

**Gazette**  
officielle  
**DU Québec**

Part

**2**

No. 1

5 January 2005

**Laws and Regulations**

Volume 137

**Summary**

Table of Contents  
Acts 2004  
Regulations and other acts  
Parliamentary Committees  
Index

Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
© Éditeur officiel du Québec, 2005

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.



---

## Table of Contents

---

Page

---

### Acts 2004

---

69	An Act to amend the Act respecting the Bibliothèque nationale du Québec, the Archives Act and other legislative provisions . . . . .	5
79	An Act to amend the Pay Equity Act as regards the establishment of separate programs . . . . .	23

---

### Regulations and other acts

---

Hunting (Amend.) . . . . .	27
National Assembly — Extract from the Standing Orders . . . . .	34

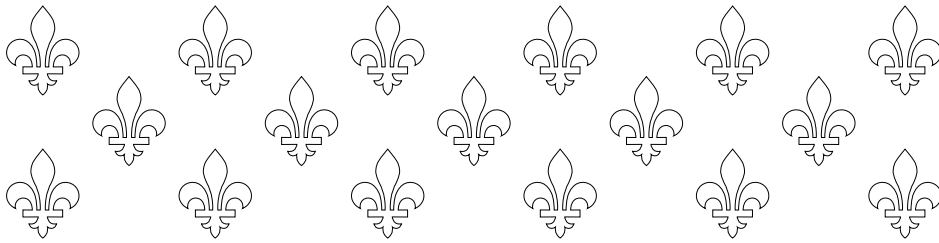
---

### Parliamentary Committees

---

Committee on Institutions — General consultation — Bill 88, Private Security Act . . . . .	37
Committee on Social Affairs — General consultation — Politique du médicament . . . . .	37





---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 69  
(2004, chapter 25)

**An Act to amend the Act respecting  
the Bibliothèque nationale du Québec,  
the Archives Act and other legislative  
provisions**

---

---

**Introduced 3 November 2004  
Passage in principle 23 November 2004  
Passage 10 December 2004  
Assented to 14 December 2004**

---

**Québec Official Publisher  
2004**

## EXPLANATORY NOTES

*This bill amends the Act respecting the Bibliothèque nationale du Québec and the Archives Act in order to entrust the responsibilities presently exercised by the Minister of Culture and Communications as regards archive-related matters and those of the Keeper of the Archives nationales du Québec, in addition to the responsibilities exercised until now by the Bibliothèque nationale du Québec, to a new institution called Bibliothèque et Archives nationales du Québec. The bill also confers on Bibliothèque et Archives nationales du Québec the mission of preserving the Québec film heritage.*

*As well, the bill replaces the title of the Act respecting the Bibliothèque nationale du Québec by “Act respecting Bibliothèque et Archives nationales du Québec”. The bill also introduces the changes needed to reflect the different responsibilities of Bibliothèque et Archives nationales du Québec, including those attendant to the mandatory legal deposit of a copy of all Québec films provided for in the bill.*

*The bill modifies the make-up of the board of governors of the Bibliothèque nationale du Québec in consideration of the institution’s new missions and contains the transitional provisions necessary to transfer the rights and obligations and the employees of the Direction générale des Archives nationales of the Ministère de la Culture et des Communications to Bibliothèque et Archives nationales du Québec.*

### 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);
- Cultural Property Act (R.S.Q., chapter B-4);
- Cinema Act (R.S.Q., chapter C-18.1);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);

- 
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
  - Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
  - Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).





## Bill 69

### AN ACT TO AMEND THE ACT RESPECTING THE BIBLIOTHÈQUE NATIONALE DU QUÉBEC, THE ARCHIVES ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The title of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., chapter B-2.2) is replaced by the following title:

“ACT RESPECTING BIBLIOTHÈQUE ET ARCHIVES NATIONALES  
DU QUÉBEC”.

**2.** Section 1 of the said Act is amended

(1) by replacing “A library” in the first paragraph by “Bibliothèque et Archives nationales du Québec” and by striking out “under the name of “Bibliothèque nationale du Québec”” in that paragraph;

(2) by striking out the second paragraph;

(3) by replacing “The library” in the third paragraph by “Bibliothèque et Archives nationales du Québec”.

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

“**2.** Bibliothèque et Archives nationales is a mandatary of the State.

Its property forms part of the domain of the State, but the performance of its obligations may be levied against its property other than documents or the property forming part of its collections.

Bibliothèque et Archives nationales binds none but itself when it acts in its own name.”

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

(1) by replacing “The library and the head office of the library” in the first line of the first paragraph by “The head office of Bibliothèque et Archives nationales”;

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

“Bibliothèque et Archives nationales shall have offices in Montréal, in the city of Québec and elsewhere in Québec.”

**5.** Section 4 of the said Act is amended

(1) by replacing the words “the library” wherever they appear, except in the expression “the library sector”, by “Bibliothèque et Archives nationales”;

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

“(1) six persons, including the chair, appointed by the Government on the recommendation of the Minister of Culture and Communications. One of these persons must be employed in the field of document management within the public administration and another must be from the film sector;”;

(3) by replacing “five” in the first line of subparagraph 1.1 of the first paragraph by “four” and by replacing “Three of the persons appointed must be librarians. Among the latter, one librarian must be a specialist in the area of preservation and another in the area of dissemination” in the last three lines of that subparagraph by “Two of the persons appointed must be librarians, one a specialist in the area of preservation and the other, in the area of dissemination”;

(4) by inserting the following subparagraph after subparagraph 1.1 of the first paragraph:

“(1.2) two persons from the archival sector, appointed by the Government on the recommendation of the Minister of Culture and Communications and after consultation with that sector;”.

**6.** Section 5 of the said Act is amended by replacing “, 1.1 and” in the first line of the second paragraph by “to”.

**7.** Section 11 of the said Act is amended

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

“**11.** The members of the personnel of Bibliothèque et Archives nationales shall be appointed according to the staffing plan and the standards it establishes by by-law. The staffing plan shall include at least three senior management positions, one responsible for the preservation mission, one responsible for the dissemination mission and the other for the archival mission. The latter shall bear the title of “Keeper of the Archives nationales du Québec” and the office of the Keeper shall be located in the city of Québec.”;

(2) by replacing “the library” in the first line of the second paragraph by “Bibliothèque et Archives nationales”.

**8.** Section 13 of the said Act is amended

(1) by replacing “The library” in the first line of the first paragraph by “Bibliothèque et Archives nationales”;

(2) by adding “and at least one other must be from the archival sector” at the end of subparagraph 1 of the second paragraph;

(3) by replacing “the library” in subparagraph 2 of the second paragraph by “Bibliothèque et Archives nationales”.

**9.** The heading of Chapter II of the said Act is amended by replacing “MISSION” by “MISSIONS”.

**10.** Section 14 of the said Act is amended

(1) by replacing “the library” in the first line of the first paragraph by “Bibliothèque et Archives nationales”;

(2) by replacing “the library” in the first line of the second paragraph by “Bibliothèque et Archives nationales” and by replacing “Québec’s national documentary heritage” in the first and second lines of that paragraph by “the documentary heritage formed by its collections”;

(3) by replacing “the library” in the first line of the third paragraph by “Bibliothèque et Archives nationales”.

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

**“15.1.** The mission of Bibliothèque et Archives nationales is also to guide, support and advise public bodies as regards the management of their documents, ensure the permanent preservation of public archives, facilitate access to them and foster their dissemination. Bibliothèque et Archives nationales is also responsible for promoting the preservation and accessibility of private archives.

For that purpose, Bibliothèque et Archives nationales shall exercise its powers and duties under the Archives Act (chapter A-21.1). It may also provide research support services in the area of archives and contribute to developing and enhancing the international influence of Québec’s documentary expertise and heritage.”

**12.** Section 16 of the said Act is amended

(1) by replacing “the library” in the first line of the first paragraph by “to fulfill its missions, Bibliothèque et Archives nationales”;

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

“(1) acquire, lend, borrow, preserve and restore documents and, except in the case of archives, alienate, rent and exchange documents;”;

(3) by replacing “its mission” in the second and third lines of subparagraph 4 of the first paragraph by “its missions”.

**13.** Section 17 of the said Act is amended

(1) by replacing “The library” in the first line of the first paragraph by “Bibliothèque et Archives nationales” and by replacing “the library, both as regards its preservation mission and its dissemination mission” in the third and fourth lines of that paragraph by “Bibliothèque et Archives nationales as regards each of its missions”;

(2) by replacing “the library” in the second line of the fourth paragraph by “Bibliothèque et Archives nationales”.

**14.** Section 19 of the said Act is amended

(1) by replacing “The library” in the first line of the first paragraph by “For all published documents other than films, Bibliothèque et Archives nationales”, by replacing “the library” in the third line of that paragraph by “Bibliothèque et Archives nationales” and by replacing “of the library” in the second line of that paragraph by “in its possession”;

(2) by replacing “The library” in the second paragraph by “Bibliothèque et Archives nationales”.

**15.** Section 20 of the said Act is amended by inserting “In addition to the exceptions it contains regarding archives,” at the beginning and by replacing “a document acquired, rented, received in exchange or borrowed by the library” in the second and third lines by “a published document acquired, rented, received in exchange or borrowed by Bibliothèque et Archives nationales”.

**16.** The heading of Chapter II.1 of the said Act is replaced by the following heading:

“LEGAL DEPOSIT”.

**17.** The said Act is amended by inserting the following after the heading of Chapter II.1:

**“DIVISION I****“GENERAL PROVISIONS**

**“20.0.1.** Legal deposit is the deposit of a published document with Bibliothèque et Archives nationales, in accordance with this chapter.

**“20.0.2.** Legal deposit transfers the ownership of the document to Bibliothèque et Archives nationales.

**“DIVISION II****“DOCUMENTS OTHER THAN FILMS”.**

**18.** Section 20.2 of the said Act is replaced by the following section:

**“20.2.** This division does not apply to a film within the meaning of section 2 of the Cinema Act (chapter C-18.1).”

**19.** Section 20.3 of the said Act is repealed.

**20.** Section 20.9 of the said Act is amended by replacing “This chapter” in the first line by “This division”.

**21.** The said Act is amended by inserting the following division after section 20.9:

**“DIVISION III****“FILMS**

**“20.9.1.** Subject to any contrary provision of a regulation, the producer of a Québec film shall deposit, free of charge, a copy of the film with Bibliothèque et Archives nationales within six months of its first public exhibition in its final version.

**“20.9.2.** A Québec film is a film within the meaning of section 2 of the Cinema Act produced by a person domiciled in Québec or whose principal establishment is situated in Québec within the meaning of the second and third paragraphs of section 104 of that Act.

The producer is the person responsible for decision making throughout production of the film; in addition, in the case of a coproduction, the producer must also be the main investor in the film.

**“20.9.3.** In order to ensure its permanent preservation, the film deposited must meet the standards of quality determined by regulation.

**“20.9.4.** The producer shall indicate on every film deposited or its container the particulars concerning the deposit that are required by regulation.

The producer shall also provide a descriptive card containing the information determined by regulation.

**“20.9.5.** Bibliothèque et Archives nationales may give a mandate to preserve the films deposited under this division to the Cinémathèque québécoise or, with the authorization of the Minister, to any other film library recognized under the Cinema Act.

An agreement entered into with a film library shall determine the conditions of management, preservation and consultation of the documents deposited. The agreement shall be submitted to the Minister for approval.”

**22.** Section 20.10 of the said Act is amended

(1) by replacing “the library” in the first and second lines by “Bibliothèque et Archives nationales”;

(2) by inserting “, other than films,” after “documents” in the first line of paragraph 1;

(3) by replacing “publishers from the requirement to deposit” in the first line of paragraph 3 by “from mandatory deposit” and by inserting “, other than a film,” after “document” in the second line of that paragraph;

(4) by inserting “, other than films,” after “documents” in the first line of paragraph 4 and by replacing “the library” in the fourth line of that paragraph by “Bibliothèque et Archives nationales”;

(5) by adding “as well as the information that must be indicated on the descriptive card required when the film is deposited” at the end of paragraph 5;

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

“(5.1) determine appropriate quality standards for each category of films deposited;”;

(7) by replacing “5” in the second line of paragraph 6 by “5.1”.

**23.** The said Act is amended by adding the following section after section 20.12:

**“20.12.1.** Every producer of a Québec film who or which contravenes section 20.9.1 or a regulatory provision made under paragraph 5 or 5.1 of section 20.10 the contravention of which constitutes an offence under paragraph 6 of that section is guilty of an offence and is liable to a fine of \$500 to \$2,000.”

**24.** Section 27 of the said Act is amended

(1) by replacing “the library” in the first line of the first paragraph by “Bibliothèque et Archives nationales”;

(2) by replacing “its preservation mission and its dissemination mission” at the end of the second paragraph by “each of its missions”.

**25.** Sections 2.1, 7, 12, 15, 18, 20.1, 20.6, 20.7, 21, 22, 23, 24, 25, 26, 26.1, 29 and 31 of the said Act are amended by replacing the words “The library” and “the library” wherever they appear by “Bibliothèque et Archives nationales”.

**26.** Section 32 of the said Act is repealed.

## ARCHIVES ACT

**27.** Section 2.1 of the Archives Act (R.S.Q., chapter A-21.1) is amended by replacing “to which the Act respecting the Bibliothèque nationale du Québec (chapter B-2.1) applies” by “that are subject to legal deposit under the Act respecting Bibliothèque et Archives nationales du Québec (chapter B-2.2)”.

**28.** Section 4 of the said Act is amended

(1) by replacing “The Minister of Culture and Communications shall adopt” in the first line of the first paragraph by “Bibliothèque et Archives nationales du Québec shall establish”;

(2) by replacing “Conseil du trésor” in the second paragraph by “Government”;

(3) by replacing “The Keeper of the Archives nationales du Québec” in the first line of the third paragraph by “Bibliothèque et Archives nationales”;

(4) by striking out the last sentence of the third paragraph.

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

(1) by replacing “The Minister” in the first line of the first paragraph by “Bibliothèque et Archives nationales”;

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

“The management policy requires the prior approval of the Minister of Culture and Communications.”

**30.** Section 8 of the said Act is amended

(1) by replacing “to the Minister” in the first and third paragraphs by “to Bibliothèque et Archives nationales”;

(2) by replacing “to the Minister for his information” in the second and third lines of the second paragraph by “to Bibliothèque et Archives nationales for its information”.

**31.** Section 9 of the said Act is amended

(1) by replacing “The Minister” in the first line of the first paragraph by “Bibliothèque et Archives nationales” and by replacing “him” in the second line by “it”;

(2) by replacing “of the Minister” in the first line of the second paragraph by “of Bibliothèque et Archives nationales”.

**32.** Section 10 of the said Act is amended by replacing “The Minister” in the first line of the first and second paragraphs by “Bibliothèque et Archives nationales” and by replacing “his” in the first line of the second paragraph by “its”.

**33.** Section 11 of the said Act is amended by replacing “the Minister” in the first line by “Bibliothèque et Archives nationales”.

**34.** Section 12 of the said Act is amended by replacing “the Keeper” in the second line of the second paragraph and “him” in the second and third lines by “Bibliothèque et Archives nationales”.

**35.** Section 14 of the said Act is amended

(1) by replacing “The Minister shall adopt” in the first line of the first paragraph by “Bibliothèque et Archives nationales shall establish”;

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

“The management policy requires the prior approval of the Minister.”;

(3) by replacing “The Keeper” in the first line of the second paragraph by “Bibliothèque et Archives nationales”.

**36.** Section 15 of the said Act is amended

(1) by replacing “to the Keeper” in the second line of the first paragraph by “to Bibliothèque et Archives nationales”;

(2) by replacing “the Keeper” and “him” in the second line of the second paragraph by “Bibliothèque et Archives nationales”.

**37.** Section 16 of the said Act is amended



(1) by replacing “the Minister” in the first and second lines of the first paragraph by “Bibliothèque et Archives nationales” and by replacing “have been transferred to the Keeper” in the third and fourth lines of that paragraph by “have been transferred to Bibliothèque et Archives nationales”;

(2) by replacing “The Minister” in the first line of the second paragraph by “Bibliothèque et Archives nationales”.

**38.** Section 17 of the said Act is amended

(1) by replacing “to the Keeper” in the second line of the first paragraph by “to Bibliothèque et Archives nationales”;

(2) by replacing “the Keeper” in the fourth and fifth lines of the second paragraph by “Bibliothèque et Archives nationales”.

**39.** Section 21 of the said Act is repealed.

**40.** Section 22 of the said Act is amended

(1) by replacing “to the Minister” in the first line of the first paragraph by “to Bibliothèque et Archives nationales”;

(2) by replacing “The Minister” in the first line of the second paragraph by “Bibliothèque et Archives nationales” and by replacing “and by the Minister.” at the end of that paragraph by “and those determined by Bibliothèque et Archives nationales in accordance with the guidelines set by the Minister.”

**41.** Section 23 of the said Act is repealed.

**42.** Section 24 of the said Act is amended by replacing the words “The Minister” in the first line by “Bibliothèque et Archives nationales” and by replacing “the Minister” in the third line by “Bibliothèque et Archives nationales”.

**43.** Section 26 of the said Act is amended by replacing “to the Keeper” in the first and second lines of the first paragraph by “to Bibliothèque et Archives nationales” and by replacing “him” in the third line of that paragraph and “the Keeper or” in the fourth line of that paragraph by “Bibliothèque et Archives nationales or the”.

**44.** Section 27 of the said Act is amended by replacing “to the Keeper” in the first line of the first paragraph by “to Bibliothèque et Archives nationales”.

**45.** Section 29 of the said Act is repealed.

**46.** Section 30 of the said Act is amended

(1) by replacing “The Keeper” in the first line by “Bibliothèque et Archives nationales”;

(2) by inserting “with the authorization of the Minister,” at the beginning of paragraphs 2 and 3.

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

**“30.1.** Bibliothèque et Archives nationales may provide financial or technical assistance to an accredited private archival agency or for the carrying out of archive-related activities.

The conditions, scales and limits of the financial assistance program shall be submitted to the Minister for approval.”

**48.** Section 32 of the said Act is amended

(1) by replacing “The Keeper” in the first line of the first paragraph by “The Keeper of the Archives nationales du Québec or any other person authorized for that purpose by Bibliothèque et Archives nationales”;

(2) by replacing “the Keeper” in the first line of the second paragraph by “the Keeper or such an authorized person”.

**49.** Section 33 of the said Act is amended by inserting “or any other person authorized for that purpose by Bibliothèque et Archives nationales” after “The Keeper” in the first line.

**50.** Section 34 of the said Act is amended by replacing “the Attorney General, a person generally or specially authorized by him for that purpose” in the first and second lines of the second paragraph by “Bibliothèque et Archives nationales” and by replacing “the Minister” in the fourth line of that paragraph by “Bibliothèque et Archives nationales”.

**51.** Section 35 of the said Act is amended by replacing “The Minister” in the first line by “Bibliothèque et Archives nationales”, “he” in that line by “it”, “he” in the third line by “Bibliothèque et Archives nationales” and “his” in that line by “its” and by replacing “or his power to enter into an agreement contemplated in section 16” in the fourth and fifth lines of that paragraph by “, its power to enter into an agreement under section 16 or its power to authorize the disposal of documents under the second paragraph of section 18”.

**52.** Section 36 of the said Act is repealed.

**53.** Section 37 of the said Act is amended by replacing “to the Keeper of the Archives nationales du Québec” in the third and fourth lines of subparagraph 2 of the first paragraph by “to Bibliothèque et Archives nationales”.

**54.** Sections 6, 18, 25 and 31 of the said Act are amended by replacing the words “The Keeper” and “the Keeper” wherever they appear by “Bibliothèque et Archives nationales”; section 18 is further amended by replacing “he” in the second paragraph by “it”; section 25 is further amended by inserting “the” before “public body” in the second paragraph; section 31 is further amended by replacing “he” in the third line by “it”.

**55.** Section 43 of the said Act is amended by replacing “the Minister, the Keeper or a person designated under section 35 or 36” in the first and second lines by “Bibliothèque et Archives nationales or the Keeper or a person designated under section 35” and by replacing “his” in the second line by “their” and “him” in the third line by “them”.

**56.** Section 45 of the said Act is amended by replacing “of the Keeper” in the first line of the second paragraph by “of Bibliothèque et Archives nationales”.

**57.** Sections 47 to 53 and 87 of the said Act are repealed.

#### OTHER AMENDMENTS

**58.** Section 79 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 “to the Keeper of the Archives nationales du Québec” in the second line of the first paragraph by “to Bibliothèque et Archives nationales”.

**59.** Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by replacing “Bibliothèque nationale du Québec” by “Bibliothèque et Archives nationales du Québec”.

**60.** Section 7.6 of the Cultural Property Act (R.S.Q., chapter B-4) is amended by replacing “and the management of the public and private archives” in the third and fourth lines of the first paragraph by “and on any matter relating to archives”.

**61.** Section 7 of the Cinema Act (R.S.Q., chapter C-18.1) is repealed.

**62.** Division VI of Chapter II of the said Act, which comprises sections 73 to 75, is repealed.

**63.** Section 71.2 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended

(1) by replacing “to the Keeper of the Archives” in the second line of the first paragraph by “to Bibliothèque et Archives”;

(2) by replacing “the Keeper of the Archives” in the second line of the third paragraph by “Bibliothèque et Archives” and “the Keeper” in that line by “Bibliothèque et Archives nationales”.

**64.** Section 71.3 of the said Act is amended by replacing “to the Keeper of the Archives nationales du Québec” in the second line by “to Bibliothèque et Archives nationales”.

**65.** Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2), amended by Order in Council 464-2004 dated 12 May 2004, is again amended by replacing “The Bibliothèque nationale du Québec” by “Bibliothèque et Archives nationales du Québec”.

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

**67.** Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by replacing “the Bibliothèque nationale du Québec” by “Bibliothèque et Archives nationales du Québec”.

#### TRANSITIONAL AND FINAL PROVISIONS

**68.** Bibliothèque et Archives nationales du Québec is substituted for the Minister of Culture and Communications as regards archival management and for the Keeper of the Archives nationales du Québec. It acquires the rights and assumes the obligations of the Minister and the Keeper.

**69.** The records and other documents of the Ministère de la Culture et des Communications concerning archives and the records and other documents of the Keeper become records and documents of Bibliothèque et Archives nationales du Québec, to the extent determined by the Minister.

The documents deposited with the Keeper are transferred to Bibliothèque et Archives nationales.

**70.** Unless the context indicates otherwise, in any text or document,

(1) a reference to the Minister of Culture and Communications concerning the national archives of Québec is a reference to Bibliothèque et Archives nationales du Québec;

(2) a reference to the Bibliothèque nationale du Québec or to the Keeper of the Archives nationales du Québec is a reference to Bibliothèque et Archives nationales du Québec; and

(3) a reference to the Act respecting the Bibliothèque nationale du Québec is a reference to the Act respecting Bibliothèque et Archives nationales du Québec.

**71.** The management policies for the active, semi-active and inactive documents of public bodies established by the Minister of Culture and Communications before (*insert the date of coming into force of this section*) are deemed to be policies adopted under the new provisions of sections 4 and 14 of the Archives Act, enacted by sections 28 and 35.

**72.** The new provisions regarding the legal deposit of Québec films, enacted by section 21, do not apply to films whose first public exhibition was held before (*insert the date of coming into force of section 21*).

**73.** The term of office of the members other than the chair appointed under section 4 of the Act respecting the Bibliothèque nationale du Québec in office on (*insert the date preceding the date of coming into force of this section*) ends on that date.

**74.** The employees of the Direction générale des Archives nationales of the Ministère de la Culture et des Communications in office on (*insert the date preceding the date of coming into force of this section*) become employees of Bibliothèque et Archives nationales, subject to the conditions of employment applicable to them and provided that a decision providing for their transfer is made by the Conseil du trésor before (*insert the date occurring 24 months after the date of coming into force of this section*).

**75.** An employee transferred to Bibliothèque et Archives nationales under section 74 who, on the date of the transfer, was a public servant with permanent tenure within the Ministère de la Culture et des Communications may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

Section 35 of the Public Service Act applies to an employee who takes part in such a competition for promotion.

**76.** An employee referred to in section 75 who applies for a transfer or takes part in a competition for promotion may ask the chair of the Conseil du trésor for an assessment of the classification the employee would be assigned in the public service. The assessment must take into account the employee's classification on the date of the transfer and the experience and formal training acquired in the course of employment with Bibliothèque et Archives nationales.

If an employee is transferred under section 75, the deputy minister or chief executive officer determines the employee's classification in accordance with the assessment provided for in the first paragraph.

If an employee is promoted under section 75, the classification assigned to the employee must take into account the criteria set out in the first paragraph.

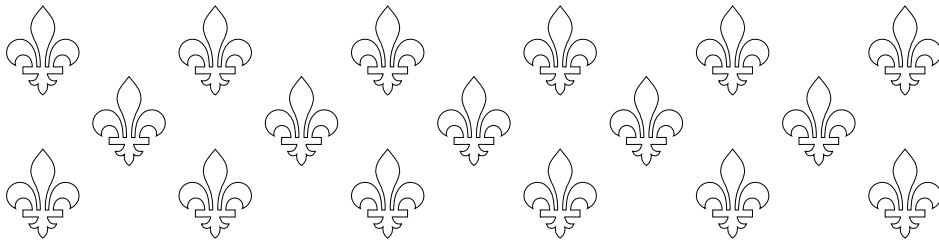
**77.** In the event of a partial or total discontinuance of the operations of Bibliothèque et Archives nationales or a shortage of work, an employee referred to in section 75 is entitled to be placed on reserve in the public service with the classification held before the date of transfer.

In that case, the chair of the Conseil du trésor determines the employee's classification taking into account the criteria set out in the first paragraph of section 76.

**78.** A person who, in accordance with the applicable conditions of employment, refuses to be transferred to Bibliothèque et Archives nationales is assigned to Bibliothèque et Archives nationales until the chair of the Conseil du trésor is able to place the person in accordance with section 100 of the Public Service Act. The same applies to a person placed on reserve under section 77, which person remains in the employ of Bibliothèque et Archives nationales.

**79.** Subject to the remedies available under a collective agreement, an employee referred to in section 75 whose employment is terminated may bring an appeal under section 33 of the Public Service Act.

**80.** This Act comes into force on the date or dates set by the Government.



---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 79  
(2004, chapter 26)

**An Act to amend the Pay Equity Act as  
regards the establishment of separate  
programs**

---

---

**Introduced 11 November 2004  
Passage in principle 23 November 2004  
Passage 10 December 2004  
Assented to 14 December 2004**

---

**Québec Official Publisher  
2004**

**EXPLANATORY NOTES**

*This bill amends the Pay Equity Act in order to provide that an employer may enter into an agreement with two or more certified associations for the purpose of establishing a separate program applicable to employees represented by those associations.*



## **Bill 79**

### **AN ACT TO AMEND THE PAY EQUITY ACT AS REGARDS THE ESTABLISHMENT OF SEPARATE PROGRAMS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Section 11 of the Pay Equity Act (R.S.Q., chapter E-12.001) is amended by replacing the second sentence of the second paragraph by the following sentences: “Such an agreement may also be entered into between the employer and two or more certified associations. In either case, the employer may establish a separate plan applicable to the other employees.”
- 2.** This Act comes into force on 14 December 2004.



## Regulations and other acts

### M.O., 2004

**Order number AM 2004-054 of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks dated 16 December 2004**

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

CONCERNING Regulation to amend the Regulation respecting hunting

THE MINISTER OF NATURAL RESOURCES, WILDLIFE AND PARKS AND THE MINISTER FOR FORESTS, WILDLIFE AND PARKS,

CONSIDERING sections 54.1 and 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), respectively amended by sections 37 and 8 of chapter 11 of the Statutes of 2004, which provide that the Minister may make regulations on the matters set forth therein;

CONSIDERING section 164 of the Act, amended by section 35 of chapter 11 of the Statutes of 2004, which provides that a regulation made in particular under sections 54.1 and 56 is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the making of the Regulation respecting hunting by Minister's Order 99021 dated 27 July 1999 which provides in particular for the conditions for hunting any animal or any animal of a class of animals;

CONSIDERING that it is expedient to amend certain provisions of the Regulation respecting hunting;

ORDER THIS FOLLOWING:

The Regulation to amend the Regulation respecting hunting, attached hereto, is hereby made.

Québec, 16 December 2004

PIERRE CORBEIL, <i>Minister for Forests,          Wildlife and Parks</i>	SAM HAMAD, <i>Minister of Natural Resources          Wildlife and Parks</i>
---	--

### Regulation to amend the Regulation respecting hunting\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, ss. 54.1 and 56, 2nd and 3rd pars; 2004, c. 11, ss. 8 and 37)

**1.** The Regulation respecting hunting is amended in section 14

(1) by striking out “, CXLIX” in the third paragraph;

(2) by inserting “LXXIX,” as regards moose in the fourth paragraph before “CIX”;

(3) by replacing “, CXLVII and CXLVIII” as regards moose in the fourth paragraph by “and CLV”.

**2.** Section 17 is amended

(1) by replacing “Mitchinamecus Controlled Zone” in the first paragraph by “Jaro and Mitchinamecus controlled zones”;

(2) by adding “and in the Collin Controlled Zone, only moose with antlers and moose calves may be hunted” at the end of the first paragraph;

(3) by adding “Buteux-Bas-Saguenay, Lac-au-Sable, des Martres,” after “Batiscan-Neilson,” in the third paragraph.

**3.** Schedule II is amended

(1) by replacing paragraph *i* of section 1 by the following:

\* The Regulation respecting hunting made by Minister's Order 99021 dated 27 July 1999 (1999, *G.O.* 2, 2451) was last amended by the regulations approved by Minister's Orders 2004-003F dated 14 April 2004 (2004, *G.O.* 2, 1361) and 2004-033 dated 3 September 2004 (2004, *G.O.* 2, 2623). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

“i. in the area

Area	Number of licences
2 except the western part shown on the plan in Schedule IX	0
the western part of Area 2 shown on the plan in Schedule IX	0
3 except the western part shown on the plan in Schedule X	0
the western part of Area 3 shown on the plan in Schedule X	1200
4	2400
5 except the western part shown on the plan in Schedule XXXVIII	0
the western part of Area 5 shown on the plan in Schedule XXXVIII	4000
6 except the northern part shown on the plan in Schedule XXXIX	400
the northern part of Area 6 shown on the plan in Schedule XXXIX	2600
7 except the southern part shown on the plan in Schedule CXXXIV	0
the southern part of Area 7 shown on the plan in Schedule CXXXIV	2200
the southern part of Area 8 shown on the plan in Schedule XIII	2500
9 except the western part shown on the plan in Schedule CXXXII	0
the western part of Area 9 shown on the plan in Schedule CXXXII	550
10 except the western part shown on the plan in Schedule XVI	4700
the western part of Area 10 shown on the plan in Schedule XVI and 12	9700
11 and the western part of Area 15 shown on the plan in Schedule CXXXIII	0
the eastern part of Area 26 shown on the plan in Schedule CXCIII	0
the southern part of Area 27 shown on the plan in Schedule CXCIV	0

”;

(2) by replacing the number of licences “107”, “70”, “22” and “163” in paragraph *ii* of section 3, for the Laurentides, Mastigouche, Portneuf and Rimouski wildlife sanctuaries, respectively by “202”, “35”, “30” and “182”;

(3) by inserting the following controlled zones and number of licences after “Batiscan-Neilson” in paragraph *iii* of section 3:

“

Controlled zone	Number of licences
Buteux-Bas-Saguenay	11
Jaro	10
Lac-au-Sable	15
des Martres	17
des Nymphes	15

”;

(4) by adding the following parts of territory and number of licences after “shown on the plan in Schedule XLV” in paragraph *iv* of section 3:

“

Part of territory	Number of licences
shown on the plan in Schedule CXLVII	60
shown on the plan in Schedule CXLVIII	50

”.

#### 4. Schedule III is amended

(1) by adding the following subparagraphs at the end of paragraph 1 of section 3 in columns III and IV:

“

Column III	Column IV
Area	Hunting season
(k) the part of Area 13 shown on the plan in Schedule CXC	(k) from the Saturday on or closest to 25 October to the Friday on or closest to 31 October

”;

(2) by adding the following subparagraphs at the end of paragraph 3 of section 3 in columns III and IV :

“

Column III	Column IV
Area	Hunting season
(f) the part of Area 13 shown on the plan in Schedule CXC	(f) from the Saturday on or closest to 1 November to the Friday on or closest to 7 November

”;

(3) by replacing the hunting season in column IV of subparagraph *e* of paragraph 1 of section 12 by “from the Saturday on or closest to 24 December to the Sunday on or closest to 8 January”.

#### 5. Schedule IV is amended

(1) by inserting the following controlled zone and hunting season, as regards a type 11 implement, before the Bessonne Controlled Zone in columns III and IV of section 1 :

“

Column III	Column IV
Controlled zone	Hunting season
Bas-Saint-Laurent	from the Saturday on or closest to 27 September to the Sunday on or closest to 5 October

”;

(2) by inserting the following controlled zone and hunting season, as regards a type 11 implement, before the Chapais Controlled Zone in columns III and IV of section 2 :

“

Column III	Column IV
Controlled zone	Hunting season
Bas-Saint-Laurent	from the Saturday on or closest to 27 September to the Friday on or closest to 10 October

”.

6. Schedule V is amended by striking out “, CXLIX” as regards a type 13 implement.

#### 7. Schedule VI is amended

(1) by replacing the hunting season for moose, black bear, ruffed grouse, spruce grouse and snowshoe hare (type 3 and 7 implements) in the Ashuapmushuan Wildlife Sanctuary by the following :

“From the Saturday on or closest to 9 September to the Friday on or closest to 22 September”;

(2) by replacing the hunting season for moose in the Dunière Wildlife Sanctuary by the following :

“From the Tuesday on or closest to 5 September to the Monday on or closest to 30 October”;

(3) by replacing the hunting season for moose in the Mastigouche Wildlife Sanctuary by the following :

“From the Wednesday on or closest to 6 September to the Friday on or closest to 29 September”;

(4) by replacing the hunting season for white-tailed deer, ruffed grouse, spruce grouse, snowshoe hare and eastern cottontail rabbit in the Papineau-Labelle Wildlife Sanctuary by the following :

“From the Monday on or closest to 20 October to the Sunday on or closest to 16 November”;

(5) by inserting the following hunting season for moose in the Rimouski Wildlife Sanctuary :

“From the Tuesday on or closest to 28 October to the Saturday on or closest to 1 November”;

(6) by inserting the following hunting season for white-tailed deer in the Rimouski Wildlife Sanctuary as regards a type 2 implement :

“From the Tuesday on or closest to 28 October to the Saturday on or closest to 1 November”;

(7) by replacing the hunting season for moose in the Saint-Maurice Wildlife Sanctuary as regards a type 13 implement by the following :

“From the Saturday on or closest to 16 September to the Thursday on or closest to 5 October”.

**8.** Schedule VII is amended

(1) by replacing the hunting season for ruffed grouse, spruce grouse and snowshoe hare (type 3 implements) in the Ashuapmushuan Wildlife Sanctuary by the following :

“From the Saturday on or closest to 23 September to the Sunday on or closest to 29 October” ;

(2) by replacing the hunting season for snowshoe hare (type 7 implement) in the Ashuapmushuan Wildlife Sanctuary by the following :

“From the Saturday on or closest to 23 September to 1 March” ;

(3) by replacing the hunting season for ruffed grouse, spruce grouse and snowshoe hare (type 3 implements) in the Dunière Wildlife Sanctuary by the following :

“From the Tuesday on or closest to 31 October to the Sunday on or closest to 5 November” ;

(4) by replacing the hunting season for snowshoe hare (type 7 implement) in the Dunière Wildlife Sanctuary by the following :

“From the Tuesday on or closest to 31 October to 1 March” ;

(5) by replacing the hunting season for ruffed grouse, spruce grouse and snowshoe hare (type 3 implements) in the La Vérendrye Wildlife Sanctuary by the following :

“From the Thursday on or closest to 12 October to 30 November” ;

“

<b>Species</b>	<b>Type of implement</b>	<b>Bag limit</b>	<b>Hunting season</b>
Rock ptarmigan	3	See s. 27	From the Saturday on or closest to 7 October to 30 April
Willow ptarmigan	3	See s. 27	From the Saturday on or closest to 7 October to 30 April

” ;

(6) by replacing the hunting season for ruffed grouse, spruce grouse and snowshoe hare (type 3 implements) in the Mastigouche Wildlife Sanctuary by the following :

“From the Saturday on or closest to 30 September to the Sunday on or closest to 29 October” ;

(7) by replacing the hunting season for snowshoe hare (type 7 implement) in the Mastigouche Wildlife Sanctuary by the following :

“From the Saturday on or closest to 30 September to 1 March” ;

(8) by replacing the hunting season for ruffed grouse, spruce grouse, snowshoe hare and eastern cottontail rabbit (type 3 implements) in the Papineau-Labelle Wildlife Sanctuary as regards the hunting season “From the Saturday on or closest to 15 November to 31 December” by “From the Monday on or closest to 17 November to 31 December” ;

(9) by replacing the hunting season for snowshoe hare and eastern cottontail rabbit (type 7 implement) in the Papineau-Labelle Wildlife Sanctuary by the following :

“From the Monday on or closest to 17 November to 1 March” ;

(10) by inserting the following species, type of implement, bag limit and hunting season, as regards the Port-Cartier-Sept-Îles Wildlife Sanctuary, after “spruce grouse” :

(11) by replacing the hunting season for white-tailed deer in the Rimouski Wildlife Sanctuary by the following :

“From the Sunday on or closest to 2 November to the Sunday on or closest to 16 November” ;

(12) by replacing the hunting season for ruffed grouse, spruce grouse and snowshoe hare (type 3 implements) in the Saint-Maurice Wildlife Sanctuary by the following :

“From the Friday on or closest to 6 October to the Sunday on or closest to 27 November”.

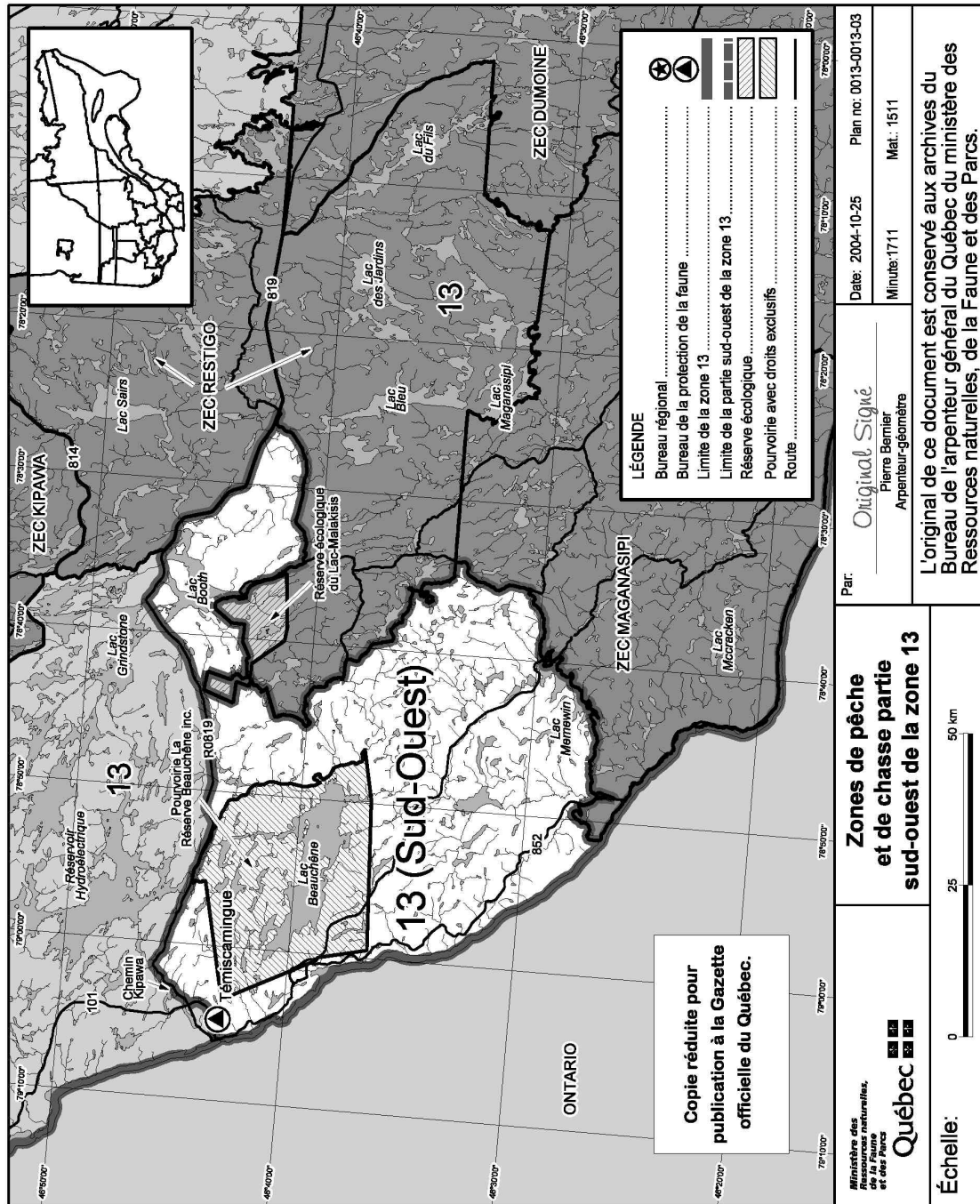
**9.** This Regulation is amended by inserting Schedules CLXXXIX and CXC, attached to this Regulation, before Schedule CXCI.

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





SCHEDULE CXC



## Extract from the rules for the conduct of proceedings in the National Assembly

### CHAPTER III RULES FOR THE CONDUCT OF PROCEEDINGS RESPECTING PRIVATE BILLS

**32. Objects** — A bill relating to private or local matters must be introduced by a Member of the Assembly.

**33. Deposit with law clerk** — A Member who sponsors a bill relating to private or local matters shall deposit such bill with the law clerk.

The said Member shall not be answerable for the contents of the bill, nor shall he be required to endorse anything that may be provided therein. (See S.O. 264 and 265)

**34. Documents to be provided** — Such bill shall be accompanied by a notice stating the name of the Member who is to introduce it and by a copy of every document mentioned therein and of every other document that may be pertinent thereto.

Any bill relating to a municipal corporation governed by the Cities and Towns Act, the Municipal Code, or a special charter shall likewise be accompanied by a certified true copy of the resolution authorizing its introduction. (See S.O. 265)

**35. Introduction and passage during same sessional period** — No bill deposited with the law clerk between the second Tuesday in March and the twenty-third day of June or between the second Tuesday in September and the twenty-first day of December may be passed within that same period. (See S.O. 265)

**36. Notice in *Gazette officielle du Québec*** — The applicant for a private bill shall cause to be published in the *Gazette officielle du Québec*, over his signature, a notice entitled “Avis de présentation d’un projet de loi d’intérêt privé.”

Such notice shall specify the objects of the bill and state that any party whose interest may be affected by it and who wishes to make submissions with respect thereto must so advise the law clerk. (See S.O. 265)

**37. Notices in newspaper** — The said notice shall likewise be published in a newspaper circulating in the judicial district wherein the applicant is domiciled; and if there be no newspaper circulating in that district, it shall be published in a newspaper circulating in the nearest district thereto.

Such notice shall be published once in each week for four weeks.

A copy of this notice shall accompany the bill upon its deposit with the law clerk. (See S.O. 265)

**38. Reports from the law clerk** — The law clerk shall submit to the President of the Assembly a report stating whether such notice has been drafted and published in accordance with these rules.

The President shall forward a copy of this report to the Government House leader and to the Member sponsoring the bill. (See S.O. 265)

**39. Private bills register** — The law clerk shall keep a register in which he shall enter the name, the occupation, and the place of residence of the applicant for a private bill and those of every party who has advised him that his interest is affected by such bill and that he wishes to make submissions with respect thereto.

The law clerk shall provide to the Government House leader and to the Member who is to introduce such bill a list of the parties who have advised him of their wish to make submissions with respect thereto. (See S.O. 265)

**40. Notices to interested parties** — The director of the Secrétariat des commissions shall convene the interested parties not less than seven days before such bill is to be considered in committee. (See S.O. 267)

**41. Annual publication of rules** — The law clerk shall publish in the *Gazette officielle du Québec*, in January of each year, the rules pertaining to private bills, together with Title III, Chapter IV, of the Standing Orders of the National Assembly.

## Extract from the Standing Orders of the National Assembly

### TITLE III

#### CHAPTER IV PRIVATE BILLS

**264. Notice and introduction** — Any Member may, at the request of an interested person or body of persons, introduce a bill relating to private or local matters.

He shall give notice of his intent not later than the sitting day preceding that on which such bill is to be introduced and shall provide a copy thereof to the President before the sitting at which it is to be introduced. (See R.C.P. 33)

**265. Report from law clerk** — Before such bill is introduced the President shall communicate to the Assembly the contents of the report from the law clerk thereon. (See R.C.P. 33 to 39)

**266. Preamble** — A private bill shall require no explanatory notes; but every such bill shall contain a preamble setting out the facts on which it is founded and the circumstances giving rise to the necessity for it.

**267. Referral to committee** — When a private bill has been introduced the Government House leader shall move, without notice, that it be referred to a committee; and such motion shall be decided without debate.

The committee shall hear the interested parties, examine the bill clause by clause, and report thereon to the Assembly. The question for concurrence in such report shall be put forthwith and decided without debate. (See R.C.P. 40)

**268. Motions for passage in principle and passage** — The passage in principle of the bill shall be set down for a future sitting day. No motion may be made to divide such bill or to defer its passage in principle.

A private bill when passed in principle shall not again be referred to a standing committee but may be passed during the same sitting day, and Standing Order 257 shall apply: Provided that the bill may not then be passed if opposition to its passage is taken by five Members.

**269. Debate** — During the debates on the passage in principle and the final passage of a private bill, each Member may speak for up to ten minutes: Provided that the Member sponsoring the bill and the leaders of the parliamentary groups may each speak for up to thirty minutes.

**270. Procedure** — Except as otherwise provided in this chapter of these Standing Orders, the general rules pertaining to bills shall apply to private bills.



---

## Parliamentary Committees

---

### Committee on Institutions

#### General consultation

#### Bill 88, Private Security Act

The Committee on Institutions has been instructed to hold public hearings beginning on 15 February 2005 in pursuance of a general consultation on Bill 88, Private Security Act.

Individuals and organizations who wish to express their views on this matter must submit a brief to the above Committee. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief.

Briefs must be received by the committees secretariat not later than 21 January 2005. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 20 copies. You may also add an electronic version of your brief by e-mailing it to the Clerk of the Committee. However, this does not exempt you from producing a written version.

Briefs, correspondence, and requests for information should be addressed to M<sup>c</sup> Louis Breault, Clerk of the Committee on Institutions, Édifice Pamphile-Le May, 1035, rue des Parlementaires, 3<sup>e</sup> étage, Québec (Québec) G1A 1A3.

Telephone: (418) 643-2722; facsimile: (418) 643-0248  
E-Mail: ci@assnat.qc.ca

6657

### Committee on Social Affairs

#### General consultation

#### Politique du médicament

The Committee on Social Affairs has been instructed to hold public hearings beginning on 1 March 2005 in pursuance of a general consultation on the document entitled "Politique du médicament".

Individuals and organizations who wish to express their views on this matter must submit a brief to the above Committee. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief.

Briefs must be received by the committees secretariat not later than 4 February 2005. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 20 copies. You may also add an electronic version of your brief by e-mailing it to the Clerk of the Committee. However, this does not exempt you from producing a written version.

Briefs, correspondence, and requests for information should be addressed to Mrs Denise Lamontagne, lawyer, Clerk of the Committee on Social Affairs, Édifice Pamphile-Le May, 1035, rue des Parlementaires, 3<sup>e</sup> étage, Québec (Québec) G1A 1A3.

Telephone: (418) 643-2722; facsimile: (418) 643-0248  
E-mail: cas@assnat.qc.ca

6654



## Index

Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

	Page	Comments
Access to documents held by public bodies and the Protection of personal information, An Act respecting..., amended . . . . .	5	
(2004, Bill 69)		
Bibliothèque nationale du Québec, the Archives Act and other legislative provisions, An Act to amend the Act respecting the... . . . . .	5	
(2004, Bill 69)		
Cinema Act, amended . . . . .	5	
(2004, Bill 69)		
Committee on Institutions — General consultation — Bill 88, Private Security Act . . . . .	37	Parliamentary Committee
Committee on Social Affairs — General consultation — Politique du médicament . . . . .	37	Parliamentary Committee
Conservation and development of wildlife, An Act respecting the... — Hunting . . . . .	27	M
(R.S.Q., c. C-61.1)		
Cultural Property Act, amended . . . . .	5	
(2004, Bill 69)		
Financial Administration Act, amended . . . . .	5	
(2004, Bill 69)		
Government and Public Employees Retirement Plan, An Act respecting the..., amended . . . . .	5	
(2004, Bill 69)		
Hunting . . . . .	27	M
(An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)		
Ministère du Revenu, An Act respecting the..., amended . . . . .	5	
(2004, Bill 69)		
National Assembly — Extract from the Standing Orders . . . . .	34	N
Pay Equity Act as regards the establishment of separate programs, An Act to amend the... . . . .	23	
(2004, Bill 79)		
Pension Plan of Management Personnel, An Act respecting the..., amended . . .	5	
(2004, Bill 69)		
Process of negotiation of the collective agreements in the public and parapublic sectors, An Act respecting..., amended . . . . .	5	
(2004, Bill 69)		

