodiversity are also permitted.

**93.** This Act comes into force on 19 December 2002.

## SCHEDULE

## PROPOSED PROTECTED AREAS

*(section 90)*

Central Laurentian natural province :

- (1) Île René-Levasseur ;
- (2) Monts Groulx ;
- (3) Lac Gensart ;

Lower North Shore Plateau natural province :

- (4) Lac Bright Sand ;
- (5) Massif des lacs Belmont et Magpie ;
- (6) Buttes du Lac aux Sauterelles ;
- (7) Natashquan river valley ;
- (8) Harrington Harbour shore ;
- (9) Lac Guernesé hills ;
- (10) Brador hills.

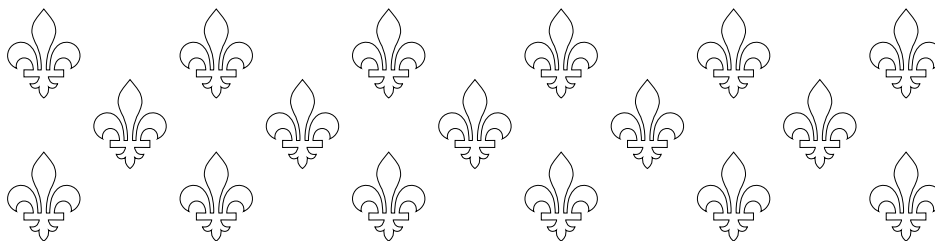
## TABLE OF CONTENTS

	SECTIONS
<b>TITLE I</b> GENERAL PROVISIONS	1-12
<b>CHAPTER I</b> OBJECTS, DEFINITIONS AND SCOPE	1-4
<b>CHAPTER II</b> POWERS OF THE MINISTER	5-12
<b>TITLE II</b> SPECIAL PROTECTION MEASURES FOR CERTAIN NATURAL SETTINGS	13-26
<b>CHAPTER I</b> AUTHORIZATIONS	13-24
<b>Division I</b> Natural settings designated by a plan	13-18
<b>Division II</b> Other settings designated by the Minister	19-20
<b>Division III</b> Applications for authorizations and decisions	21-24
<b>CHAPTER II</b> ORDERS	25-26
<b>TITLE III</b> TEMPORARY PROTECTION OF LAND	27-36
<b>CHAPTER I</b> LAND SET ASIDE AND TEMPORARY PROTECTION STATUS	27-32
<b>CHAPTER II</b> CONSERVATION PLAN	33
<b>CHAPTER III</b> ACTIVITIES IN PROPOSED ECOLOGICAL RESERVES, AQUATIC RESERVES, BIODIVERSITY RESERVES AND MAN-MADE LANDSCAPES	34-36
<b>TITLE IV</b> PERMANENT PROTECTION OF LAND	37-65
<b>CHAPTER I</b> AQUATIC RESERVES, BIODIVERSITY RESERVES, ECOLOGICAL RESERVES AND MAN-MADE LANDSCAPES	37-54
<b>Division I</b> Public consultation	37-42
§1. — <i>Ecological reserves</i>	38
§2. — <i>Aquatic reserves, biodiversity reserves and man-made landscapes</i>	39-42
<b>Division II</b> Permanent protection status	43-45
<b>Division III</b> Activities	46-53
§1. — <i>Aquatic reserves, biodiversity reserves and ecological reserves</i>	46-50
§2. — <i>Man-made landscapes</i>	51-53

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<b>CHAPTER II</b>	NATURE RESERVES	54-65
<b>Division I</b>	Recognition	54
<b>Division II</b>	Application	55-56
<b>Division III</b>	Agreement and publication of recognition	57-60
<b>Division IV</b>	Amendments to the agreement and termination of recognition	61-65
<b>TITLE V</b>	ADMINISTRATIVE MEASURES AND PENAL PROVISIONS	66-77
<b>CHAPTER I</b>	POWERS OF INSPECTION	66-69
<b>CHAPTER II</b>	OFFENCES AND PENALTIES	70-77
<b>TITLE VI</b>	AMENDING PROVISIONS	78-85
<b>TITLE VII</b>	TRANSITIONAL AND FINAL PROVISIONS	86-93
<b>SCHEDULE</b>		





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 131  
(2002, chapter 75)

**An Act to amend the Education Act as  
regards the school tax on the island of  
Montréal and amending other legislative  
provisions**

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**Introduced 5 November 2002  
Passage in principle 10 December 2002  
Passage 18 December 2002  
Assented to 19 December 2002**

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**Québec Official Publisher  
2002**

## EXPLANATORY NOTES

*This bill amends the Education Act in order to replace the Conseil scolaire de l'île de Montréal with an administrative body named "Comité de gestion de la taxe scolaire de l'île de Montréal". The mandate of the Comité is to impose and collect the school tax on taxable immovables located on the territory of the school boards on the island of Montréal. The Comité is also responsible for borrowing money for the purposes of school boards on the island of Montréal and for managing the debt of the Conseil scolaire de l'île de Montréal.*

*This bill also specifies the rules for the establishment of the rate of the school tax and for the apportionment of its proceeds between the school boards on the island of Montréal.*

*Lastly, this bill includes transitional provisions and consequential amendments.*

## LEGISLATION AMENDED BY THIS BILL :

- Act respecting equal access to employment in public bodies (R.S.Q., chapter A-2.01);
- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1);
- Archives Act (R.S.Q., chapter A-21.1);
- Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001);
- Act respecting insurance (R.S.Q., chapter A-32);
- Building Act (R.S.Q., chapter B-1.1);
- Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);
- Savings and Credit Unions Act (R.S.Q., chapter C-4);



- Savings and Credit Unions Act (R.S.Q., chapter C-4.1);
- Charter of the French language (R.S.Q., chapter C-11);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Forestry Credit Act (R.S.Q., chapter C-78);
- Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1);
- Act respecting municipal debts and loans (R.S.Q., chapter D-7);
- Act to foster the development of manpower training (R.S.Q., chapter D-7.1);
- Act respecting school elections (R.S.Q., chapter E-2.3);
- Act respecting Financement-Québec (R.S.Q., chapter F-2.01);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting security funds (R.S.Q., chapter F-3.2.0.4);
- Education Act (R.S.Q., chapter I-13.3);
- Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Naskapi Development Corporation (R.S.Q., chapter S-10.1);

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- Act respecting the Makivik Corporation (R.S.Q., chapter S-18.1);
  - Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);
  - Securities Act (R.S.Q., chapter V-1.1).

## Bill 131

### AN ACT TO AMEND THE EDUCATION ACT AS REGARDS THE SCHOOL TAX ON THE ISLAND OF MONTRÉAL AND AMENDING OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** The heading of Chapter VI of the Education Act (R.S.Q., chapter I-13.3) is replaced by the following heading :

“COMITÉ DE GESTION DE LA TAXE SCOLAIRE DE L' ÎLE DE MONTRÉAL”.

**2.** Section 399 of the said Act is amended by replacing the first paragraph by the following paragraph :

“**399.** The Comité de gestion de la taxe scolaire de l'île de Montréal replaces the Conseil scolaire de l'île de Montréal. The Comité shall acquire the rights and assume the obligations of the Council.”

**3.** Section 402 of the said Act is replaced by the following section :

“**402.** The Comité shall consist of members designated in the following manner :

(1) each school board on the island of Montréal shall designate one person from among its elected commissioners ;

(2) the Minister shall designate two persons, one person chosen from among the managerial staff of the Ministère de l'Éducation and another person domiciled on the island of Montréal, chosen after consultation with the parents' committees of the school boards on the island of Montréal.

If a school board fails to make the designation as provided in subparagraph 1 of the first paragraph, the Minister shall, within 30 days of the vacancy, designate a person from among the commissioners of that school board.”

**4.** Section 403 of the said Act is replaced by the following section :

“**403.** A school board may designate another of its commissioners as a substitute to sit and vote in the commissioner's stead when that commissioner is unable to take part in a sitting of the Comité.”

**5.** Section 405 of the said Act is repealed.

**6.** Section 406 of the said Act is repealed.

**7.** Section 407 of the said Act is replaced by the following section :

“**407.** No officer or employee of the Comité or of a school board on the island of Montréal may be designated or appointed as a member of the Comité.”

**8.** Section 408 of the said Act is repealed.

**9.** Section 409 of the said Act is replaced by the following section :

“**409.** The members of the Comité shall designate a president from among themselves.

The president must be a person referred to in subparagraph 1 of the first paragraph of section 402.

**10.** Section 410 of the said Act is repealed.

**11.** Section 412 of the said Act is replaced by the following section :

“**412.** The Comité may delegate certain of its functions and powers to the secretary or to another member of the personnel of the Comité.”

**12.** Sections 413 and 414 of the said Act are repealed.

**13.** Section 415 of the said Act is replaced by the following sections :

“**415.** Sections 159, 160, the first paragraph of section 161, the first and second paragraphs of section 163, sections 164 to 166, 169 to 173 and 175 to 178 apply to the Comité or to its members. For that purpose, “commissioner” means a member of the Comité.

“**415.1.** The Comité shall fix the date, time and place of its regular sittings. It shall hold at least one regular sitting each school year.”

**14.** Division III of Chapter VI of the said Act, comprising sections 416 to 419, is repealed.

**15.** Section 421 of the said Act is replaced by the following section :

“**421.** The secretary is responsible for the day-to-day management of the activities and resources of the Comité.

The secretary shall see that the decisions of the Comité are carried out, and perform the tasks that are assigned to the secretary by the Comité.”

**16.** Section 423 of the said Act is amended

(1) by replacing “the Council” in the first and second paragraphs by “the Comité”;

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

“The second paragraph of section 288 also applies to the school boards on the island of Montréal.”

**17.** The said Act is amended by inserting the following section after section 424:

**“424.1.** The funds required for the amortization of the principal and the payment of interest on bonds or other evidences of indebtedness or securities issued by the Comité on or after 28 February 2003 shall be derived from the general revenue of the Comité and of the school boards on the island of Montréal.

The funds required for the amortization of the principal and the payment of interest on bonds or other evidences of indebtedness or securities forming part of the debt of the Comité on 28 February 2003 shall be derived from the general revenue of the Comité and of the school boards on the island of Montréal.”

**18.** The said Act is amended by inserting the following section after section 425:

**“425.1.** The bonds or other evidences of indebtedness or securities issued by the Comité on or after 28 February 2003 constitute a direct, general and unconditional undertaking of the Comité and of the school boards on the island of Montréal and rank *pari passu* with all other undertakings of the Comité and of the school boards on the island of Montréal in respect of loans not secured by hypothec or other encumbrance.

The same applies to bonds or other evidences of indebtedness or securities forming part of the debt of the Comité on 28 February 2003.”

**19.** Section 430 of the said Act is amended by replacing “The Council” in the first line by “Each school board on the island of Montréal”.

**20.** Sections 432 to 434 of the said Act are repealed.

**21.** Section 434.4 of the said Act is amended

(1) by replacing “of sections 434 and” in the first line of the first paragraph by “of section”;

(2) by replacing the word “Council” in the third line of the first paragraph by the word “Comité”.

**22.** Section 434.5 of the said Act is replaced by the following section :

**“434.5.** Every year, each school board on the island of Montréal shall require from the Comité, by resolution of its Council, the payment of an amount that may not, however exceed the maximum proceeds of school tax established by the school board by effecting the calculations as provided in the second and third paragraphs of section 308. At the meeting at which the resolution is adopted, the Council shall present the tax rate projected by the Comité, in accordance with the second paragraph of section 435.

The school boards on the island of Montréal shall prepare and transmit to the Comité the documents and information it requests for the purposes of school taxation.”

**23.** Section 435 of the said Act is replaced by the following section :

**“435.** The Comité shall, each year, fix the rate of the school tax.

In addition, the Comité shall provide the school boards, before the adoption of the resolution referred to in the first paragraph of section 434.5, with a projection of the property tax rate that could result if the school boards require the maximum proceeds of school tax established for each school board by effecting the calculations as provided in the second and third paragraphs of section 308.”

**24.** Section 439 of the said Act is replaced by the following section :

**“439.** The Comité shall apportion, for every school year, the proceeds of school tax and the investment income of all or part of the proceeds according to the following rules :

(1) each school board on the island of Montréal shall receive, not later than 3 January of each year, that part of the proceeds of the school tax that corresponds to the proportion that the amount required by the school board is of the total amount obtained by effecting for each school board on the island of Montréal the calculations set out in the second and third paragraphs of section 308; a school board may not receive any amount in excess of the maximum proceeds of school tax resulting from the calculations set out in the second and third paragraphs of section 308;

(2) the remainder, after deducting the amount determined by the Comité for its purposes, shall be apportioned among the school boards to ensure the upgrading of education in economically disadvantaged areas served by those

school boards, at such periods and according to such allocation rules as determined by a resolution adopted by the vote of at least two-thirds of the members of the Comité.

The remainder referred to in subparagraph 2 of the first paragraph must be apportioned in a fair and non-discriminatory manner.”

**25.** Section 440 of the said Act is amended

(1) by replacing “either of the limits contemplated” in the first and second lines of the first paragraph by “the limit referred to”;

(2) by striking out the words “the rate or” in the second line of the third paragraph.

**26.** Section 444 of the said Act is repealed.

**27.** Section 446 of the said Act is replaced by the following section :

“**446.** Sections 266, 270, 272, 274, 279 to 285, the first paragraph of section 286 and the second paragraph of section 287 apply to the Comité, with the necessary modifications.”

**28.** Section 451 of the said Act is amended by inserting “and for the Comité de gestion de la taxe scolaire de l’île de Montréal” after “boards” in the second line of the first paragraph.

**29.** Section 472 of the said Act is amended

(1) by replacing “Conseil scolaire de l’île de Montréal” in the first and third paragraphs by “Comité de gestion de la taxe scolaire de l’île de Montréal”;

(2) by striking out “The budgetary rules must also provide for the allocation of subsidies to the Conseil scolaire de l’île de Montréal in the case contemplated in section 432.” in the fifth, sixth and seventh lines of the second paragraph.

**30.** The said Act is amended by inserting the following section after section 475

“**475.1.** The Minister shall also provide, in the budgetary rules referred to in section 472, for the payment of equalization grants to a school board on the island of Montréal equal to the amount obtained by subtracting the amount paid to the school board by the Comité de gestion de la taxe scolaire de l’île de Montréal under subparagraph 1 of the first paragraph of section 439 from the maximum yield of the school tax obtained, for the school board, by effecting the calculations set out in the second and third paragraphs of section 308.

For the purposes of this section, any amount that exceeds the amount per student referred to in section 308 that has been approved by a referendum or

that a school board must submit to its electors for approval shall not be taken into account.”

**31.** Sections 400, 401, 404, 407, 420, 422, 426 to 429, 431, 434.1 to 434.4, 435, 436, 445, 452, 473.1, 474, 476, 477, 478, 478.3, 479, 480 and 491 of the said Act are amended by replacing the words “Conseil scolaire de l’île de Montréal” and “Conseil” wherever they appear by the words “Comité de gestion de la taxe scolaire de l’île de Montréal” and “Comité”, respectively.

**32.** Section 505 of the said Act is repealed.

**33.** The words “Conseil scolaire de l’île de Montréal” and “Conseil” are replaced by the words “Comité de gestion de la taxe scolaire de l’île de Montréal” and “Comité”, respectively, in the following legislative provisions :

(1) subparagraph 3 of the first paragraph of section 2 of the Act respecting equal access to employment in public bodies (R.S.Q., chapter A-2.01);

(2) the first paragraph of section 6 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);

(3) paragraph 1 of the schedule to the Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1);

(4) paragraph 6 of the schedule to the Archives Act (R.S.Q., chapter A-21.1)

(5) the second paragraph of section 26 of the Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001);

(6) paragraph 3 of section 93.247 and section 225 of the Act respecting insurance (R.S.Q., chapter A-32);

(7) paragraph 2 of section 65.4 of the Building Act (R.S.Q., chapter B-1.1);

(8) section 20.4 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);

(9) subparagraph *a* of the first paragraph of section 83 of the Savings and Credit Unions Act (R.S.Q., chapter C-4);

(10) paragraph 1 of section 256 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1);

(11) the schedule to the Charter of the French language (R.S.Q., chapter C-11);

(12) the second paragraph of article 696 of the Code of Civil Procedure (R.S.Q., chapter C-25);



- (13) the first paragraph of section 330 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- (14) paragraph 2 of section 151 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- (15) the first paragraph of section 46.2 of the Forestry Credit Act (R.S.Q., chapter C-78);
- (16) the first paragraph of section 55 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1);
- (17) section 39 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7);
- (18) paragraph 1 of section 7 of the Act to foster the development of manpower training (R.S.Q., chapter D-7.1);
- (19) the third paragraph of section 21 of the Act respecting school elections (R.S.Q., chapter E-2.3);
- (20) paragraph 2 of section 4 of the Act respecting Financement-Québec (R.S.Q., chapter F-2.01);
- (21) the second paragraph of section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- (22) paragraph 3 of section 36 and section 38 of the Act respecting security funds (R.S.Q., chapter F-3.2.0.4);
- (23) section 3.6.2 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- (24) the first paragraph of section 31.1.4 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- (25) paragraph 5 of the definition of “employer subject to contribution” in section 39.0.1 of the Act respecting labour standards (R.S.Q., chapter N-1.1);
- (26) Schedule II to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- (27) paragraph 1 of Schedule I to the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- (28) paragraph 1 of Schedule I to the Act respecting the Naskapi Development Corporation (R.S.Q., chapter S-10.1);
- (29) the schedule to the Act respecting the Makivik Corporation (R.S.Q., chapter S-18.1);

(30) subparagraph 4 of the first paragraph of section 203 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);

(31) paragraph 2 of section 41 and section 44 of the Securities Act (R.S.Q., chapter V-1.1).

#### TRANSITIONAL AND FINAL PROVISIONS

**34.** Not later than 28 February 2004, the Comité de gestion de la taxe scolaire de l'île de Montréal must make a report to the Minister of Education and to the school boards on the island of Montréal on the comparative costs of the various options concerning the collection of the school tax, in particular, the case where Ville de Montréal would be collecting the school tax, taking into account the special situation of the part of the territory of the Lester-B.-Pearson School Board situated off the island of Montréal.

**35.** The members of the Conseil scolaire de l'île de Montréal in office on 27 February 2003 cease on that date to exercise their functions. The Comité de gestion de la taxe scolaire de l'île de Montréal shall, however, pay to them the remuneration to which they would have been entitled if they had remained in office until the date of the first school election that follows 28 February 2003.

**36.** A labour contract entered into between the Conseil scolaire de l'île de Montréal and an employee in force on 5 November 2002 cannot be modified and no other labour contract may be entered into after that date by the Conseil scolaire de l'île de Montréal, except for the hiring of employees on a temporary basis.

**37.** The employees of the Conseil scolaire de l'île de Montréal in office on 27 February 2003 become employees of the Comité de gestion de la taxe scolaire de l'île de Montréal.

**38.** The conditions of employment of the members of the personnel of the Conseil scolaire de l'île de Montréal who are not employees within the meaning of the Labour Code (R.S.Q., chapter C-27), applicable on 5 November 2002, continue to apply until the Minister makes a regulation under section 451 of the Education Act (R.S.Q., chapter I-13.3).

**39.** The conditions of employment of employees within the meaning of the Labour Code in the employ of the Conseil scolaire de l'île de Montréal, applicable on 5 November 2002, continue to apply until a collective agreement is entered into between the Comité de gestion de la taxe scolaire de l'île de Montréal and its groups of employees.

**40.** Sections 38 and 39 apply only to the personnel in the employ of the Conseil scolaire de l'île de Montréal on 5 November 2002, except employees hired on a temporary basis.

**41.** The Comité de gestion de la taxe scolaire de l'île de Montréal may not lay off an employee, other than an employee hired on a temporary basis, in its employ on 5 November 2002, until 1 January 2004.

**42.** Before 1 January 2004, the Comité de gestion de la taxe scolaire de l'île de Montréal must negotiate with the representatives of its employees the terms and conditions applicable in the case of a personnel reduction in relation to the granting of severance allowances or to retirement.

**43.** The Comité de gestion de la taxe scolaire de l'île de Montréal shall analyze its staffing needs having regard to the scope of its mandate and after consulting the members of the personnel of the Comité.

**44.** The records and other documents of the Conseil scolaire de l'île de Montréal become the records and documents of the Comité de gestion de la taxe scolaire de l'île de Montréal.

**45.** The Comité de gestion de la taxe scolaire de l'île de Montréal becomes a party to any proceeding to which the Conseil scolaire de l'île de Montréal was a party, without continuance of suit.

**46.** Unless the context indicates otherwise, for the purposes of any regulation, by-law, ordinance, order in council, order, contract or other document, the words "Conseil scolaire de l'île de Montréal" or "Conseil" refer to the "Comité de gestion de la taxe scolaire de l'île de Montréal".

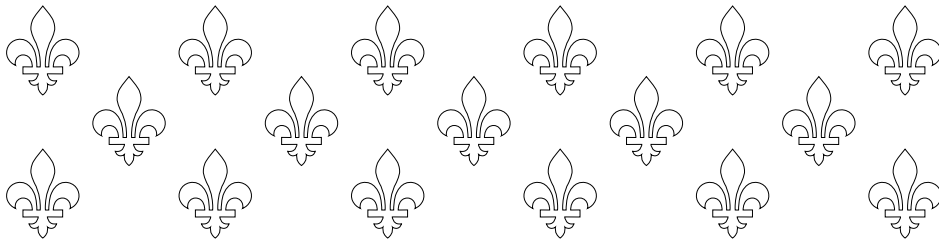
**47.** The by-laws, resolutions or ordinances of the Conseil scolaire de l'île de Montréal in force on 28 February 2003 remain in force, to the extent that they are compatible with this Act, insofar as their object has not been attained or until they are replaced or repealed. However, By-law No. 43 concerning the Council's policy in respect of economically disadvantaged areas, adopted on 27 April 2002 by the Conseil scolaire de l'île de Montréal applies until 30 June 2003.

All acts performed before 28 February 2003 by the Conseil scolaire de l'île de Montréal under a provision that is replaced or repealed by this Act retain their effects while expedient. Where that is the case, they are deemed to have been performed under the equivalent provision of this Act.

**48.** On or before 27 February 2003, the Minister of Education and the school boards on the island of Montréal shall designate the members of the Comité de gestion de la taxe scolaire de l'île de Montréal.

**49.** The person who exercises the functions of director general of the Conseil scolaire de l'île de Montréal on 27 February 2003 is deemed to be the director general of the Comité until the Comité appoints a director general; that person shall convene the members of the Comité de gestion de la taxe scolaire de l'île de Montréal to the first sitting of the Comité which shall be held within 30 days after 28 February 2003.

**50.** This Act comes into force on 28 February 2003, except section 48, which comes into force on 19 December 2002.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 220

(Private)

**An Act to amend the Act to incorporate  
the “Argenteuil Hospital”**

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**Introduced 5 November 2002  
Passage in principle 19 December 2002  
Passage 19 December 2002  
Assented to 19 December 2002**

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**Québec Official Publisher  
2002**



## **Bill 220**

(Private)

### **AN ACT TO AMEND THE ACT TO INCORPORATE THE “ARGENTEUIL HOSPITAL”**

WHEREAS under its constituting act, the Argenteuil Hospital does not have the power to operate a local community service centre and it is expedient that such power be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

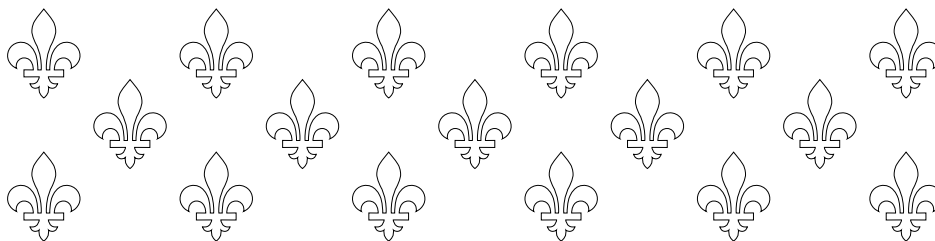
**1.** The Act to incorporate the “Argenteuil Hospital” (1951-52, chapter 118), amended by chapter 92 of the statutes of 1982, is again amended by adding the following paragraph to section 3:

“f. To operate a local community service centre within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2).”

**2.** This Act comes into force on 19 December 2002.







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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 222

(Private)

**An Act respecting Ville de Contrecoeur**

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**Introduced 5 November 2002**

**Passage in principle 19 December 2002**

**Passage 19 December 2002**

**Assented to 19 December 2002**

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**Québec Official Publisher  
2002**



## **Bill 222**

(Private)

### **AN ACT RESPECTING VILLE DE CONTRECOEUR**

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** Where municipal taxes on an immovable comprised in the sector described in the schedule have not been paid for three consecutive years, the town may be declared the owner of that immovable by the Superior Court sitting in the district in which the immovable is situated.

**2.** The application is made by a motion.

The motion may concern more than one immovable belonging to different owners.

The motion may be granted only after publication in a newspaper distributed in the territory of the town of a notice requesting all persons who may have rights respecting the immovables to appear in court within 60 days after the publication in order to claim an indemnity equal to the value of their rights, after deduction of an amount sufficient to pay all outstanding municipal and school taxes, any accrued interest and the costs pertaining to the motion, including publication costs. Before the deduction, the indemnity claimed may not exceed the actual value of the immovable on 1 January 1981.

Publication of the notice replaces service. The notice shall indicate that it is given under this Act. The description of immovables concerned that are parts of a lot is deemed to be sufficient if it mentions the lot number and the area of the part of the lot concerned as well as the name of its owner.

However, in respect of the remainder of the immovables registered at the registry office of the registration division of Verchères in the name of American Industrial Research Corp. or Can-Am Industrial Development Corp. that are parts of lots, the description of the immovables concerned is deemed to be sufficient notwithstanding articles 3036 and 3037 of the Civil Code of Québec if it mentions the name of either of those companies, the number of the original lot, the cadastre and if it indicates the number under which the instrument of acquisition of the company was published and the fact that the company did not transfer those immovables after having so acquired them.

Where the judgment grants the motion, it shall order the registrar to enter the judgment in the land register of the immovables so described to stand in lieu of title for the town even though the description of the immovables is not in conformity with the rules of the Civil Code of Québec in the matter.

No appeal lies from the judgment rendered on the motion.

**3.** The town becomes the owner of the immovables in respect of which publication of the judgment declaring ownership is effected at the registry office, and no claim may be subsequently made in respect of the immovables. The real rights that may affect the immovables concerned, including prior claims, hypothecs, resolute clauses or clauses that may give rights of cancellation, and servitudes other than servitudes of public utility are extinguished.

The clerk of the town may draw up a list of the real rights other than servitudes of public utility that encumber the immovables described in the judgment declaring ownership that have been published and that are extinguished under this section and, on an application to that effect, the registrar shall cancel the registration of those rights.

The publication gives title to the town, the validity of which cannot be contested for any reason.

**4.** The town may, to consolidate land or to reconstitute the original lots in the sector described in the schedule and in respect of which it wishes to promote, ensure or maintain agricultural operations,

- (1) acquire an immovable by agreement or by expropriation ;
- (2) hold and manage the immovable ;
- (3) carry out the required development, restoration, demolition or clearing work on the immovable ;
- (4) alienate or lease the immovable ;
- (5) exchange an immovable it owns in its territory for another immovable it wishes to acquire, if their value is comparable. It may also, where it considers that an unconditional exchange would not be appropriate, offer as consideration an amount of money in lieu of or in addition to an immovable.

**5.** Acquisitions by agreement or expropriation, exchanges provided for in section 4 and alienations referred to in section 26 do not constitute an alienation within the meaning assigned to that term in the definition in section 1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1).

**6.** An offer of exchange is made by service on the owner of a notice to that effect together with the text of sections 4 to 22 and 28 of this Act. Section 40.1 of the Expropriation Act (R.S.Q., chapter E-24) applies to the service of the notice. The notice shall then be published at the registry office.

The notice must also be published in the *Gazette officielle du Québec* at least 10 days before being served on the owner.

The notice must indicate that it is given under this Act and contain, in particular, the following information :

- (1) a description of the immovable that the town wishes to acquire ;
- (2) the name of the owner of the immovable ;
- (3) a description of the immovable offered as consideration ;
- (4) the time limit for filing an objection with the town.

In the case provided for in paragraph 5 of section 4, the notice must mention the sum of money, if any, offered by the town as consideration.

**7.** The owner of the immovable that the town wishes to acquire may, within 60 days of the date of being served the notice referred to in section 6, file with the town an objection, in writing and with reasons, to the consideration offered. Holders of real rights in the immovable and, in particular, holders of claims secured by a prior claim or hypothec on the immovable also have the same right within that time.

In addition, every owner, lessee or occupant of an immovable upon which there is a servitude other than a servitude of public utility may, within the same time, file an objection with the town, in writing and with reasons, for the purpose of claiming an indemnity.

No objection may be filed after the expiry of that time.

At the expiry of the time set out in the first paragraph, the town shall make the exchange with the owners of the immovables if no objection to the consideration offered has been filed.

**8.** Where the owner of the immovable that the town wishes to acquire, or the holder of a real right in the immovable other than a servitude files, within the time mentioned in section 7, an objection in writing and with reasons, the town may enter into an agreement with the owner or holder in relation to the exchange.

As well, if the owner, lessee or occupant of an immovable upon which there is a servitude other than a servitude of public utility upon the immovable that the town wishes to acquire files an objection in writing and with reasons, the town may enter into an agreement with that person in relation to the indemnity.

Any agreement entered into must be evidenced in writing. After payment or deposit in the Superior Court of the sum of money agreed upon, if any, the town shall make the exchange.

**9.** Failing agreement within 30 days after the expiry of the time for filing a notice of objection, the owner of the immovable that the town wishes to acquire, or the holder of a real right in the immovable other than a servitude may, within 15 days after the expiry of the 30-day period, by a motion served on the town, apply to the Administrative Tribunal of Québec to have the Tribunal fix the amount of fair consideration resulting from the exchange.

Within that 15-day period, the owner, lessee or occupant of an immovable upon which there is a servitude other than a servitude of public utility upon the immovable that the town wishes to acquire may apply to the Administrative Tribunal of Québec to have the Tribunal fix the amount of the indemnity resulting from the extinction of the servitude.

Where, at the expiry of the 15-day period provided for in the first paragraph, no application has been made to the Administrative Tribunal of Québec in relation to the consideration, the town may make the exchange as proposed.

**10.** Where a person has made an application under section 9, the Administrative Tribunal of Québec shall hear the parties and fix the consideration or the indemnity payable to that person.

The consideration fixed to give effect to an application made under the first paragraph of section 9 may consist, in whole or in part, of an immovable.

The indemnity fixed to give effect to an application made under the second paragraph of section 9 may consist only of a sum of money.

Following the decision of the Administrative Tribunal of Québec and, as the case may be, the payment of the sum ordered or its deposit in the Superior Court, the town shall make the exchange.

**11.** Sections 40.1, 48 and 58 of the Expropriation Act apply to the proceedings, with the necessary modifications.

**12.** The ownership of an immovable described in a notice under section 6 is transferred by the publication of a notice of the transfer at the registry office. The notice of transfer shall contain the description of the immovable referred to therein and contain a reference to the notice served pursuant to section 6 consisting of the publication number at the registry office.

The real rights in the immovable acquired by the town other than the servitudes shall be transferred to the immovable transferred as consideration.

Servitudes of public utility shall continue to encumber the immovable acquired by the town, but the other servitudes are extinguished.

**13.** The town shall send to the owner with whom an exchange has been made a certified true copy of, or extract from, the notice referred to in section 12 concerning the owner. The document must mention the number under which the notice was published at the registry office and is valid as title of ownership.

**14.** As of the transfer of the right of ownership resulting from an exchange, the immovables affected by the exchange are subject only to the rights and actions which the new owner may exercise.

**15.** Registration of the real rights that affected the immovable acquired by the town and that may be transferred to the immovable transferred as consideration pursuant to section 12 must be carried over to the immovable by a notice published at the registry office within six months of the transfer of ownership.

At the expiry of the six months, any rights that have been registered but not carried over are extinguished and any notice of carrying over consequent to a requisition presented more than six months after the transfer of ownership is without effect.

The prior claims and hypothecs that have been registered and carried over to the immovable transferred as consideration retain the initial order they had on the immovable acquired by the town.

**16.** Upon publication of a notice referred to in section 12, the clerk of the town shall send, by registered or certified mail, to the holders of real rights in the immovable acquired by the town other than servitudes, including claims secured by a prior claim or hypothec on the immovable, a notice advising them to carry over, within six months after the transfer of ownership, the registration of the real rights in respect of which they appear as holders to the immovable transferred as consideration by the town.

**17.** The second paragraph of section 3 applies, with the necessary modifications, to the notice of transfer referred to in section 12.

The cancellation of registration of real rights other than servitudes shall not prevent the application of section 15.

**18.** The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply to the transfer of an immovable under section 4.

**19.** The Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) does not apply to an immovable that is exchanged in accordance with section 4.

**20.** This Act shall not operate to limit or prevent all or any of the provisions of a fiscal law within the meaning of section 1 of the Taxation Act (R.S.Q., chapter I-3).

**21.** This Act does not apply to an immovable real right published pursuant to an Act, regulation, order in council, order, agreement or arrangement by the Minister of Revenue.

**22.** The town may withdraw wholly or partially from a measure taken for the purpose of exchanging an immovable to which this Act applies, before publication of the notice referred to in section 12.

No damages that may be granted following the withdrawal may exceed the value of the immovable entered on the assessment roll in force on the date on which the notice under section 6 is sent, multiplied by the factor established for the roll under the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

**23.** The Cities and Towns Act (R.S.Q., chapter C-19) is amended, for the town, by inserting the following sections after section 486:

**“486.1.** In addition to any property tax that it may impose and levy on land situated in the sector described in the schedule to the Act respecting Ville de Contrecoeur (*insert here the year of assent and chapter number of that Act*), the council may impose and levy annually on that land a surtax that may be equal to the total property taxes that the town may impose and levy on such land for the fiscal year concerned. The council may by by-law order that the amount of the surtax for a parcel of land shall not be less than a minimum amount it fixes in the by-law and that may not exceed \$200.

The by-law may provide for categories of land subject to the surtax and impose a surtax whose rate may vary according to the category.

**“486.2.** The following land is not subject to the surtax provided for in section 486.1:

(1) land on which there is a building whose property value exceeds 25% of the property value of the land, according to the assessment roll in force;

(2) land owned by a railway undertaking and on which there is a railway track;

(3) land used for overhead electric powerlines;

(4) land forming part of an agricultural operation 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);

(5) land that may be used for purposes other than agriculture under an authorization of the Commission de la protection du territoire agricole du Québec or that benefits from acquired rights within the meaning of Chapter VII of the Act to preserve agricultural land and agricultural activities.



**“486.3.** The revenues from the surtax imposed under section 486.1 shall be paid into a special fund.

The sums from the fund shall be used solely to promote consolidation of land situated in the sector described in the schedule to the Act respecting Ville de Contrecoeur (*insert here the year of assent and chapter number of that Act*) and reconversion of land for agricultural purposes. In particular, the sums may be used for the purpose of acquiring land by agreement or by expropriation and exchanging or alienating land.”

**24.** Where the town, under this Act, becomes the owner of immovables sufficient to be used for genuine and sustained agricultural purposes, it shall submit to the Minister of Natural Resources a plan entailing the striking out or replacement of the numbers of the lots it owns in accordance with article 3043 of the Civil Code of Québec.

**25.** Every operation carried out under section 24 must be authorized by the Minister of Agriculture, Fisheries and Food after the opinion of the Commission de protection du territoire agricole du Québec has been obtained.

**26.** The town shall, within two years following the authorization required under section 25, offer for sale, at its actual value, the lot concerned by the cadastral amendment to enable it to be used for agricultural purposes, and shall so advise the Minister of Agriculture, Fisheries and Food and the Fédération régionale de l'Union des producteurs agricoles.

If the town fails to find a purchaser for a lot at its actual value within the required time, it shall so advise the Minister of Agriculture, Fisheries and Food who may grant an extension for the selling of the lot or, at the request of the council, authorize the town to retain it permanently.

The town may, in respect of an immovable it is authorized to retain, carry out thereon development, restoration, demolition or clearing work or operate or lease the immovable.

**27.** This Act shall not affect a case pending on 14 January 2002.

**28.** The title obtained by Ville de Contrecoeur under this Act in respect of immovables situated in the territory described in the schedule may not be contested.

**29.** All the hypothecary rights, resolutive clauses and giving in payment clauses encumbering the parts of lots 224 and 228 of the cadastre of the parish of Contrecoeur described in the deeds of sale registered at the registry office of the registration division of Verchères under Nos. 67039, 67040, 67194, 67195, 81994, 92799 and 92800, and in the deed of collateral security published at that registry office under No. 131522, are hereby abolished and extinguished.

The registrar of the registration division of Verchères shall, upon the presentation of an authentic copy of this Act, in prescribed form, cancel all the rights and record all the particulars required in the proper registers.

**30.** This Act comes into force on 19 December 2002.

## SCHEDULE

1. A territory forming part of the cadastre of the parish of Contrecoeur and comprising the lots or parts of lots, their present and future subdivisions and redivisions, the whole contained within the perimeter hereinafter described, to wit:

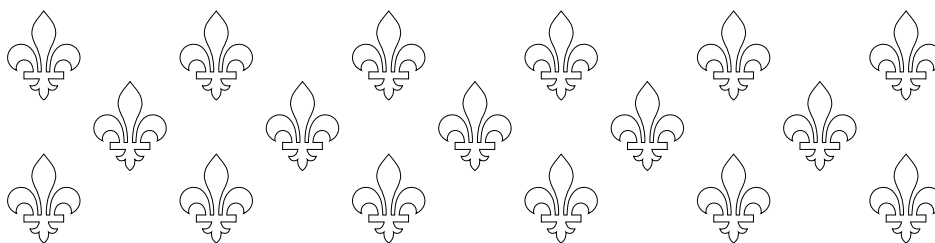
Starting from the north corner of lot 385; in a southeasterly direction, along the northeast limit of lot 385, to the east corner of the said lot; from that corner, in a southwesterly direction, along the southeast limit of lots 385, 384, 383 and 382, being a part of the southeast limit of the territory of Ville de Contrecoeur, to the south corner of lot 382-212; from that corner, in a northwesterly direction, along the northeast limit of lot 381, to the west corner of lot 382-13; from that corner, in a northeasterly direction, along the southeast limit of rang du Ruisseau, to the north corner of lot 383-28; from that corner, in a southeasterly direction, along the northeast limit of lots 383-28, 383-54, 383-53, 383-52 and 383-51, to the east corner of lot 383-51; from that corner, in a northeasterly direction, along the northwest limit of lot 383-2, the southeast limit of lot 383-1-1 and the northwest limit of lot 383-402, to the north corner of lot 383-402; from that corner, in a northwesterly direction, along the southwest limit of lot 384, to the west corner of lot 384; from that last corner, in a northeasterly direction, along the southeast limit of rang du Ruisseau to the starting point, namely the north corner of lot 385.

2. A territory consisting of a part of lot 378 of the cadastre of the parish of Contrecoeur, that part being more completely described as follows:

Starting from a point resulting from the intersection of the east limit of rang du Ruisseau and the dividing line of lots 378 and 379; from that point, in a southeasterly direction, along the limit dividing lots 378 and 379, for a distance of 1,568.88 metres, to the point resulting from the intersection of the limit dividing lots 378 and 379 and the southeast limit of that lot 378, being a part of the southeast limit of the territory of Ville de Contrecoeur; from that point, in a southwesterly direction, along the southeast limit of that lot 378, being a part of the southeast limit of the territory of Ville de Contrecoeur, for a distance of 155.40 metres, to the south corner of the said part of lot 378; from that point, in a northwesterly direction, along the southwest line of the said part of lot 378 (line that is substantially parallel to the dividing limit of lots 378 and 379), for a distance of 1,464.36 metres, to the point resulting from the intersection of the east limit of rang du Ruisseau and the southwest limit of the said part of lot 378; from that point, in a northerly direction, along the east limit of rang du Ruisseau, for a distance of 104.43 metres, to the point resulting from the intersection of the east limit of rang du Ruisseau and the southwest limit of the property of Michel Gosselin and Manon Lachance (lot 378 PT); from that point, in a southeasterly direction, along the southwest limit of the property of Michel Gosselin and Manon Lachance (lot 378 PT), for a distance of 30.48 metres, to the south corner of the property of Michel Gosselin and Manon Lachance (lot 378 PT); from that point, in a northeasterly direction, along the southeast limit of the property of Michel Gosselin and

Manon Lachance (lot 378 PT), for a distance of 36.82 metres, to the east corner of the property of Michel Gosselin and Manon Lachance (lot 378 PT); from that point, in a northwesterly direction, along the northeast limit of the property of Michel Gosselin and Manon Lachance (lot 378 PT), for a distance of 44.20 metres, to the point resulting from the intersection of the east limit of rang du Ruisseau and the northeast limit of the property of Michel Gosselin and Manon Lachance (lot 378 PT); from that point, in a northerly direction, along the east limit of rang du Ruisseau, for a distance of 47.74 metres, along a straight line and for a distance of 29.44 metres along a curve having a radius of 218.48 metres, to the starting point, namely the point resulting from the intersection of the east limit of rang du Ruisseau and the dividing line of lots 378 and 379.

The whole as shown on the plan prepared by Michel Dansereau, land surveyor, on 4 October 2002 under No. 02-3342 of his minutes.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 223

(Private)

## **An Act respecting Mont Saint-Louis**

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**Introduced 6 November 2002**

**Passage in principle 19 December 2002**

**Passage 19 December 2002**

**Assented to 19 December 2002**

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**Québec Official Publisher  
2002**



## **Bill 223**

(Private)

### **AN ACT RESPECTING MONT SAINT-LOUIS**

WHEREAS on 15 December 1988, the Société d'habitation et de développement de Montréal acquired from the Société municipale d'habitation de Montréal an immovable known and designated as lot 1178 of the official cadastre of the city of Montréal (Saint-Louis district), with buildings thereon erected, bearing civic addresses 230, 244, 250 and 260 Sherbrooke Street East, Montréal;

Whereas the deed of sale was entered in the land register of the registry office of the registration division of Montréal under number 4 107 058;

Whereas the immovable was converted into property to be held in co-ownership on 19 October 1989 and the declaration of co-ownership was entered in the land register of the registry office of the registration division of Montréal under number 4 209 892;

Whereas the immovable is cultural property recognized under the Cultural Property Act that was entered in the register of cultural property on 17 May 1979, and a notice to that effect was entered in the land register of the registry office of the registration division of Montréal on 18 May 1979 under number 2 975 068;

Whereas the immovable is situated in the protected area of a classified cultural property according to the terms of a notice of the Minister of Cultural Affairs entered on 7 March 1979 in the land register of the registry office of the registration division of Montréal under number 2 954 171;

Whereas at the time of the sale by the Société d'habitation et de développement de Montréal of the Mont Saint-Louis property held in co-ownership, the notices prescribed by sections 20 and 23 of the Cultural Property Act were not given;

Whereas section 56 of the Cultural Property Act provides that every alienation of cultural property made contrary to that Act is absolutely null;

Whereas it is important for the Société d'habitation et de développement de Montréal that the defects in title affecting the property held in co-ownership be rectified;

Whereas the Syndicat des Copropriétaires du Mont Saint-Louis is in agreement with the introduction and passage of this Act;

Whereas the Minister of Culture and Communications has been informed of the introduction of this Act and has not objected thereto;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

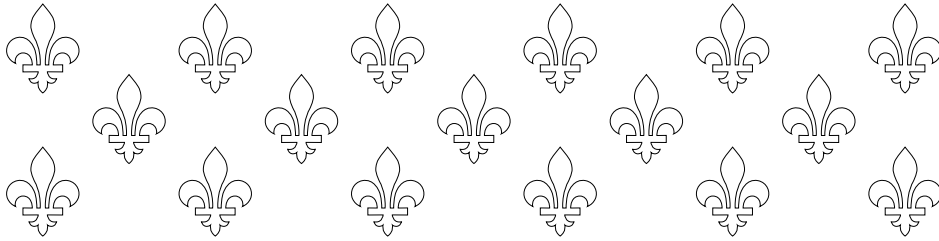
**1.** Notwithstanding section 56 of the Cultural Property Act (R.S.Q., chapter B-4), as of the registration of the declaration of co-ownership, no sales made and published under numbers 4233873-4232323-4233875-4232312-4232310-4232313-4233934-4233932-4233879-4232358-4233919-4232318-4232317-4232315-4233865-4233936-4232342-4232340-4232307-4235972-4232325-4232319-4233903-4409423-4233901-4409424-4232344-4233918-4233877-4421251-4232328-4232337-4232335-4407660-4233905-4220931-4233922-4235964-4232346-4232326-4233881-4235960-4233867-4409426-4233907-4232333-4232348-4233920-4233864-4293038-4236452-4233866-4233911-4233868-4409425-4233869-4233926-4410984-4233863-4233924-4233909-4233891-4341225-4235969-4409428-4423554-4232352-4232350-4233871-4233889-4233883-4233887-4235961-4458287-4233893-4233897-4428093-4233913-4235962-5062059-4990185-4235974-4233917-4232354-4264740-4232330-4428092-4233895-4232332-4303244-4232339-4233915-4264739-4235963-4233928-4235973-4326935, concerning lot numbers 2 338 581-2 338 582-2 161 033-2 161 034-2 161 035-2 161 036-2 161 037-2 161 038-2 161 039-2 161 040-2 161 041-2 161 042-2 161 043-2 161 044-2 161 045-2 161 046-2 161 047-2 161 048-2 161 049-2 161 050-2 161 051-2 161 052-2 161 053-2 161 054-2 161 055-2 161 056-2 161 057-2 161 058-2 161 059-2 161 060-2 161 061-2 161 062-2 161 063-2 161 064-2 161 065-2 161 066-2 161 067-2 161 068-2 161 069-2 161 070-2 161 071-2 161 072-2 161 073-2 161 074-2 161 075-2 161 076-2 161 077-2 161 078-2 161 079-2 161 080-2 161 081-2 161 082-2 161 083-2 161 084-2 161 085-2 161 086-2 161 087-2 161 088-2 161 089-2 161 090-2 161 091-2 161 092-2 161 093-2 161 094-2 161 095-2 161 096-2 161 097-2 161 098-2 161 099-2 161 100-2 161 101-2 161 102-2 161 103-2 161 104-2 161 105-2 161 106-2 161 107-2 161 108-2 161 109-2 161 110-2 161 111-2 161 112-2 161 113-2 161 114-2 161 115-2 161 116-2 161 117-2 161 118-2 161 119-2 161 120-2 161 121-2 161 122-2 161 123-2 161 124-2 161 125-2 161 126-2 161 127-2 161 128-2 161 129-2 161 130-2 161 131-2 161 132-2 161 133-2 161 134-2 161 135-2 161 136-2 161 137-2 339 818-2 339 819-2 339 820-2 339 821-2 339 822-2 339 823-2 339 824-2 339 825-2 339 826-2 339 827-2 339 828-2 339 829-2 339 830-2 339 831-2 339 832-2 339 833-2 339 834-2 339 835-2 339 836-2 339 837-2 339 838-2 339 839-2 339 840-2 339 841-2 339 842-2 339 843-2 339 844-2 339 845-2 339 846-2 339 847-2 339 848-2 339 849-2 339 850-2 339 851-2 339 852-2 339 853-2 339 854-2 339 855-2 339 856-2 339 857 of the cadastre of Québec in the registration division of Montréal may be annulled on the ground that the notices required under sections 20 and 23 of the Cultural Property Act were not given.



**2.** This Act must be published at the registry office established for the registration division of Montréal.

**3.** This Act comes into force on 19 December 2002.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 225

(Private)

**An Act respecting lot 599 of the cadastre  
of the parish of Saint-Polycarpe,  
registration division of Vaudreuil**

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**Introduced 4 December 2002  
Passage in principle 19 December 2002  
Passage 19 December 2002  
Assented to 19 December 2002**

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**Québec Official Publisher  
2002**



## **Bill 225**

(Private)

### **AN ACT RESPECTING LOT 599 OF THE CADASTRE OF THE PARISH OF SAINT-POLYCARPE, REGISTRATION DIVISION OF VAUDREUIL**

WHEREAS the Fabrique of the parish of Saint-Polycarpe possesses lot 599 of the cadastre of the parish of Saint-Polycarpe, registration division of Vaudreuil, containing an area of 5 arpents and 70 rods, after acquiring it by a deed of gift made by Mr John McDonald and Madam Marie-Anne McGillis on 6 November 1815 before J. Mailloux, notary, and registered at the registry office of the county of Vaudreuil on 22 October 1844 under number 673; and whereas it also erected its church in 1818 and its rectory in 1852 on that lot, and localized thereon the greater part of its cemetery;

Whereas the aforementioned gift was made in favour of the future Fabrique of the Seigneurie de la Nouvelle Longueuil thereof accepting by the appointed rector and three syndics;

Whereas the aforementioned gift being prior to the cadastre, the description of the lot of land being the subject of the gift does not enable it to be identified with lot 599;

Whereas the aforementioned gift is made subject to the resolutive condition that the given lot of land be used "...for the erection or building of a Church, Rectory, Cemetery, or for the divine service in the said Seigniori or mission. And the surplus of the said lot of land will belong to Monsieur Le Curé (Rector) and all his successors thereafter... For the enjoyment of the said lot of land by Monsieur Le Curé or Missionnaire (Missionary) for so long as the said Church and Rectory remain thereon with no other charges to the said donors... And subject only to the event that, in time, it is deemed suitable to build or move the said Church elsewhere than on the land currently given, in which case the said John McDonald, his heirs and assigns shall resume possession of the said lot of land as of right, on pain." (translation);

Whereas the Fabrique of the parish of Saint-Polycarpe cannot identify the "heirs and assigns" of the said John McDonald;

Whereas the Fabrique of the parish of Saint-Polycarpe is bound by the provisions of the deed of gift and, consequently, can begin to prescribe the ownership of lot 599 for its own benefit only upon the occurrence of the said resolutive condition;

Whereas by reason of the aforementioned, the title of the Fabrique of the parish of Saint-Polycarpe to lot 599 is questionable and will be annulled by the occurrence of the resolutive condition stipulated therein;

Whereas by reason of the aforementioned, the Fabrique of the parish of Saint-Polycarpe can neither use all or part of lot 599 for purposes other than those stipulated in the deed of gift, nor alienate lot 599 in favour of third parties;

Whereas notwithstanding the foregoing, under the terms of a deed dated 3 February 1977 published in the registration division of Soulanges (now Vaudreuil) under number 68649, the Fabrique of the parish of Saint-Polycarpe sold part of the said lot 599 containing an area of 19,225 square feet, English measure, to Municipalité de Saint-Polycarpe;

Whereas under the terms of a deed dated 13 April 1995 published in the registration division of Vaudreuil under number 305424, Municipalité de Saint-Polycarpe sold to the Fabrique of the parish of Saint-Polycarpe the whole of the part of lot 599 it had acquired under the terms of the deed published in the registration division of Soulanges (now Vaudreuil) under number 68649 and established a real servitude of right of way on the part of lot 599 described in the schedule;

Whereas by reason of the aforementioned, the validity of that servitude of right of way is questionable;

#### THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** All obligations, charges or conditions affecting the use of lot five hundred ninety-nine (No. 599) of the cadastre of the parish of Saint-Polycarpe, registration division of Vaudreuil, "...for the erection or building of a Church, Rectory, Cemetery, or for the divine service in the said Seigniorship or mission. And the surplus of the said lot of land will belong to Monsieur Le Curé (Rector) and all his successors thereafter...For the enjoyment of the said lot of land by Monsieur Le Curé or Missionnaire (Missionary) for so long as the said Church and Rectory remain thereon with no other charges to the said donors... And subject only to the event that, in time, it is deemed suitable to build or move the said Church elsewhere than on the land currently given, in which case the said John McDonald, his heirs and assigns shall resume possession of the said lot of land as of right, on pain." (translation), which could arise out of and from the deed of gift made by Mr John McDonald and Madam Marie-Anne McGillis before J. Mailloux, notary, on 6 November 1815 and registered at the registry office of the county of Vaudreuil on 22 October 1844 under number 673, are hereby cancelled.

**2.** The Fabrique of the parish of Saint-Polycarpe is hereby declared the absolute owner of lot five hundred ninety-nine (599) of the cadastre of the parish of Saint-Polycarpe, registration division of Vaudreuil.

- 3.** The servitude of right of way established under the terms of the deed published in the registration division of Vaudreuil under number 305424 on the part of lot five hundred ninety-nine (599) of the cadastre of the parish of Saint-Polycarpe described in the schedule is hereby declared to be good and valid.
- 4.** Registration of the rights granted by this Act shall be effected by registration of a true copy of this Act in the land register.
- 5.** This Act comes into force on 19 December 2002.

## SCHEDULE

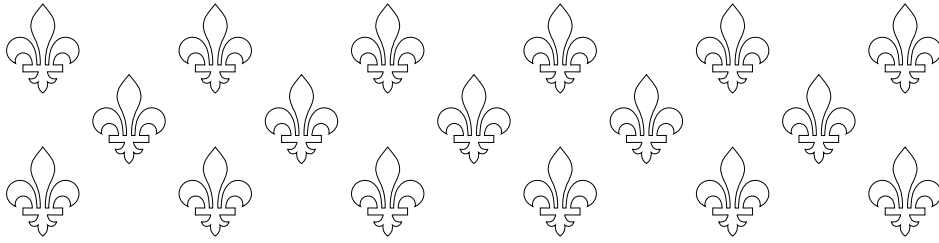
## CADASTRAL DESCRIPTION

Of the servient land of the servitude of right of way established under the terms of the deed published in the registration division of Vaudreuil under number 305424.

Part of lot 599 of the cadastre of the parish of Saint-Polycarpe in the registration division of Vaudreuil, measuring 6.10 metres (20 feet) in width and bounded on the northeast by another part of the said lot 599, southeasterly by lots 603, 706 and 604 of the cadastre of the parish of Saint-Polycarpe, southwesterly by de l'Église street (shown on the original) and northwesterly by another part of lot 599, along a line parallel to the southeast boundary of the said lot and situated at a distance of 6.10 metres (20 feet) to the northwest thereof.

The eastern extremity of the part of lot 599 described above is situated at a distance of 91.757 metres (301.04 feet) from the apex of the eastern angle of the lot, the distance being measured along the southeast line of the said lot.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 226

(Private)

## **An Act respecting Ville de Shawinigan**

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**Introduced 11 December 2002**

**Passage in principle 19 December 2002**

**Passage 19 December 2002**

**Assented to 19 December 2002**

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**Québec Official Publisher  
2002**



## Bill 226

(Private)

### AN ACT RESPECTING VILLE DE SHAWINIGAN

WHEREAS Ville de Shawinigan results from the amalgamation of the former cities of Grand-Mère, Shawinigan and Shawinigan-Sud, Municipalité du Lac-à-la-Tortue, Village de Saint-Georges and the parishes of Saint-Gérard-des-Laurentides and Saint-Jean-des-Piles ;

Whereas special legislative provisions governing the former cities of Grand-Mère and Shawinigan apply to the city ;

Whereas it is in the interest of the city that certain of those special legislative provisions governing the former cities of Grand-Mère and Shawinigan be amended and that other special powers be granted to it ;

#### THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

**1.** Section 5 of the Act respecting the city of Grand-Mère (1993, chapter 90) is amended by adding the following paragraph after the first paragraph :

“The city may, by a by-law approved by the Minister of Municipal Affairs and Greater Montréal, increase the maximum amount of the expenses it may incur under the first paragraph.”

**2.** The term of a lease of premises in an industrial rental building erected on the immovables listed in Schedule A and of which the city is the owner or lessee may exceed three years.

**3.** Where the city enters into an agreement with a lessee to terminate the lease in an industrial rental building erected on the immovables listed in Schedule A of which the city is the owner or lessee to relocate the lessee to another industrial rental building situated in its territory of which the city is the owner or lessee, the city may, in addition to assuming the costs of relocation, pay the lessee reasonable compensation.

**4.** The city may become surety for a non-profit organization or grant a non-profit organization a subsidy to facilitate the construction or operation of industrial rental buildings on the immovables listed in Schedules A, B, C and D and in Schedule A to the Act respecting Ville de Shawinigan (1997, chapter 114).

**5.** To allow an industrial enterprise that is a lessee in an immovable owned by the city to expand, the city may lease an industrial building situated on an immovable appearing in Schedule A and sublease it to that enterprise.

**6.** The expenditures incurred for the subsidies granted to facilitate the operation of an industrial building referred to in section 4 and pursuant to the Act respecting the city of Grand-Mère (1993, chapter 90) may not exceed, during a fiscal year, the amount the city fixes by by-law. The by-law shall be submitted for approval to the Minister of Municipal Affairs and Greater Montréal if the amount the city fixes accounts for more than 3% of the expenditures provided for in the budget of the city for the fiscal year concerned.

**7.** The city is deemed to have had the powers granted to it by sections 1 and 2 since 4 November 1993 and the powers granted to it by sections 3 to 6 of this Act since 3 September 1996, and those powers are granted to it notwithstanding the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) and the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

**8.** Section 6 has effect for any fiscal year prior to the fiscal year 2015.

However, the Minister of Municipal Affairs and Greater Montréal may, at the request of the city and on the conditions the Minister determines, extend that period. The Minister shall give notice of the extension in the *Gazette officielle du Québec*.

**9.** This Act does not affect cases pending on the dates mentioned in section 7.

**10.** This Act comes into force on 19 December 2002.

## SCHEDULE A

A.1. *Complexe Jacques-Marchand (Ville de Shawinigan, Grand-Mère sector)*

Starting from a point situated at the intersection of the limit of original lots 746 and 74 of the cadastre of the parish of Sainte-Flore and the southeast right of way of 5<sup>e</sup> Avenue (Grand-Mère sector);

thence, southeasterly along the dividing line between original lots 746, 747, 748 and part of original lot 73 on one side and lot 74 of the cadastre of the parish of Sainte-Flore on the other side, for a distance of approximately 651 metres

thence, southerly, in original lot 73 of the cadastre of the parish of Sainte-Flore, a straight line for a distance of approximately 94 metres;

thence, southwesterly, still in the said original lot 73 of the cadastre of the parish of Sainte-Flore, a straight line to its intersection with the dividing line between original lots 72 and 73 of the cadastre of the parish of Sainte-Flore;

thence, northwesterly, successively, the said limit between original lots 72 and 73 of the cadastre of the parish of Sainte-Flore and then along the extension of the same line being the limit between original lots 72 and lots 73-5, 749, 748, 747 and 746 of the cadastre of the parish of Sainte-Flore for a distance of approximately 567 metres to its intersection with the east limit of Highway 19;

thence, northerly along the east right of way of Highway 19 to its intersection with the southeast right of way of 5<sup>e</sup> Avenue (Grand-Mère sector);

thence, northeasterly along the southeast right of way of 5<sup>e</sup> Avenue (Grand-Mère sector) to the starting point.

The said territory is bounded:

northeasterly: by the limit between original lots 73 and 74 of the cadastre of the parish of Sainte-Flore;

easterly: by part of original lot 73 of the cadastre of the parish of Sainte-Flore;

southeasterly: by part of original lot 73 of the cadastre of the parish of Sainte-Flore;

southwesterly: by the southwest limit of part of lot 73 and the southwest limit of lots 749, 748, 747 and 746;

westerly: by Highway 19;

northwesterly: by 5<sup>e</sup> Avenue (Grand-Mère sector).

The territory presently described consists of part of original lot 73 of the cadastre of the parish of Sainte-Flore and original lots 746, 747, 748 and 749 of the cadastre of the parish of Sainte-Flore and their present and future subdivisions.

*A.2. Industrial Park (Ville de Shawinigan, Grand-Mère sector)*

Starting from the meeting point of the right bank of the Saint-Maurice river and the limit between original lots 104 and 105 of the cadastre of the parish of Sainte-Flore ;

thence southwesterly along the said dividing line between original lots 104 and 105 of the cadastre of the parish of Sainte-Flore to its intersection with the northwest limit of Autoroute 55 ;

thence, southwesterly along the said limit of Autoroute 55 to its meeting point with the northeast limit of 4<sup>e</sup> Rue or Saint-Louis range (Grand-Mère sector) ;

thence, northwesterly along the said northeast limit to its meeting point with the limit between original lots 110 and 111 of the cadastre of the parish of Sainte-Flore ;

thence, northeasterly along the said limit between original lots 110 and 111 of the cadastre of the parish of Sainte-Flore to its intersection with the right bank of the Saint-Maurice river ;

thence, along the said right bank of the Saint-Maurice river, generally southeasterly to the starting point.

The said territory is bounded :

northeasterly : by the Saint-Maurice river ;

southeasterly : in part by part of original lot 104 of the cadastre of the parish of Sainte-Flore and in part by part of Autoroute 55 ;

southwesterly : by 4<sup>e</sup> Rue or Saint-Louis range (Grand-Mère sector) ;

northwesterly : by original lot 111 of the cadastre of the parish of Sainte-Flore.

The territory presently described consists of part of lot 105 and original lots 106 to 110 of the cadastre of the parish of Sainte-Flore and their present and future subdivisions.

Prepared in Shawinigan, on the twelfth day of the month of December two thousand and two (2002) under minute 5227 and in record 3788, by Yves Béland, land surveyor.

## SCHEDULE B

*New economy centre (Ville de Shawinigan, Grand-Mère sector)*

Subdivision 19 of lot 106 of the cadastre of the parish of Sainte-Flore,  
registration division of Shawinigan.

## SCHEDULE C

*Industrial park 1 (Ville de Shawinigan, Shawinigan sector)*

The lots and parts of lots situated in the sector bounded as follows :

starting from the intersection of the dividing line between lots 31 and 32 of the official cadastre of the parish of Sainte-Flore, registration division of Shawinigan, with the bank of the Saint-Maurice river ;

thence, northerly along the said dividing line between lots 31 and 32 to 11<sup>e</sup> Avenue (lot 31-104) ;

thence, easterly along 11<sup>e</sup> Avenue to the intersection of the boundary of lots 30 and 31 ;

thence, northerly to Royal boulevard ;

thence, easterly in part along Royal boulevard to the intersection of 67<sup>e</sup> Rue and, still easterly, in part along a line being the extension of Royal boulevard, for a distance of approximately 500.00 metres to the intersection with the dividing line between lots 24 and 25 ;

thence, southerly along the dividing line between lots 24 and 25 to the Saint-Maurice river ;

thence, westerly along the bank of the Saint-Maurice river to the intersection of the dividing line between lots 31 and 32.

The said land is bounded :

northerly, in part by 11<sup>e</sup> Avenue (lot 31-104), in part by Royal boulevard and in part by the remaining parts of lots 27, 26 and 25 ;

easterly, by the dividing line between lots 24 and 25 ;

southerly, by the Saint-Maurice river ;

westerly, in part by the dividing line between lots 31 and 32 and in part by the dividing line between lots 30 and 31.



## SCHEDULE D

*Decontaminated land situated in the sector of des Cèdres avenue and de la Transmission avenue (Ville de Shawinigan, Shawinigan sector)*

The lots and parts of lots situated in the sector bounded as follows :

starting from the intersection of the dividing line between lots 39 and 40 of the cadastre of the parish of Sainte-Flore, registration division of Shawinigan, with the bank of the Saint-Maurice river ;

thence, southwesterly along the bank of the Saint-Maurice river to the extension of 11<sup>e</sup> Rue ;

thence, easterly for a distance of approximately 400.00 metres to the intersection of des Cèdres avenue ;

thence, northerly along des Cèdres avenue to its intersection with de la Transmission avenue ;

thence, northeasterly, in part along de la Transmission avenue and in part along a power transmission line being the extension of de la Transmission avenue to the intersection of the dividing line between lots 39 and 40 ;

thence, southeasterly along the said dividing line between lots 39 and 40 to the intersection with the bank of the Saint-Maurice river.

The said land is bounded :

northeasterly, by the dividing line between lots 39 and 40 ;

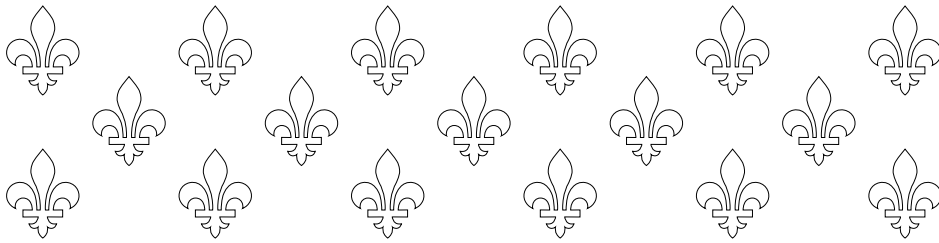
southeasterly, by the Saint-Maurice river ;

southerly, by the extension line of 11<sup>e</sup> Rue for a distance of approximately 400.00 metres ;

westerly, by des Cèdres avenue ;

northerly, in part by de la Transmission avenue and in part by the power transmission line.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 392  
(2002, chapter 56)

**An Act to secure the supply of hogs to a  
slaughterhouse enterprise in the Abitibi-  
Témiscamingue region**

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**Introduced 6 November 2002  
Passage in principle 3 December 2002  
Passage 13 December 2002  
Assented to 17 December 2002**

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**Québec Official Publisher  
2002**

**EXPLANATORY NOTE**

*The object of this bill is to permit, in the Abitibi-Témiscamingue region, projects to establish or to expand hog-raising facilities in the Abitibi-Témiscamingue region necessary to secure the supply of hogs to a slaughterhouse, despite section 47 of the Agricultural Operations Regulation.*

## Bill 392

### AN ACT TO SECURE THE SUPPLY OF HOGS TO A SLAUGHTERHOUSE ENTERPRISE IN THE ABITIBI- TÉMISCAMINGUE REGION

WHEREAS the enterprise known as “Viandes Lorraine” operates a slaughterhouse in the municipality of Lorrainville and is presently completing a substantial project involving a meat processing plant to be used in the production of “prosciutto” ham ;

Whereas the project requires that the slaughterhouse receive a sufficient supply of hogs having the characteristics required for the production of that type of ham ;

Whereas current hog raising in the Abitibi-Témiscamingue region does not allow the needs of that production to be met, whether in terms of quantity or quality ;

Whereas it is therefore expedient to permit, without delay, projects to establish or to expand hog-raising facilities in the Abitibi-Témiscamingue region necessary to secure the supply of hogs to the slaughterhouse ;

Whereas the promoter undertakes to establish an environmental watch and develop a regional plan for the sustainable development of hog production in cooperation with the regional community ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

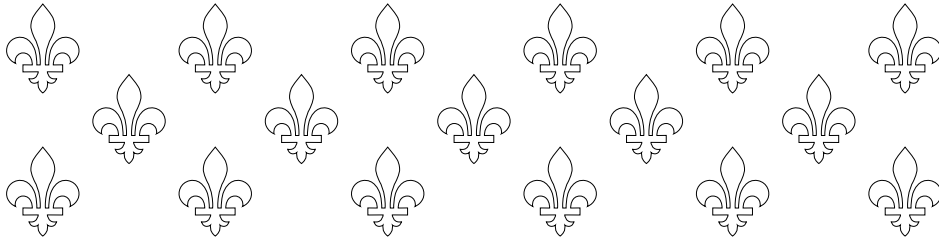
**1.** Every project to establish, in the Abitibi-Témiscamingue administrative region, a new hog-raising facility and every project to increase the number of hogs already authorized in an existing hog-raising facility in that region is exempt from the application of section 47 of the Agricultural Operations Regulation made by Order in Council 695-2002 dated 12 June 2002, if it is shown that, within the scope of an application for authorization made under section 22 or Division IV.1 of Chapter I of the Environment Quality Act (R.S.Q., chapter Q-2), the project is necessary to secure a sufficient supply of hogs to be used in the production of “prosciutto” ham at the slaughterhouse situated at 584 rangs 6 et 7 Nord, in the municipality of Lorrainville.

To ensure increased protection of the environment, the Government or the Minister, as the case may be, may subject the authorization of any project referred to in the first paragraph to the condition that it satisfy rules different from those prescribed by the Agricultural Operations Regulation, and fix an

implementation schedule for the rules. The authorization must also add conditions enabling the destination of hogs from the hog-raising facility to be controlled.

For the purposes of this section, “hogs” includes sows and piglets.

**2.** This Act comes into force on the date fixed by the Government.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 393  
(2002, chapter 83)

## **An Act respecting the Agence de développement de Ferme-Neuve**

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

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**Québec Official Publisher  
2002**

## EXPLANATORY NOTES

*This bill establishes the Agence de développement de Ferme-Neuve. The affairs of the Agency will be administered by a board of directors made up of five members, of whom two shall be appointed by Municipalité de Ferme-Neuve, two by Windigo, limited partnership, and one appointed jointly by the municipality and Windigo.*

*The object of the Agency is to undertake and finance the construction of municipal infrastructures and community equipment and, for those purposes, the Agency is granted the power to enter into contracts and acquire movable and immovable property for the achievement of its objects, alienate movable or immovable property, gratuitously, in favour of Municipalité de Ferme-Neuve, alienate, with the authorization of Municipalité de Ferme-Neuve, movable and immovable property in return for payment and solicit and receive gifts, legacies, subsidies or other contributions.*

*Lastly, the bill provides that the Agency is authorized to borrow in order to finance work that relates to the construction of municipal infrastructures and community equipment.*



## Bill 393

### AN ACT RESPECTING THE AGENCE DE DÉVELOPPEMENT DE FERME-NEUVE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHAPTER I

##### ESTABLISHMENT AND ORGANIZATION

**1.** For the purposes of this Act,

(1) the word “Windigo” designates Windigo S.E.C., société en commandite and Club corporatif international inc., acting jointly;

(2) the word “Agreement” designates the agreement made on 17 December 2002 between Municipalité de Ferme-Neuve and Windigo, and to which resolution 306-12-02, passed on 17 December 2002, by that municipality refers.

**2.** An agency to be known as the Agence de développement de Ferme-Neuve is hereby established.

**3.** The Agency is a legal person.

**4.** The Agency shall have its head office in the territory of Municipalité de Ferme-Neuve.

Notice of the location or any change of location of the head office is published in the *Gazette officielle du Québec*.

**5.** The affairs of the Agency shall be administered by a board of directors made up of five members appointed for a term not exceeding three years, of whom two shall be appointed by Municipalité de Ferme-Neuve, two by Windigo, and one appointed jointly by the municipality and Windigo. In the case of disagreement as to the appointment of the latter member, the provisions of the Agreement shall apply.

**6.** The board of directors shall designate a chair from among its members.

**7.** The members of the board of directors shall receive no remuneration. They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties on the conditions and to the extent determined by the Agency.

**8.** The resignation of a member shall not take effect before the Agency is notified.

**9.** The quorum at meetings of the board of directors is three members.

**10.** The chair shall call, at least once every three months, a meeting of the board of directors, preside over the meeting and see to it that it is properly conducted.

Two members of the board of directors may requisition the chair to call a special meeting. The special meeting must be held within five days after the requisition is received.

**11.** Each member of the board of directors present at a meeting of the board has one vote and is required to vote, unless the member is prevented from voting on account of a personal interest.

**12.** If all members of the board of directors agree, a meeting of the board may be held by any means of communication, such as the telephone, that permits all persons participating in the meeting to communicate orally with each other. The participants are, in such a case, deemed to have attended the meeting.

**13.** The Agency may hire employees, including a director general, and determine their functions. The Agency may make a by-law determining the standards and scales of remuneration, employment benefits and other terms of employment of the employees of the Agency.

**14.** The Agency may prescribe rules of internal management for the conduct of its business.

**15.** Any member of the board of directors of the Agency having a direct or indirect interest in an enterprise causing the personal interest of the member to conflict with that of the Agency must, on pain of forfeiture of office, disclose it in writing to the other board members and abstain from participating in any discussion or decision involving the enterprise in which the member has the interest or in any part of a meeting of the board of directors during which the member's interest is discussed.

Neither the director general nor any employee of the Agency may, on pain of forfeiture of office, have a direct or indirect interest in an enterprise causing that person's interest to conflict with that of the Agency.

Forfeiture under the first or second paragraph is not incurred if the interest devolves to the person by succession or gift, provided the person renounces it or disposes of it with dispatch.

**16.** Section 15 does not apply where :

(1) the interest of the person arises from the fact that the person is an employee or an executive officer of Windigo S.E.C., société en commandite, of Club corporatif international inc. or of an affiliated company ;

(2) the interest of the person consists in holding less than 10% of the securities issued by Windigo S.E.C., société en commandite, Club corporatif international inc. or an affiliated company ;

(3) the interest of the person arises from the fact that the person is a member of the council of Municipalité de Ferme-Neuve or an officer or employee of the municipality.

**17.** The minutes of the meetings of the board of directors, approved by the board and signed by the chair or the secretary, are authentic. The same applies to any document or copy of a document emanating from the Agency or forming part of its records if certified true by the director general or a person authorized by the board of directors.

## CHAPTER II

### OBJECTS AND POWERS OF THE AGENCY

**18.** The object of the Agency is to carry out and finance, in accordance with the Agreement, the construction of municipal infrastructures and community equipment in the territory referred to in article 2.1 of the Agreement.

**19.** The Agency may, in particular, for these purposes :

(1) enter into contracts with any person for the carrying out of its objects ;

(2) acquire property for the carrying out of its objects ;

(3) alienate property, gratuitously, in favour of Municipalité de Ferme-Neuve ;

(4) with the authorization of Municipalité de Ferme-Neuve, alienate property in return for payment ;

(5) solicit and receive gifts, legacies, subsidies or other contributions provided that any condition that may be attached thereto is compatible with the objects of the Agency.

**20.** The infrastructures and equipment constructed by the Agency under this Act shall become the property of Municipalité de Ferme-Neuve from the completion of the work, in accordance with the provisions of the Agreement.

### CHAPTER III

#### MISCELLANEOUS PROVISIONS

**21.** The Agency may borrow a maximum amount of \$11,000,000, subject to the conditions determined in the Agreement for the purposes specified in the Agreement.

**22.** Municipalité de Ferme-Neuve may carry out the Agreement and exercise the rights and fulfill the obligations arising from the Agreement. It is empowered, in particular, to make the payments determined in the Agreement to the Agency, out of the proceeds of the general property tax levied or transfer duties collected by the municipality.

**23.** For the purposes of the Agreement and notwithstanding any inconsistent provision, Municipalité de Ferme-Neuve may, in the territory referred to in article 2.1 of the Agreement, levy one or more general property tax rates that are different from any rate applicable to the whole territory of the municipality.

The municipality may also, in the territory referred to in article 2.1 of the Agreement, levy general property tax rates that are different according to the sectors determined by the municipality.

**24.** Municipalité de Ferme-Neuve and Windigo may amend the Agreement with the authorization of the Minister of Municipal Affairs and Greater Montréal.

**25.** Municipalité de Ferme-Neuve may acquire, by agreement or by expropriation, the immovables required for the carrying out of the work covered by the Agreement.

**26.** Article 14.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) does not apply to the Agreement.

**27.** The Agency is a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

**28.** This Act and the Agreement apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).

**29.** The fiscal year of the Agency ends on 31 December.

**30.** After all the obligations of the Agency have been fulfilled, the Agency must file an application for dissolution with the Minister of Municipal Affairs and Greater Montréal.

Notice of the application must be published in the *Gazette officielle du Québec* at least 30 days before being filed with the Minister.

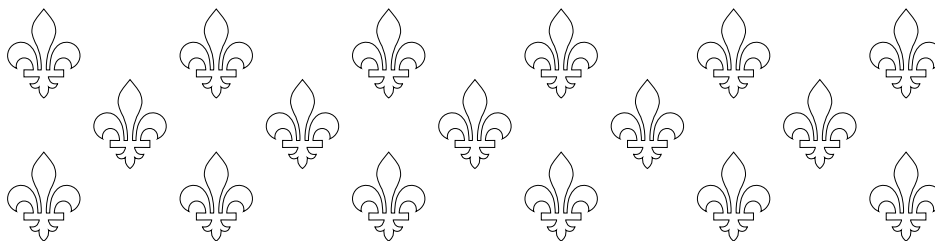
The dissolution of the Agency is effected by an order of the Minister.

Any remaining assets of the Agency shall devolve to Municipalité de Ferme-Neuve.

Notice of the dissolution of the Agency shall be published by the secretary-treasurer of the municipality in the *Gazette officielle du Québec*. The dissolution of the Agency entails the termination of the Agreement.

**31.** This Act comes into force on 19 December 2002.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 395  
(2002, chapter 67)

**An Act to amend the Act  
respecting educational institutions  
at the university level**

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**Introduced 29 November 2002  
Passage in principle 17 December 2002  
Passage 17 December 2002  
Assented to 18 December 2002**

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**Québec Official Publisher  
2002**

**EXPLANATORY NOTES**

*The object of this bill is to amend the Act respecting educational institutions at the university level in order that the parliamentary committee of the National Assembly competent to examine the financial statements, statements of salaries, performance reports and reports on development prospects of the institutions to which the Act applies may hear the persons at the head of the institutions at least once every three years rather than once a year.*

*A further object of the bill is to correct the list of educational institutions at the university level.*



## **Bill 395**

### **AN ACT TO AMEND THE ACT RESPECTING EDUCATIONAL INSTITUTIONS AT THE UNIVERSITY LEVEL**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** Section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1) is amended by striking out paragraph 12.
- 2.** Section 4.2 of the said Act is amended by replacing “shall, for that purpose, hear the person who is the head of each institution” in the second paragraph by “shall hear the person who is the head of each institution at least once every three years”.
- 3.** This Act comes into force on 18 December 2002.



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## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 59-2003, 22 January 2003**

#### **An Act to amend the Travel Agents Act and the Consumer Protection Act (2002, c. 55)**

##### **— Coming into force of section 22**

COMING INTO FORCE of section 22 of the Act to amend the Travel Agents Act and the Consumer Protection Act

WHEREAS the Act to amend the Travel Agents Act and the Consumer Protection Act (2002, c. 55) was assented to on 17 December 2002;

WHEREAS, under section 40 of the Act, the provisions of the latter come into force on the date of assent, 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;

WHEREAS it is expedient to fix the date of coming into force of section 22 of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Population, Regions and Native Affairs and Minister of Relations with the Citizens and Immigration:

THAT 29 January 2003 be fixed as the date of coming into force of section 22 of the Act to amend the Travel Agents Act and the Consumer Protection Act (2002, c. 55).

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

5545



## Regulations and other acts

Gouvernement du Québec

### **O.C. 7-2003**, 15 January 2003

An Act to establish the Québec Youth Fund  
(R.S.Q., c. F-4.001)

#### **Québec Youth Fund**

##### **— Extension of the activities**

Extension of the activities of the Québec Youth Fund

WHEREAS the Act to establish the Québec Youth Fund (R.S.Q., c. F-4.001) came into force on 16 June 2000;

WHEREAS, under section 15 of the Act, sections 1 to 13 of the Act will cease to have effect on 15 March 2004 or on such later date as the Government may determine;

WHEREAS, under section 13 of the Act, the Government made Order in Council 1348-2001 dated 14 November 2001 which designated the Minister responsible for Youth, Tourism, Recreation and Sport as the minister responsible for the application of the Act;

WHEREAS it is expedient to extend the activities of the Québec Youth Fund to 31 December 2004;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Youth, Tourism, Recreation and Sport:

THAT the date on which sections 1 to 13 of the Act to establish the Québec Youth Fund (R.S.Q., c. F-4.001) cease to have effect be fixed at 31 December 2004.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

5543

Gouvernement du Québec

### **O.C. 60-2003**, 22 January 2003

An Act respecting health services and social services  
(R.S.Q., c. S-4.2)

#### **Regional boards**

##### **— Cost of work for public institutions and private institutions**

Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by regional boards

WHEREAS, under paragraph 3 of section 505 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Government may, by regulation, determine, for the purposes of the authorization required from the regional board for the work mentioned in paragraph 3 of section 263, the applicable amounts;

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

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

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

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

— the Ministère de la Santé et des Services sociaux has identified essential initiatives for the purposes of maintaining, improving and developing services and the quality of care to the public, in particular to improve the living conditions of patients in residential and long-term care centres, to decongest emergency wards and to ensure regular kidney dialysis services in hospitals;

— in order to attain those objectives, many capital projects will have to be carried out in the coming months and a large part of those projects would have to be authorized by the Minister of Health and Social Services and the Conseil du trésor, rather than by the regional boards, because their cost exceeds \$1,000,000;

— it is not possible for the Ministère de la Santé et des Services Sociaux to examine all those projects and authorize them within a short period of time, giving rise to the necessity, in order to attain the objectives, to shorten the process and accordingly, to entrust the responsibility for the authorization of a larger part of those projects to the regional boards concerned where the projects have a cost lower than \$2,000,000;

WHEREAS it is expedient to make the Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by regional boards;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services:

THAT the Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by regional boards, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by regional boards**

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 505, par. 3)

**1.** Every public institution or private institution under agreement must obtain prior authorization from the regional board concerned before carrying out construction, enlargement, development, conversion, demolition, reconstruction or major repair work on its immovables where the total estimated cost of the project is less than \$2,000,000.

Such prior authorization is not required for development, repair, improvement or maintenance work the cost of which is less than the amount determined in the first paragraph and which requires no borrowing for its financing.

**2.** This Regulation replaces Division VIII of the Institutions and Regional Council (Financial Management) Regulation made by Order in Council 1127-84 dated 16 May 1984, except to the extent that those provisions apply to the territory of the James Bay Cree health and social services council.

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

5546

### **M.O., 2002-024**

#### **Order of the Minister responsible for Wildlife and Parks dated 16 January 2003**

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

CONCERNING the Restigo Controlled Zone

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

CONSIDERING the establishment of the Restigo Controlled Zone by the Government under section 104 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), by Order in Council 510-89 dated April 5, 1989, modified by Orders in Council 1715-91 dated December 11, 1991, 62-95 dated January 18, 1995, 1438-97 dated November 5, 1997 and by Order of the Minister responsible for Wildlife and Parks number 2002-011 dated June 26, 2002;

CONSIDERING section 104 of this Act, which provides that the Minister responsible for wildlife and parks may, after consultation with the Minister of Natural Resources, establish controlled zones on lands in the domain of the State, for the purposes of the development, utilisation and conservation of wildlife or of a wildlife species and accessorially, for the practice of recreational activities;

CONSIDERING section 33 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29), which provides that Orders in Council made by the Government under section 104 of the Act respecting the conservation and development of wildlife before June 17, 1998 remain in force until they are replaced by an order of the Minister;

CONSIDERING that it is expedient to modify the boundaries of the Restigo Controlled Zone;

CONSIDERING that it is expedient to replace Schedule III of Order in Council 510-89 dated April 5, 1989;

CONSIDERING that the Minister of Natural Resources has been consulted on this subject;

ORDERS THAT :

Schedule III of Order in Council 510-89 dated April 5, 1989, modified by Orders in Council 1715-91 dated December 11, 1991, 62-95 dated January 18, 1995, 1438-97 dated November 5, 1997 and by Order of the Minister responsible for Wildlife and Parks number 2002-011 dated June 26, 2002, be replaced by Schedule III attached hereto;

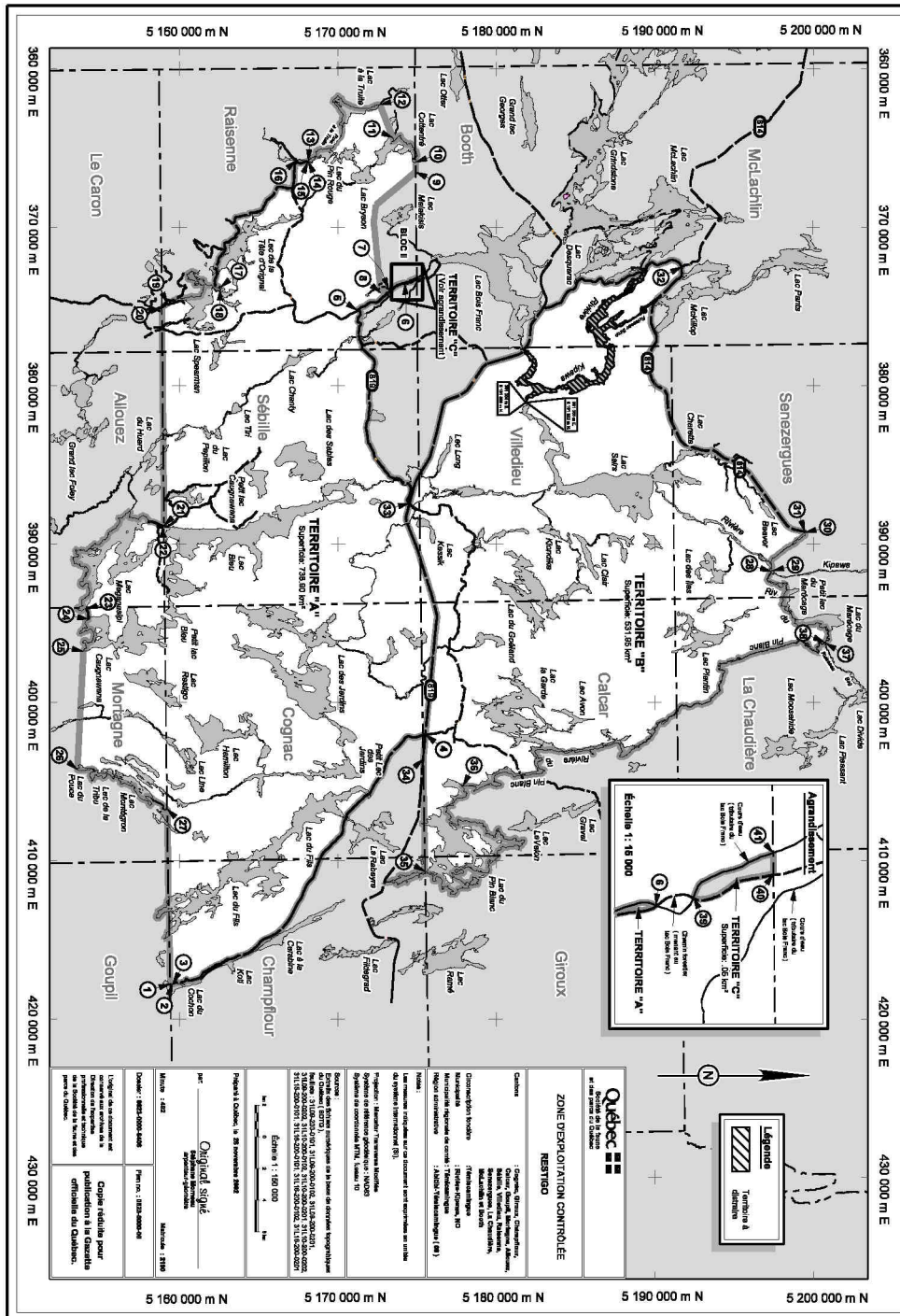
The present ministerial order takes effect on the day of its publication in the *Gazette officielle du Québec*.

Québec, 16 January 2003

RICHARD LEGENDRE,  
*Minister responsible for  
Wildlife and Parks*

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SCHEDULE III





## Draft Regulations

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### Draft Regulation

Professional Code  
(R.S.Q., c. C-26, s. 87)

#### Certified management accountants

— Code of ethics  
— 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 Code of ethics of Certified Management Accountants, adopted by the Bureau of the Ordre des comptables en management accrédités, may be submitted to the Government for approval, with or without amendment, upon expiry of 45 days following this publication.

The purpose of this Regulation is to amend the Code of ethics of Certified Management Accountants to introduce provisions stating the terms and conditions according to which a professional may communicate information that is protected by professional secrecy to prevent an act of violence.

These provisions are required by the Act to amend various legislative provisions as regards the disclosure of confidential information to protect individuals (2001, c. 78). That Act permits the lifting of professional secrecy to prevent an act of violence, including a suicide, when the professional has grounds to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons. However, the communication must be limited to such information as is necessary to achieve the purposes for which the information is communicated, and the information may only be communicated to the person exposed to the danger, to that person's representative, or to the persons who can come to that person's aid.

The Order expects the proposed amendments to have no impact on businesses, in particular on small and medium-sized businesses.

Further information may be obtained by contacting François Renauld, President and Executive Director and Secretary of the Ordre des comptables en management accrédités, 715, Square-Victoria, 3rd floor, Montréal (Québec) H2Y 2H7, tel.: (514) 849-1155; fax: (514) 849-9674; e-mail: f.renauld@cma-quebec.org

Any interested person having comments to make is asked to submit them, before the expiry of this 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10th floor, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for administration of legislation respecting the professions; they may also be communicated to the professional order that adopted the Regulation as well as to any interested persons, departments, bodies or agencies.

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

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### Regulation to amend the Code of ethics of Certified Management Accountants\*

Professional Code  
(R.S.Q., c. C-26, s. 87)

**1.** The Code of Ethics of Certified Management Accountants is amended by the insertion, after section 36, of the following:

“**36.1.** In addition to the cases provided in section 36, the member may communicate information protected by professional secrecy in order to prevent an act of violence, including a suicide, where he has reasonable cause to believe that there is an imminent danger of death or severe bodily injury to a person or an identifiable group of persons.

However, the member may communicate this information only to the person or group of persons exposed to the danger, their representative or persons who can come to their aid.

The member may communicate only the information necessary for the purposes indicated for such communication.

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\* The last amendment of the Code of Ethics of Certified Management Accountants (R.R.Q., 1981, c. C-26, r.21.1) was made by the regulation approved by Order-in-Council n° 1087-2000 of September 13, 2000 (2000, G.O. 2, 5951).

**36.2.** The member who, in application of section 36.1, communicates information protected by professional secrecy in order to prevent an act of violence must:

1° warn without delay the person or persons exposed to danger, their representative or persons able to come to their aid;

2° as soon as possible, record the following details in the client's file:

*a)* the reasons for the decision to communicate the information, including the identity and contact information of the person who motivated the communication;

*b)* the content of the communication, including identity and contact information of the person or persons to whom it was made.”.

**2.** This regulation comes into force on the fifteenth day after the date of its publication in the *Gazette officielle du Québec*.

## Index Statutory Instruments

Abbreviations : **A** : Abrogated, **N** : New, **M** : Modified

<b>Regulations — Statutes</b>	<b>Page</b>	<b>Comments</b>
Access to documents held by public bodies and the Protection of personal information, An Act respecting..., amended . . . . . (2002, Bill 131)	559	
Access to documents held by public bodies and the Protection of personal information, An Act respecting..., amended . . . . . (2002, Bill 96)	403	
Administrative justice, An Act respecting..., amended . . . . . (2002, Bill 129)	523	
Administrative justice, An Act respecting..., amended . . . . . (2002, Bill 96)	403	
Agence de développement de Ferme-Neuve, An Act respecting the... . . . . . (2002, Bill 393)	615	
Agence métropolitaine de transport, An Act respecting the..., amended . . . . . (2002, Bill 77)	373	
Animal Health Protection Act, amended . . . . . (2002, Bill 96)	403	
Archives Act, amended . . . . . (2002, Bill 131)	559	
Argenteuil Hospital, An Act to amend the Act to incorporate the... . . . . . (2002, Bill 220)	573	
Attorney General's prosecutors, An Act to amend the Act respecting... . . . . . (2002, Bill 119)	509	
Automobile Insurance Act, amended . . . . . (2002, Bill 96)	403	
Building Act, amended . . . . . (2002, Bill 131)	559	
Cadastre of the parish of Saint-Polycarpe, registration division of Vaudreuil, An Act respecting lot 599 of the... . . . . . (2002, Bill 225)	595	
Caisse de dépôt et placement du Québec, An Act respecting the..., amended . . . . . (2002, Bill 131)	559	
Certified management accountants — Code of ethics . . . . . (Professional Code, R.S.Q., c. C-26)	633	Draft
Charter of the French language, amended . . . . . (2002, Bill 131)	559	
Charter of Ville de Gatineau, amended . . . . . (2002, Bill 77)	373	
Charter of Ville de Montréal, amended . . . . . (2002, Bill 77)	373	

Charter of Ville de Québec, amended . . . . . (2002, Bill 77)	373	
Code of Civil Procedure, amended . . . . . (2002, Bill 131)	559	
Commission municipale, An Act respecting the..., amended . . . . . (2002, Bill 77)	373	
Communauté métropolitaine de Montréal, An Act respecting the..., amended . . . (2002, Bill 77)	373	
Communauté métropolitaine de Québec, An Act respecting the..., amended . . . . . (2002, Bill 77)	373	
Communauté urbaine de Montréal, An Act respecting the..., amended . . . . . (2002, Bill 131)	559	
Conservation and development of wildlife, An Act respecting the... — Restigo Controlled Zone . . . . . (R.S.Q., c. C-61.1)	630	N
Conservation and development of wildlife, An Act respecting the..., amended . . . . . (2002, Bill 129)	523	
Conservation and development of wildlife, An Act respecting the..., amended . . . . . (2002, Bill 131)	559	
Conservation and development of wildlife, An Act respecting the..., amended . . . . . (2002, Bill 77)	373	
Construction of infrastructures and equipment by Hydro-Québec on account of the ice storm of 5 to 9 January 1998, An Act respecting the..., amended . . . . . (2002, Bill 77)	373	
Cree Regional Authority, An Act respecting the..., amended . . . . . (2002, Bill 131)	559	
Cultural Property Act, amended . . . . . (2002, Bill 77)	373	
Development of manpower training, An Act to foster the..., amended . . . . . (2002, Bill 131)	559	
Ecological Reserves Act, replaced . . . . . (2002, Bill 129)	523	
Education Act as regards the school tax on the island of Montréal and amending other legislative provisions, An Act to amend the... . . . . . (2002, Bill 131)	559	
Education Act, amended . . . . . (2002, Bill 131)	559	
Education Act, amended . . . . . (2002, Bill 77)	373	
Educational institutions at the university level, An Act to amend the Act respecting... . . . . . (2002, Bill 395)	623	

Environment Quality Act and the Act respecting the Société québécoise de récupération et de recyclage, An Act to amend the... (2002, Bill 102)	447
Environment Quality Act, amended (2002, Bill 102)	447
Equal access to employment in public bodies, An Act respecting..., amended (2002, Bill 131)	559
Essential services are maintained in the health and social services sector, An Act to ensure that..., amended (2002, Bill 96)	403
Executive Power Act, amended (2002, Bill 116)	487
Financement-Québec, An Act respecting..., amended (2002, Bill 131)	559
Financial Administration Act, amended (2002, Bill 96)	403
Forest Act, amended (2002, Bill 77)	373
Forest credit by private institutions, An Act to promote..., amended (2002, Bill 131)	559
Forestry Credit Act, amended (2002, Bill 131)	559
Fund to combat poverty through reintegration into the labour market, An Act to establish a..., amended (2002, Bill 112)	459
Government and Public Employees Retirement Plan, An Act respecting the..., amended (2002, Bill 131)	559
Government and Public Employees Retirement Plan, An Act respecting the..., amended (2002, Bill 96)	403
Government Departments Act, amended (2002, Bill 116)	487
Health and Social Services Ombudsman and amending various legislative provisions, An Act respecting the..., amended (2002, Bill 96)	403
Health Insurance Act, amended (2002, Bill 96)	403
Health services and social services as regards the safe provision of health services and social services, An Act to amend the Act respecting... (2002, Bill 113)	479
Health services and social services for Cree Native persons, An Act respecting..., amended (2002, Bill 96)	403

Health services and social services, An Act respecting... — Regional boards — Cost of work for public institutions and private institutions under agreement to be authorized .....	629	N
(R.S.Q., c. S-4.2)		
Health services and social services, An Act respecting..., amended .....	403	
(2002, Bill 96)		
Highway Safety Code, amended .....	403	
(2002, Bill 96)		
Hunting and fishing rights in the James Bay and New Québec territories, An Act respecting... amended .....	523	
(2002, Bill 129)		
Income support, employment assistance and social solidarity and the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail, An Act to amend the Act respecting... ..	515	
(2002, Bill 126)		
Insurance, An Act respecting..., amended .....	559	
(2002, Bill 131)		
James Bay Region Development and Municipal Organization Act, amended ...	373	
(2002, Bill 77)		
Labour Code, amended .....	373	
(2002, Bill 77)		
Labour Code, amended .....	403	
(2002, Bill 96)		
Labour standards, An Act respecting..., amended .....	559	
(2002, Bill 131)		
Land use planning and development, An Act respecting..., amended .....	523	
(2002, Bill 129)		
Land use planning and development, An Act respecting..., amended .....	373	
(2002, Bill 77)		
Lands in the domain of the State, An Act respecting the..., amended .....	373	
(2002, Bill 77)		
Makivik Corporation, An Act respecting the..., amended .....	559	
(2002, Bill 131)		
Medical laboratories, organ, tissue, gamete and embryo conservation, ambulance services and the disposal of human bodies, An Act respecting..., amended .....	403	
(2002, Bill 96)		
Ministère de l'Environnement, An Act respecting the..., amended .....	523	
(2002, Bill 129)		
Ministère de l'Industrie et du Commerce, An Act respecting the..., replaced ...	487	
(2002, Bill 116)		
Ministère de la Recherche, de la Science et de la Technologie, An Act respecting the..., amended .....	487	
(2002, Bill 116)		

Ministère des Finances, An Act respecting the..., amended ..... (2002, Bill 116)	487
Ministère des Finances, de l'Économie et de la Recherche, An Act respecting the... .. (2002, Bill 116)	487
Ministère du Conseil exécutif, An Act respecting the..., amended ..... (2002, Bill 131)	559
Ministère du Revenu, An Act respecting the..., amended ..... (2002, Bill 131)	559
Mixed enterprise companies in the municipal sector, An Act respecting..., amended ..... (2002, Bill 77)	373
Mont Saint-Louis, An Act respecting... .. (2002, Bill 223)	589
Municipal affairs, An Act to amend various legislative provisions concerning..., amended ..... (2002, Bill 77)	373
Municipal Code of Québec ..... (2002, Bill 77)	373
Municipal debts and loans, An Act respecting..., amended ..... (2002, Bill 131)	559
Municipal taxation, An Act respecting..., amended ..... (2002, Bill 131)	559
Municipal taxation, An Act respecting..., amended ..... (2002, Bill 77)	373
Municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais, An Act to reform the..., amended ..... (2002, Bill 77)	373
Municipal territorial organization, An Act respecting..., amended ..... (2002, Bill 77)	373
Naskapi Development Corporation, An Act respecting the..., amended ..... (2002, Bill 131)	559
Natural Heritage Conservation Act ..... (2002, Bill 129)	523
Nature reserves on private land, An Act respecting..., replaced ..... (2002, Bill 129)	523
Off-highway vehicles, An Act respecting..., amended ..... (2002, Bill 129)	523
Off-highway vehicles, An Act respecting..., amended ..... (2002, Bill 77)	373
Pension Plan of Management Personnel, An Act respecting the..., amended ... (2002, Bill 96)	403
Poverty and social exclusion, An Act to combat... .. (2002, Bill 112)	459

Pre-hospital emergency services and amending various legislative provisions, An Act respecting... .. (2002, Bill 96)	403	
Prearranged funeral services and sepultures, An Act respecting..., amended ... (2002, Bill 131)	559	
Preservation of agricultural land and agricultural activities, An Act respecting the..., amended .....	373	
Professional Code — Certified management accountants — Code of ethics .... (R.S.Q., c. C-26)	633	Draft
Public Health Act, amended .....	403	
Québec Youth Fund — Extension of the activities .....	629	N
(An Act to establish the Québec Youth Fund, R.S.Q., c. F-4.001)		
Québec Youth Fund, An Act to establish the... — Extension of the activities ... (R.S.Q., c. F-4.001)	629	N
Regional boards — Cost of work for public institutions and private institutions under agreement to be authorized .....	629	N
(An Act respecting health services and social services, R.S.Q., c. S-4.2)		
Regional county municipalities, An Act to amend various legislative provisions concerning... ..	373	
(2002, Bill 77)		
Restigo Controlled Zone .....	630	N
(An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)		
Savings and Credit Unions Act, amended .....	559	
(2002, Bill 131)		
School elections, An Act respecting..., amended .....	559	
(2002, Bill 131)		
Securities Act, amended .....	559	
(2002, Bill 131)		
Security funds, An Act respecting..., amended .....	559	
(2002, Bill 131)		
Société de promotion économique du Québec métropolitain, An Act respecting the..., amended .....	487	
(2002, Bill 116)		
Société Innovatech du Grand Montréal, An Act respecting..., amended .....	487	
(2002, Bill 116)		
Société Innovatech du sud du Québec, An Act respecting..., amended .....	487	
(2002, Bill 116)		
Société Innovatech Québec et Chaudière-Appalaches, An Act respecting..., amended .....	487	
(2002, Bill 116)		
Société Innovatech Régions ressources, An Act respecting..., amended .....	487	
(2002, Bill 116)		



Société québécoise de récupération et de recyclage, An Act respecting the..., amended . . . . . (2002, Bill 102)	447
Supply of hogs to a slaughterhouse enterprise in the Abitibi-Témiscamingue region, An Act to secure the... . . . . . (2002, Bill 392)	611
Teachers Pension Plan, An Act respecting the..., amended . . . . . (2002, Bill 131)	559
Threatened or vulnerable species, An Act respecting..., amended . . . . . (2002, Bill 77)	373
Travel Agents Act and the Consumer Protection Act, An Act to amend the... — Coming into force of section 22 . . . . .	627
Trust companies and savings companies, An Act respecting..., amended . . . . . (2002, Bill 131)	559
Ville de Contrecoeur, An Act respecting... . . . . . (2002, Bill 222)	577
Ville de Shawinigan, An Act respecting... . . . . . (2002, Bill 226)	601
Watercourses Act, amended . . . . . (2002, Bill 77)	373

