Gazette officielle du Québec

Part 2

No. 5
1 February 2006

# Laws and Regulations

Volume 138

## Summary



Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec

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# NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 68
(2005, chapter 36)

## An Act to repeal the Act respecting the Société de développement de la Zone de commerce international de Montréal à Mirabel

**Introduced 10 November 2004**
**Passage in principle 24 November 2004**
**Passage 8 December 2005**
**Assented to 13 December 2005**

**Québec Official Publisher**
**2005**

**EXPLANATORY NOTES**

*This bill repeals the Act respecting the Société de développement de la Zone de commerce international de Montréal à Mirabel. The rights and obligations of the Société are transferred to Investissement Québec.*

# Bill 68

## AN ACT TO REPEAL THE ACT RESPECTING THE SOCIÉTÉ DE DÉVELOPPEMENT DE LA ZONE DE COMMERCE INTERNATIONAL DE MONTRÉAL À MIRABEL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Act respecting the Société de développement de la Zone de commerce international de Montréal à Mirabel (R.S.Q., chapter S-10.0001) is repealed.

**2.** Investissement Québec, governed by the Act respecting Investissement Québec and La Financière du Québec (R.S.Q., chapter I-16.1), acquires the rights and assumes the obligations of the Société de développement de la Zone de commerce international de Montréal à Mirabel.

**3.** The files, records and other documents of the Société de développement de la Zone de commerce international de Montréal à Mirabel become those of Investissement Québec.

**4.** A recommendation by the Société de développement de la Zone de commerce international de Montréal à Mirabel to Investissement Québec concerning an application for a certificate of eligibility for a fiscal incentive is deemed to have been made in accordance with section 5 of the Act respecting the Société de développement de la Zone de commerce international de Montréal à Mirabel, as it read before 12 December 2005.

**5.** Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by striking out the words "Société de développement de la Zone de commerce international de Montréal à Mirabel".

**6.** This Act comes into force on 13 December 2005.

# NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 119
(2005, chapter 37)

## An Act respecting the Ministère du Tourisme

**Introduced 14 June 2005**
**Passage in principle 27 October 2005**
**Passage 2 December 2005**
**Assented to 13 December 2005**

**Québec Official Publisher**
**2005**

**EXPLANATORY NOTES**

*This bill creates the Ministère du Tourisme.*

*Accordingly, the bill confers upon the Minister of Tourism the mission of supporting tourism development and promotion in Québec by fostering concerted action and partnerships between the various stakeholders in that development and promotion, with a view to job creation, economic prosperity and sustainable development.*

*The bill confers upon the Minister the tourism functions formerly exercised by the Minister of Economic and Regional Development and Research. Accordingly, the bill amends the Act respecting the Ministère du Développement économique et régional et de la Recherche.*

*The bill also contains consequential amendments.*

**LEGISLATION AMENDED BY THIS BILL:**

– Act respecting assistance for tourist development (R.S.Q., chapter A-13.1);

– Executive Power Act (R.S.Q., chapter E-18);

– Act respecting the Ministère du Développement économique et régional et de la Recherche (R.S.Q., chapter M-30.01);

– Government Departments Act (R.S.Q., chapter M-34);

– Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7);

– Act respecting the Société du Palais des congrès de Montréal (R.S.Q., chapter S-14.1).

# Bill 119

## AN ACT RESPECTING THE MINISTÈRE DU TOURISME

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### CHAPTER I

MINISTER'S RESPONSIBILITIES

**1.** The Ministère du Tourisme is under the direction of the Minister of Tourism appointed under the Executive Power Act (R.S.Q., chapter E-18).

**2.** The mission of the Minister is to support tourism development and promotion in Québec by fostering concerted action and partnerships between the various stakeholders in that development and promotion, with a view to job creation, economic prosperity and sustainable development.

**3.** The Minister is to develop guidelines and policies in the areas under the Minister's authority and propose them to the Government.

The Minister is to coordinate the implementation of those guidelines and policies and follow them up.

**4.** The functions of the Minister are, more particularly,

(1) to promote Québec as a tourist destination and further the development and marketing of its tourism products and experiences;

(2) to frame and implement development strategies and assistance programs, if necessary in collaboration with the public and private stakeholders concerned;

(3) to foster the consolidation and diversification of the tourism supply and the development of new tourism experiences;

(4) to support efforts to improve the quality of tourism products and services;

(5) to offer and provide a framework for tourist information, reservation and hospitality services;

(6) to ensure the development and management of tourism infrastructures;

(7) to foster access, for all clienteles, to territories, products and services;

(8) to participate, with the government departments concerned and within the scope of the policy on Canadian intergovernmental affairs and the policy on international affairs, in establishing relations and implementing cooperation agreements and programs with parties outside Québec, in sectors in which exchanges encourage the export of Québec's tourism expertise and the development of its tourism industry; and

(9) to advise the Government and government departments and bodies and make recommendations, where appropriate.

**5.** In the exercise of ministerial responsibilities, the Minister may

(1) obtain from government departments and bodies the information needed to formulate guidelines and policies and follow them up;

(2) enter into agreements with a person, association, partnership or body;

(3) subject to the applicable legislative provisions, enter into agreements with a government other than the Gouvernement du Québec, with a department or body of that government, or with an international organization or one of its agencies;

(4) conduct or commission research, studies and analyses and make the findings public; and

(5) administer, develop and operate tourism services, facilities or territories, and manage immovables for that purpose.

**6.** The Minister may take all appropriate measures in the pursuit of the Minister's mission. In particular, the Minister is to provide persons, businesses and bodies with the services the Minister judges necessary for the development of tourism in Québec. Subject to the conditions determined by the Minister under government guidelines and policies and, in certain cases, subject to the authorization of the Government, the Minister is also to provide financial and technical support for the realization of actions or projects.

The Minister may recognize community bodies, in particular regional tourism associations, for the purpose of carrying out the ministerial mission.

**7.** The Minister may, under a partnership initiative where appropriate, provide a person, enterprise or body with goods or services in or outside Québec, whether for remuneration or not, in areas under the Minister's authority.

**8.** The Minister is also responsible for the administration of the Acts assigned to the Minister, and assumes any other responsibility conferred on the Minister by the Government.

## CHAPTER II

ORGANIZATION OF THE DEPARTMENT

**9.** The Government appoints a Deputy Minister of Tourism in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

**10.** The Deputy Minister administers the department under the direction of the Minister.

In addition, the Deputy Minister exercises any other function assigned by the Government or the Minister.

**11.** In the exercise of deputy-ministerial functions, the Deputy Minister has the authority of the Minister.

**12.** The Deputy Minister may, in writing and to the extent specified, delegate the exercise of deputy-ministerial functions under this Act to a public servant or office holder.

In the instrument of delegation, the Deputy Minister may authorize the subdelegation of the specified functions and, in that case, identifies the public servant or office holder to whom the functions may be subdelegated.

**13.** The personnel of the department is composed of the public servants the Minister requires for the exercise of the functions of office; they are appointed in accordance with the Public Service Act.

The Minister determines the duties of the public servants to the extent that they are not determined by law or by the Government.

**14.** The signature of the Minister or Deputy Minister gives authority to any document emanating from the department.

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 an office holder and, in the last two cases, only to the extent determined by the Government.

**15.** The Government may allow a signature to be affixed, by means of an automatic device, on the documents and subject to the conditions it determines.

The Government may also allow a facsimile of a signature to be engraved, lithographed or printed on the documents it determines. Except in the cases prescribed by the Government, the facsimile must be authenticated by the countersignature of a person authorized by the Minister.

**16.** 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 the second paragraph of section 14, is authentic.

**17.** An intelligible transcription of a decision or other data stored by the department on a computer or any other electronic medium is a document of the department and is proof of its contents if certified true by a person referred to in the second paragraph of section 14.

**18.** The Minister must table the department's annual management report in the National Assembly within four months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption.

## CHAPTER III

TOURISM PARTNERSHIP FUND

**19.** The tourism partnership fund is governed by this chapter; the purpose of the fund is to promote and develop tourism.

**20.** The Government determines the assets and liabilities of the fund. It also determines the nature of the activities that may be financed by the fund and the nature of the costs that may be charged to the fund. Moreover, the Government may change the name of the fund.

**21.** The fund is 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 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 its objects;

(4) the sums paid into the fund by the Minister of Finance under section 23 and the first paragraph of section 24;

(5) the sums paid into the fund by the Minister of Revenue as proceeds from the specific accommodation tax collected under 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 under 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 in proportion to the sums referred to in paragraphs 3 and 5.

**22.** The management of the sums paid into the fund is entrusted to the Minister of Finance. The sums are paid to the order of the Minister of Finance and deposited with the financial institutions designated by that Minister.

The Minister of Tourism keeps the books of account of the fund and records the financial commitments chargeable to it. The Minister also ensures that those commitments and the payments arising from them do not exceed the available balances and are consistent with them.

**23.** As manager of the fund, the Minister of Tourism may borrow from the Minister of Finance sums taken out of the financing fund established under the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01).

**24.** With the authorization of the Government and subject to the conditions it determines, the Minister of Finance may 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 that Minister determines, any part of the sums paid into the tourism partnership fund that is not required for its operation.

Any sum advanced to a fund is repayable out of that fund.

**25.** The sums referred to in paragraph 5 of section 21 and the related interest are paid out to the regional tourism associations recognized by the Minister and representing the tourism regions where the specific accommodation tax is applicable.

The Minister determines the dates and terms of payment and the manner in which the payments are to be made.

**26.** The sums required for the remuneration and the expenses pertaining to employee benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act, to fund-related activities are paid out of the fund.

**27.** The surpluses accumulated in the fund are paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

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

**29.** The fiscal year of the fund ends on 31 March.

**30.** In the event of a deficiency in the consolidated revenue fund, and despite any provision to the contrary, the Minister of Finance must draw from the tourism partnership fund the sums required for the execution of a judgment against the State that has become *res judicata*.

**CHAPTER IV**

AMENDING AND FINAL PROVISIONS

ACT RESPECTING ASSISTANCE FOR TOURIST DEVELOPMENT

**31.** Section 11 of the Act respecting assistance for tourist development (R.S.Q., chapter A-13.1) is amended by replacing "Economic and Regional Development and Research" wherever it appears by "Tourism".

**32.** Section 37 of the Act is amended by striking out "prepared in consultation with the Minister of Economic and Regional Development and Research" in the fourth and fifth lines of the second paragraph.

**33.** Section 39 of the Act is amended by replacing "Economic and Regional Development and Research" in the first line by "Tourism".

EXECUTIVE POWER ACT

**34.** Section 4 of the Executive Power Act (R.S.Q., chapter E-18), amended by section 23 of chapter 11 of the statutes of 2005, section 35 of chapter 24 of the statutes of 2005 and sections 195 and 196 of chapter 28 of the statutes of 2005, is again amended by adding the following subparagraph at the end of the first paragraph:

"(37) A Minister of Tourism."

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT ÉCONOMIQUE ET RÉGIONAL ET DE LA RECHERCHE

**35.** Section 3 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (R.S.Q., chapter M-30.01) is amended by striking out "particularly tourism," in the third line of the first paragraph.

**36.** Section 5 of the Act is amended by striking out paragraph 4.

**37.** Chapter III of the Act is repealed.

GOVERNMENT DEPARTMENTS ACT

**38.** Section 1 of the Government Departments Act (R.S.Q., chapter M-34), amended by section 25 of chapter 11 of the statutes of 2005, section 45 of chapter 24 of the statutes of 2005 and sections 195 and 196 of chapter 28 of

the statutes of 2005, is again amended by adding the following paragraph at the end:

"(37) The Ministère du Tourisme is under the direction of the Minister of Tourism."

ACT RESPECTING THE RÉGIE DES INSTALLATIONS OLYMPIQUES

**39.** Section 1 of the Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7) is amended by replacing "Economic and Regional Development and Research" in paragraph *c* by "Tourism".

ACT RESPECTING THE SOCIÉTÉ DU PALAIS DES CONGRÈS DE MONTRÉAL

**40.** Section 30 of the Act respecting the Société du Palais des congrès de Montréal (R.S.Q., chapter S-14.1) is amended by replacing "Economic and Regional Development and Research" by "Tourism".

**41.** In any Act or other document, unless the context indicates otherwise,

(1) a reference to the Minister or Deputy Minister of Economic and Regional Development or of Economic and Regional Development and Research, if made in connection with a tourism-related matter, is a reference to the Minister or Deputy Minister of Tourism, and a reference to the Ministère du Développement économique et régional or the Ministère du Développement économique et régional et de la Recherche, if made in connection with a tourism-related matter, is a reference to the Ministère du Tourisme;

(2) a reference to the Act respecting the Ministère du Développement économique et régional et de la Recherche or to any of its provisions, if made in connection with a tourism-related matter, is a reference to the Act respecting the Ministère du Tourisme or its corresponding provision.

**42.** This Act comes into force on 13 December 2005.

# NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 129
(2005, chapter 39)

## An Act to amend the Act respecting owners and operators of heavy vehicles and other legislative provisions

**Introduced 9 November 2005**
**Passage in principle 25 November 2005**
**Passage 9 December 2005**
**Assented to 13 December 2005**

**Québec Official Publisher**
**2005**

**EXPLANATORY NOTES**

*The purpose of this bill is to harmonize the provisions of the Act respecting owners and operators of heavy vehicles with the new provisions of federal road transport legislation and regulations.*

*To this end, the bill adjusts the scope of the Act respecting owners and operators of heavy vehicles, in particular with regard to drivers and to the notions of "heavy vehicle" and "operator of a heavy vehicle". It revises the safety-rating assignment and registration system applicable to operators, as well as the measures concerning the processing and exchange of information for the purpose of rating operators.*

*The bill also contains provisions intended to facilitate the application of the Act, especially as to the identification of heavy-vehicle operators and the powers of the Commission des transports du Québec to ensure that safety standards are met by heavy vehicles and their drivers.*

*In addition, the bill amends the Highway Safety Code to introduce new monitoring standards for heavy vehicles, including standards concerning circle checks and inspections specific to motor coaches.*

*Lastly, the bill contains a number of penal and consequential amendments.*

**LEGISLATION AMENDED BY THIS BILL:**

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

– Act respecting the Ministère des Transports (R.S.Q., chapter M-28);

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

– Act respecting owners and operators of heavy vehicles (R.S.Q., chapter P-30.3);

– Transport Act (R.S.Q., chapter T-12).

# Bill 129

## AN ACT TO AMEND THE ACT RESPECTING OWNERS AND OPERATORS OF HEAVY VEHICLES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The title of the Act respecting owners and operators of heavy vehicles (R.S.Q., chapter P-30.3) is replaced by the following title:

"An Act respecting owners, operators and drivers of heavy vehicles".

**2.** Section 1 of the Act is amended by replacing "and operators" and "the road network" in the first paragraph by ", operators and drivers" and "those roads", respectively.

**3.** Section 2 of the Act is amended

(1) by inserting "issued in Québec" after "certificate" in the second line of subparagraph 1 of the first paragraph;

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

"(2) an operator of a heavy vehicle is a person who controls the operation of a heavy vehicle;";

(3) by replacing subparagraphs *a* to *c* of subparagraph 3 of the first paragraph by the following subparagraphs:

"(*a*) a road vehicle or combination of road vehicles, within the meaning of the Highway Safety Code, having a gross vehicle weight rating or gross combination weight rating of 4,500 kg or more;

"(*b*) a bus, minibus or tow truck, within the meaning of that Code;

"(*c*) a road vehicle subject to a regulation made under section 622 of that Code;";

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

"(4) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle and known as the "gross vehicle weight rating" (GVWR) or "poids nominal brut du véhicule" (PNBV);

"(5) unless otherwise provided, the drivers of heavy vehicles who are subject to this Act are those who hold a driver's licence issued by the Société de l'assurance automobile du Québec."

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

(1) by inserting "drivers of heavy vehicles, certain" after the first occurrence of "certain" in the first line of paragraph 1;

(2) by replacing "net mass other than the net mass referred to" in paragraph 2 by "weight other than that referred to";

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

"(3) prescribe notations to accompany the safety ratings referred to in section 12 and determine their effects."

**5.** Section 5 of the Act is amended by replacing the first paragraph by the following paragraphs:

"**5.** Only owners of heavy vehicles who are registered in the Commission's register may put into operation on a road open to public vehicular traffic a heavy vehicle whose registration certificate was issued in Québec.

Only operators of heavy vehicles who are registered in the Commission's register may operate on a road open to public vehicular traffic a heavy vehicle whose registration certificate was issued in Québec. Only operators of heavy vehicles who hold a safety fitness certificate issued by another administrative authority under the Act to amend the Motor Vehicle Transport Act, 1987 (Statutes of Canada, 2001, chapter 13) and authorizing the holder to operate such vehicles, or who hold a similar document recognized under that Act, may operate on a road open to public vehicular traffic a heavy vehicle whose registration certificate was issued outside Québec. However, an operator of heavy vehicles who is registered in the Commission's register may operate on a road open to public vehicular traffic a heavy vehicle whose registration certificate was issued outside Canada.

A heavy vehicle that is operated on a road open to public vehicular traffic is deemed to have been put into operation by its owner."

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

"**6.** Persons wishing to register as owners or operators must provide their names and addresses to the Commission and pay the fees set by government regulation.

The Commission assigns an identification number to each registered person."

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

"**7.** No registered person may put a heavy vehicle into operation or operate a heavy vehicle on a road open to public vehicular traffic unless

(1) the person has provided, as applicable, the names and addresses of the person's directors and any other information required by the Commission under the conditions it determines;

(2) the person, in accordance with the intervals, terms and conditions determined by the Commission, has renewed the person's registration and paid the fees set by government regulation;

(3) five years have elapsed since the date of any conviction for an indictable offence related to the operation of a heavy vehicle with respect to which a pardon has not been granted;

(4) where the law so requires, the person holds a licence under section 50.0.6 of the Fuel Tax Act (chapter T-1), is registered in the register established under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45) and is registered under section 290 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001); and

(5) the person has paid any fine not under appeal that was imposed under this Act, the Transport Act (chapter T-12), the Highway Safety Code, or a legislative or regulatory provision referred to in section 519.65 of that Code in respect of which an agreement has been entered into with the Société, or that was imposed outside Québec where a similar measure is applied.

If the Commission is informed that a registered person does not satisfy the conditions set forth in subparagraphs 1 to 5 of the first paragraph, it indicates in the register that the person's right to put a heavy vehicle into operation or operate a heavy vehicle has been suspended."

**8.** Sections 8 to 10 of the Act are repealed.

**9.** Section 12 of the Act is replaced by the following section:

"**12.** The Commission shall assign to registered persons one of the following safety ratings: "satisfactory", "conditional" or "unsatisfactory".

A "satisfactory" safety rating indicates that the registered person has an acceptable record of compliance with the applicable laws and regulations relating to safety and the preservation of the integrity of roads open to public vehicular traffic.

A "conditional" safety rating indicates that the registered person's right to put a heavy vehicle into operation or operate a heavy vehicle is subject to specific conditions because of a record which, in the Commission's opinion, reveals deficiencies that can be corrected by the imposition of certain conditions.

An "unsatisfactory" safety rating indicates that the registered person is judged unfit to put a heavy vehicle into operation or operate a heavy vehicle because of a record which, in the Commission's opinion, reveals deficiencies that cannot be corrected by the imposition of conditions."

**10.** Section 13 of the Act is repealed.

**11.** Section 14 of the Act is amended by striking out ", at least once a year," in the first line.

**12.** The Act is amended by inserting the following sections after section 16:

"**16.1.** The Commission must refuse to register, or must cancel the registration of, a transport service intermediary who

(1) has been convicted within the past five years of an indictable offence related to the exercise of activities as a transport service intermediary;

(2) though the law requires it, is not registered in the register established under section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons or is not registered under section 290 of the Act respecting industrial accidents and occupational diseases; or

(3) has failed to pay a fine imposed under this Act, the Transport Act or the Highway Safety Code.

"**16.2.** The Commission may refuse to register, or may cancel the registration of, a transport service intermediary that has been assigned an "unsatisfactory" safety rating as an owner or operator of a heavy vehicle.

"**16.3.** The Commission may cancel the registration of a transport service intermediary for a maximum of five years, or impose conditions for the maintenance of the registration, if the practices of the intermediary endanger the safety of the users of roads open to public vehicular traffic or threaten the integrity of those roads, or if the intermediary was convicted within the past three years of an indictable offence related to the use of a heavy vehicle."

**13.** Section 19 of the Act is repealed.

**14.** Section 22 of the Act is amended

(1) by replacing ", a file on each owner and each operator" in the second and third lines by "or any other administrative authority, a file on each owner and each operator required to register and on each driver";

(2) by replacing "and operators" in the fourth line of the first paragraph by ", operators and drivers whose conduct is exemplary as well as those";

(3) by replacing "and the Highway Safety Code (chapter C-24.2)" in the seventh line of the first paragraph by ", the Highway Safety Code, any similar legislation administered by other administrative authorities, and the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)";

(4) by inserting ", including drivers whose driver's licence was issued by an authority other than the Société" after "persons" in the ninth line of the first paragraph.

**15.** Section 23 of the Act is amended by replacing "the road network" in the fifth line by "those roads" and by adding "as well as any contravention of similar legislative provisions administered by other administrative authorities or similar provisions of the Criminal Code" at the end.

**16.** Section 25 of the Act is amended

(1) by replacing "assessing" in the first line of the first paragraph by "examining";

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

"(2) that the safety rating of the registered person be downgraded, or that it be maintained at "conditional" with the removal or replacement of an existing condition or the addition of a new one;

"(3) that the conduct of a heavy-vehicle driver be evaluated.";

(3) by replacing "of roads open to public vehicular traffic or threatens the integrity of the road network" in the second paragraph by "of roads open to public vehicular traffic or threatens the integrity of those roads".

**17.** Sections 26 to 32 of the Act are replaced by the following sections:

"**26.** The Commission may assess whether a person endangers or imperils the users of roads open to public vehicular traffic or threatens the integrity of those roads. It may also determine, for the purposes of sections 7, 16.1, 16.3 and 30, whether an indictable or criminal offence is related to the use of a heavy vehicle or to the exercise of activities as a transport service intermediary, as applicable.

"**27.** The Commission shall assign an "unsatisfactory" safety rating to a person, among other circumstances, if

(1) in its opinion, the person imperils the users of roads open to public vehicular traffic or significantly threatens the integrity of those roads;

(2) in its opinion, the person endangers the users of roads open to public vehicular traffic or threatens the integrity of those roads by repeatedly contravening a provision of this Act, the Highway Safety Code or other legislation referred to in section 23;

(3) the person fails to comply with a condition imposed in relation to a "conditional" safety rating, unless the person shows that other measures have resulted in the correction of the deficiencies for which the condition was imposed;

(4) an "unsatisfactory" safety rating has been assigned to any partner of the person or, in the case of a legal person, any director or officer judged by the Commission to have a determining influence;

(5) the Commission judges that, given the information it has at its disposal concerning the person, the person's directors, partners, officers or employees, or an undertaking to which the second paragraph of section 32 applies, the person is unable to properly put a heavy vehicle into operation or operate a heavy vehicle.

The Commission may apply a registered person's "unsatisfactory" safety rating to any of the person's partners or directors judged by the Commission to have a determining influence.

In that case, the Commission shall enter such partners or directors or any other person in its register, if they are not already registered.

An "unsatisfactory" safety rating results in the registered person's being prohibited from putting a heavy vehicle into operation or operating a heavy vehicle.

"**28.** When it assigns or maintains a "conditional" safety rating, the Commission may impose any condition it judges likely to correct the deficiencies observed, whether with regard to the heavy vehicles, the qualifications of partners, directors, officers and employees, or the management and operation of the undertaking or of any undertaking acquired by the registered person.

The Commission may also take any other measure it judges appropriate and reasonable, such as requiring as a condition that an administrative agreement entered into with the registered person be complied with.

"**29.** In the case of a person whose activities the Commission considers to be in the public interest and whose deficient conduct cannot, in the Commission's opinion, be corrected by the imposition of conditions, the Commission may, for a period it determines and at the person's expense,

appoint a director to exercise all the powers of the board of directors with regard to the use of any heavy vehicle.

"**30.** The Commission may suspend the right of a registered person to put a heavy vehicle into operation or operate a heavy vehicle on roads open to public vehicular traffic if

(1) the person provided false or inaccurate information to the Commission;

(2) the person was convicted within the past three years of an indictable offence related to the use of a heavy vehicle;

(3) one of the person's directors, partners, officers or employees was convicted within the past five years of an indictable offence related to the use of a heavy vehicle with respect to which a pardon has not been granted;

(4) the person refuses to allow a place of business inspection to be conducted or hinders the work of a person authorized under this Act, the Highway Safety Code or the Transport Act to make such an inspection.

In the cases described in the first paragraph, the Commission shall indicate in the register that the person's right to put a heavy vehicle into operation or operate a heavy vehicle has been suspended.

"**31.** The Commission may impose on a driver of a heavy vehicle any condition it judges likely to correct deficient conduct and may take any other measure it judges appropriate and reasonable.

When it judges that a driver of a heavy vehicle is unfit to drive a heavy vehicle because of deficient conduct that cannot, in its opinion, be corrected by the imposition of conditions, the Commission may order the Société to prohibit that person from driving a heavy vehicle. The person's right to have the prohibition lifted is subject to the prior authorization of the Commission. The Société must execute the order of the Commission immediately upon receipt of a copy of the decision.

"**32.** The Commission may require of a registered person any information it judges necessary, including the number, class, assignment and habitual use made of the heavy vehicles owned or operated as well as a description of the transport services offered and any information it judges necessary as to the past conduct of the person or the person's directors, partners, officers and employees regarding road safety and the integrity of public roads.

In the case of an amalgamation of undertakings, a change in the control of an undertaking or the acquisition of an undertaking by the owner or operator of a heavy vehicle, the Commission may require any information it judges necessary as to the past conduct of the person who operated or controlled the undertaking or of the undertaking's directors, partners, officers and employees regarding road safety and the integrity of public roads.

"**32.1.** The Commission may, of its own initiative or after examining a proposal or request made by the Société or any other person, exercise the powers conferred on the Société or that person by this Act."

**18.** Section 33 of the Act is amended by replacing "A person declared totally or partially disqualified" in the first line of the first paragraph by "A person that has been assigned an "unsatisfactory" or "conditional" safety rating by the Commission".

**19.** Section 34 of the Act is amended

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

"**34.** The Commission may change a safety rating it has assigned and replace or revoke a condition it has imposed.";

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

"It may also withdraw an "unsatisfactory" safety rating that it has applied to a director or partner of a registered person under the second paragraph of section 27."

**20.** Section 37 of the Act is amended

(1) by replacing "declaring a person disqualified" in the first paragraph by "assigning an "unsatisfactory" or "conditional" safety rating to a person";

(2) by replacing "must" in the last sentence of the second paragraph by "may, of its own initiative,".

**21.** Section 38 of the Act is amended by striking out ", except decisions refusing a registration under section 9,".

**22.** Section 42 of the Act is amended by inserting "a driver or" after "practices of" in the third line and by replacing "road users or threatens the integrity of the road network" in the fourth line by "the users of roads open to public vehicular traffic or threaten the integrity of those roads".

**23.** The Act is amended by inserting the following after section 42:

"**DIVISION IV**

"IDENTIFICATION OF OPERATOR

"**42.1.** The purpose of this division is to facilitate the identification of operators of heavy vehicles for the purposes of this Act, the Highway Safety Code and the Transport Act.

"**42.2.** All vehicles forming a combination of heavy vehicles are deemed to be operated by the operator of the motorized heavy vehicle of the combination.

"**42.3.** A person identified as the operator or the carrier on the most recent trip-document, the daily log or the circle-check report shown during a road check to a peace officer by the driver of a motorized heavy vehicle registered in Québec is presumed to control the operation of the vehicle.

For this presumption to be lifted, the person identified as the operator or carrier must produce a written document in which another person has acknowledged being the operator of the heavy vehicle subjected to the road check and must establish that this person in fact controlled the operation of the vehicle.

The Government may, by regulation, formulate rules for applying the means that can be used for the purposes of the first paragraph in the situations it determines.

"**42.4.** Where a heavy vehicle registered by another administrative authority is operated in Québec, the person presumed to control the operation of the vehicle is the person whose name or operator's identification number appears on the vehicle registration certificate or is attested by some other document issued by that authority or indicated on the vehicle in accordance with a legislative or regulatory provision administered by that authority.

"**42.5.** A person identified as the operator or the carrier on the documents kept at the person's place of business is presumed to control the operation of the vehicle identified in those documents.

"**42.6.** In the absence of a means of identifying the person who controls the operation of a motorized heavy vehicle, the owner or, in the case of a leased vehicle, the lessee is presumed to control the operation of the vehicle unless it can be established that another person actually does."

**24.** Section 44 of the Act is amended by replacing "19 to 21 or section" by "20, 21 or" .

**25.** Sections 45 and 46 of the Act are repealed.

**26.** Section 48 of the Act is replaced by the following section:

"**48.** A person that

(1) contravenes section 5,

(2) puts a heavy vehicle into operation or operates a heavy vehicle on a road open to public vehicular traffic despite being prohibited from doing so, or

(3) fails to meet a condition related to the "conditional" safety rating assigned to that person,

is guilty of an offence and liable to a fine of $500 to $1,500 for a first offence and $1,500 to $2,500 for every subsequent offence."

**27.** The Act is amended by adding the following sections to Chapter V, after section 48:

"**48.1.** A print-out of a computer file held by the Société concerning the registration of a heavy vehicle or a driver's licence, or of a computer file held by the Commission concerning the Register of Owners and Operators of Heavy Vehicles, is admissible as proof of the identity of the driver, owner or operator of a heavy vehicle in proceedings instituted under this Act, the Highway Safety Code or the Transport Act, provided it bears the attestation of an inspector or peace officer to the effect that he or she actually made the print-out and that it originates from the Société or the Commission.

In the case of a heavy vehicle registered by another administrative authority, a computer-file print-out from that authority has the same probative force as that referred to in the first paragraph.

A copy of a document used to identify the driver, owner or operator of a motorized heavy vehicle and bearing the attestation of an inspector or peace officer to the effect that he or she made the copy, is admissible as proof in any proceedings instituted under this Act, the Highway Safety Code or the Transport Act without it being necessary to prove the authenticity of the signature or the official capacity of the signatory; in the absence of evidence to the contrary, such a copy has the probative force of an original document filed as evidence in the usual manner.

"**48.2.** The gross vehicle weight rating of a road vehicle is that appearing on the compliance label affixed to the vehicle by the manufacturer. It may also be determined by the Société by means of conversion software if the label is missing, inaccessible or illegible.

"**48.3.** Penal proceedings for an offence under this Act may be instituted by a municipality if the offence is committed on its territory.

Fines collected pursuant to this section belong to the prosecutor.

"**48.4.** Penal proceedings for an offence under this Act committed on the territory of a municipality may be instituted before the competent municipal court.

The costs relating to proceedings brought before a municipal court belong to the municipality under the jurisdiction of that court, except any part of the costs remitted by the collector to another prosecuting party under article 345.2

of the Code of Penal Procedure (chapter C-25.1) and any costs remitted to the defendant or imposed on the municipality under article 223 of that Code."

**28.** Section 49 of the Act is amended by replacing the second paragraph by the following paragraph:

"The Commission and the Société may exchange information with another administrative authority concerning a person subject to this Act or the Motor Transport Act provided the information is necessary for the carrying out of that Act."

**29.** Section 51 of the Act is repealed.

**30.** The Highway Safety Code (R.S.Q., chapter C-24.2) is amended by inserting the following section after the heading of Chapter II of Title VIII.1:

"**519.1.1.** For the purposes of this chapter, a "motor coach" is a bus whose characteristics are defined by regulation."

**31.** Section 519.2 of the Code is amended

(1) by replacing "pre-departure inspection" and "inspection report" in the first paragraph by "circle check" and "circle-check report", respectively;

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

"The operator may, however, designate another person to conduct the circle check. The person designated must comply with the obligations provided for in the first paragraph and must complete and sign the report prescribed in section 519.3 and note and report any mechanical defect in accordance with section 519.5."

**32.** The Code is amended by inserting the following sections after section 519.2:

"**519.2.1.** No person may drive a heavy vehicle unless a circle check of the vehicle has been conducted within the time prescribed by regulation.

"**519.2.2.** No person may drive a motor coach unless the inspection specific to motor coaches has been conducted on the vehicle within the time prescribed by regulation."

**33.** Section 519.3 of the Code is amended

(1) by replacing "complete and keep up to date the inspection report of" by "complete, sign and update the circle-check report for";

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

"A driver must not have in his or her possession more than one report for each circle check of the vehicle.

If the circle check of a heavy vehicle was conducted by another person, the driver of the vehicle must countersign the circle-check report. The driver must send the original of the report to the operator within the time prescribed by regulation."

**34.** Section 519.4 of the Code is replaced by the following section:

"**519.4.** A driver must keep on board the vehicle he or she is driving any defect list prescribed by regulation and applicable to the vehicle as well as the circle-check report and, if applicable, the motor-coach inspection report for the vehicle. The driver must surrender these documents for examination to any peace officer who asks to see them.

Once the lists and reports have been examined, they must be returned to the driver."

**35.** The Code is amended by inserting the following section after section 519.4:

"**519.4.1.** No person may drive a heavy vehicle without keeping on board the circle-check report and, if applicable, the motor-coach inspection report for the vehicle."

**36.** Section 519.5 of the Code is replaced by the following section:

"**519.5.** A driver who discovers a major mechanical defect that appears on an applicable defect list must note the defect in the circle-check report and report the defect without delay to the persons determined by regulation in accordance with the form, content and conditions prescribed by regulation.

A driver who discovers a minor mechanical defect that appears on an applicable defect list must note the defect in the circle-check report and report the defect before the next circle check to the persons determined by regulation in accordance with the form, content and conditions prescribed by regulation."

**37.** Section 519.6 of the Code is amended by replacing "discovered during a pre-departure inspection" by "that appears on the defect lists applicable to the vehicle".

**38.** Section 519.15 of the Code is amended by replacing the second paragraph by the following paragraph:

"Owners of motor coaches must conduct the inspection specific to motor coaches except in the case of vehicles to which a preventive maintenance program provided for in Chapter I.1 of Title IX applies. They must complete a motor-coach inspection report in accordance with the standards prescribed by

regulation for each vehicle under their responsibility, and must place the report in the vehicle."

**39.** The Code is amended by inserting the following sections after section 519.15:

"**519.15.1.** An operator is required to ensure that the driver of a heavy vehicle under the operator's responsibility or, if applicable, the designated person, conducts a circle check of the vehicle in accordance with the standards prescribed by regulation.

"**519.15.2.** An operator may not allow a heavy vehicle to be driven that has not undergone a circle check within the time prescribed by regulation.

In addition, an operator may not allow a motor coach to be driven that has not undergone the inspection specific to motor coaches within the time prescribed by regulation."

**40.** Section 519.16 of the Code is replaced by the following section:

"**519.16.** In accordance with the terms and conditions prescribed by regulation, an operator must place the applicable defect lists in each heavy vehicle under the operator's responsibility and ensure that the driver keeps them on board the vehicle.

In addition, an operator is required to ensure that the driver keeps on board the vehicle the circle-check report and, if applicable, the motor-coach inspection report, and that the driver and the designated person who conducts the circle check enter all information in these reports in accordance with the standards prescribed by regulation.

An operator may not allow a heavy vehicle to be driven if the circle-check report and, if applicable, the motor-coach inspection report, is not kept on board.

An operator that is not the owner of the vehicle must inform the owner immediately of any vehicle defect observed by or brought to the attention of the operator and must send a copy of the circle-check report to the owner."

**41.** Section 519.17 of the Code is amended

(1) by striking out the last sentence of the first paragraph;

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

"An owner or operator may not allow a heavy vehicle that has a major defect to be operated or allow a heavy vehicle that has a minor defect to be operated after 48 hours."

**42.** Section 519.18 of the Code is amended by replacing "inspection" by "circle-check".

**43.** Section 519.35 of the Code is amended by replacing "rapporter" wherever it occurs in the French text by "signaler".

**44.** Section 519.38 of the Code is amended by replacing "section 248 or 519.3 by failing to maintain a pre-departure inspection report for the driver's vehicle" by "section 248".

**45.** Section 519.39 of the Code, amended by section 49 of chapter 2 of the statutes of 2004, is replaced by the following section:

"**519.39.** A driver of a heavy vehicle is guilty of an offence and liable to a fine of $350 to $1,050 if he or she contravenes

(1) section 519.2 by failing to conduct the required circle check in accordance with the standards prescribed by regulation or by failing to record his or her observations;

(2) section 519.2.1 by driving a heavy vehicle that has not undergone a circle check within the time prescribed by regulation;

(3) section 519.2.2 by driving a motor coach that has not undergone an inspection specific to motor coaches within the time prescribed by regulation;

(4) section 519.3 by not completing, failing to sign or countersign or failing to update a circle-check report, by having in his or her possession more than one report for the same circle check or by neglecting to send the original of the report to the proper party within the time prescribed by regulation;

(5) section 519.4 by failing to keep on board the vehicle the applicable defect lists, or by refusing to surrender those lists, the circle-check report and, if applicable, the motor-coach inspection report for examination to a peace officer who asks to see them;

(6) section 519.4.1 by driving a heavy vehicle without keeping on board the circle-check report and, if applicable, the motor-coach inspection report concerning the vehicle."

**46.** Section 519.48 of the Code is amended by replacing "section 519.15" in the last paragraph by "section 519.15, 519.15.1 or 519.15.2".

**47.** Section 519.52 of the Code is amended

(1) by replacing "the second paragraph of section 519.16" in the first paragraph by "the first paragraph of section 519.16 or the second paragraph of that section by failing to ensure that the driver or the designated person who

conducted the circle check entered all information in the circle-check report in accordance with the standards prescribed by regulation";

(2) by replacing "first or third" in the second paragraph by "third or fourth".

**48.** Section 621 of the Code is amended

(1) by replacing paragraph 38 by the following paragraphs:

"(38) establish standards for the circle check of heavy vehicles prescribed in section 519.2 and exempt certain drivers, owners and operators in the cases it determines;

"(38.1) define the characteristics of a motor coach for the purposes of Chapter II of Title VIII.1;";

(2) by replacing paragraph 40 by the following paragraph:

"(40) determine the form, content, procedure for sending and rules for the retention of the circle-check report prescribed in section 519.3 or 519.4 and the motor-coach inspection report prescribed in section 519.15 and exempt certain drivers or persons designated by the operator in the cases it determines;";

(3) by striking out "mechanical" in paragraph 40.1 and by replacing "rapport" in the French text of that paragraph by "signalement".

**49.** Section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 6 of chapter 2, section 80 of chapter 13, section 163 of chapter 15, section 266 of chapter 23 and section 198 of chapter 28 of the statutes of 2005, is again amended by replacing "of paragraph 5 of section 9 of the Act respecting owners and operators of heavy vehicles" in subparagraph *p* of the second paragraph by "of subparagraph 4 of the first paragraph of section 7 of the Act respecting owners, operators and drivers of heavy vehicles".

**50.** Section 3 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended by inserting the following subparagraph after subparagraph *f* of the first paragraph:

"(*f*.1) see that the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3) is applied;".

**51.** Section 47.13 of the Transport Act (R.S.Q., chapter T-12) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) an operator that has been assigned an "unsatisfactory" safety rating under the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3);".

**52.** Unless the context requires otherwise, in any Act, statutory instrument or other document, a reference to the Act respecting owners and operators of heavy vehicles or to one of its provisions is a reference to the Act respecting owners, operators and drivers of heavy vehicles or to the corresponding provision of that Act.

**53.** The first regulation to amend the Regulation respecting the Act respecting owners and operators of heavy vehicles after 1 January 2006 is exempt from the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

**54.** This Act comes into force on 1 January 2006, except paragraph 2 of section 3 and sections 13 and 23, which come into force on 1 January 2007, and except the following provisions, which come into force on the date or dates to be set by the Government:

— section 3 insofar as it replaces subparagraph *a* of subparagraph 3 of the first paragraph of section 2 of the Act respecting owners and operators of heavy vehicles and insofar as it enacts subparagraph 4 of that paragraph;

— paragraph 2 of section 4, section 27 insofar as it enacts section 48.3, and sections 30 to 47.

# NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 130
(2005, chapter 40)

## An Act to amend the Act respecting prescription drug insurance and other legislative provisions

**Introduced 10 November 2005**
**Passage in principle 25 November 2005**
**Passage 8 December 2005**
**Assented to 13 December 2005**

**Québec Official Publisher**
**2005**

**EXPLANATORY NOTES**

*This bill amends various aspects of the Act respecting prescription drug insurance.*

*It gives the Minister of Health and Social Services the power to make agreements with drug manufacturers on financial risk sharing for specific medications and on compensatory measures. It provides that amounts received under these agreements may be paid into the prescription drug insurance fund. In addition, it requires that drug manufacturers and wholesalers establish rules to govern their commercial practices and gives the Minister the power to establish such rules if they fail to do so among themselves.*

*In addition, the bill provides that medications are to be supplied free of charge to seniors receiving the maximum amount of monthly guaranteed income supplement. It simplifies the putting into force of amendments and corrections to the list of medications by allowing that they be published on the website of the Régie de l'assurance maladie du Québec.*

*The bill introduces a number of measures to promote the optimal use of medications. More specifically, it establishes a medication advisory panel and determines its composition and mandate. It gives the medication council the authority to obtain non-nominative information from the Régie de l'assurance maladie du Québec about the medications supplied to persons covered by the public plan or by a private plan, including the therapeutic intent, if specified.*

*The bill introduces several measures aimed at improving the management of the basic prescription drug insurance plan. It tightens the definition of a group as it applies to group insurance. It stipulates that no individual insurance contract that has distinctive characteristics of group insurance may be offered to, made available to or maintained for the members of a group unless it includes coverage at least equivalent to the basic plan coverage. The bill requires that insurers and employee benefit plan administrators send the Régie de l'assurance maladie du Québec certain documents, including a list of their current group insurance contracts and employee benefit plans. It also requires that employers deduct premiums for group insurance at source. Lastly, it simplifies debt recovery by the Régie and adds new penal provisions.*

**LEGISLATION AMENDED BY THIS BILL:**

– Hospital Insurance Act (R.S.Q., chapter A-28);

– Health Insurance Act (R.S.Q., chapter A-29);

– Act respecting prescription drug insurance (R.S.Q., chapter A-29.01);

– Act respecting the Régie de l'assurance maladie du Québec (R.S.Q., chapter R-5);

– Act respecting health services and social services (R.S.Q., chapter S-4.2).

# Bill 130

## AN ACT TO AMEND THE ACT RESPECTING PRESCRIPTION DRUG INSURANCE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

**1.** Section 2 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01) is amended by replacing "for the financial contribution required of" in the second and third lines of the second paragraph by "requires a financial participation on the part of".

**2.** The Act is amended by inserting the following section after section 5:

"**5.1.** Despite section 6 of the Health Insurance Act, a person eligible for the basic plan who settles in another province of Canada ceases to be eligible on the date the person leaves Québec."

**3.** Section 15 of the Act, amended by section 148 of chapter 15 of the statutes of 2005, is again amended by replacing "applicable to a group of persons determined on the basis of current or former employment status, profession or habitual occupation" in the second, third and fourth lines of paragraph 1 by "that is applicable to a group with private coverage within the meaning of section 15.1" and by replacing "group of persons determined on the basis of current or former employment status, profession or habitual occupation" in the second, third and fourth lines of paragraph 4 by "group with private coverage within the meaning of section 15.1".

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

"**15.1.** For the purposes of this Act, a "group with private coverage within the meaning of section 15.1" means a group formed for purposes other than contracting insurance coverage for its members and composed of persons eligible for the basic plan who

(1) are part of the group on the basis of current or former employment or belong to

(*a*) a professional order,

(*b*) a professional association whose membership consists of members of one or more professional orders,

(*c*) an association whose membership consists of persons engaged in the same trade or occupation, or

(*d*) a union or association of employees

that offers coverage under a group insurance contract or employee benefit plan or under an individual insurance contract concluded on the basis of one or more of the distinctive characteristics of group insurance to, makes such coverage available to or facilitates such coverage for its active members or retirees, either directly or through a legal person; and

(2) qualify for coverage under the group insurance contract or employee benefit plan applicable to the group, which includes coverage for the cost of pharmaceutical services and medications."

**5.** Section 16 of the Act is amended

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

"**16.** All persons who are eligible for the basic plan, other than those referred to in paragraphs 1 to 3 of section 15, and who are part of a group with private coverage within the meaning of section 15.1 must become members under the group insurance contract or employee benefit plan applicable to the group for coverage at least equivalent to the basic plan coverage.";

(2) by striking out "of such a group" in the first line of the second paragraph;

(3) by inserting "already" after "impairment," in the third line of the second paragraph.

**6.** Section 17 of the Act, amended by section 149 of chapter 15 of the statutes of 2005, is again amended, in paragraph 1,

(1) by replacing "a person" in the first line of paragraph 1 of the definition of "child" by "a parent or tutor";

(2) by inserting "or is deemed to attend" after "who attends" in the first line of paragraph 2 of the definition of "child";

(3) by replacing "in whose respect a person" in the second and third lines of paragraph 2 of the definition of "child" by "who is domiciled with the parent or tutor who";

(4) by replacing "a person" in the seventh line of the definition of "person suffering from a functional impairment" by "the parent or tutor".

**7.** Section 18 of the Act is amended

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

"**18.** Eligible persons, other than those to whom section 15 applies, who are members under a group insurance contract or employee benefit plan applicable to a group with private coverage within the meaning of section 15.1 must ensure that the same coverage is provided to the following persons as beneficiaries under the group insurance contract or employee benefit plan:";

(2) by inserting ", if they share the same domicile" after "spouse" in the second line of the second paragraph.

**8.** The Act is amended by inserting the following section after section 18:

"**18.1.** For the purposes of section 18, if the father and mother of a child do not share the same domicile, the parent with whom the child is domiciled must ensure that coverage is provided to the child.

However, if the parent with whom the child is domiciled is an eligible person to whom section 15 applies and the child's other parent is required to be a member or qualifies for coverage under a group insurance contract or an employee benefit plan, that other parent must ensure that coverage is provided to the child as a beneficiary under the contract or plan.

If the father and mother of a child are eligible persons to whom section 15 applies and the spouse of the parent with whom the child is domiciled is required to ensure that coverage is provided to that parent, the spouse must also ensure that coverage is provided to the child."

**9.** Section 22 of the Act is amended by adding the following paragraphs at the end:

"If, after an investigation, the Board believes that a pharmacist has received rebates, gratuities or other benefits not authorized by regulation for pharmaceutical services or medications and the pharmacist is claiming payment for those services or medications or has received payment for them in the preceding 36 months, the Board may deduct an amount corresponding to the value of the rebates, gratuities or other benefits from the payment for those pharmaceutical services or medications or obtain the reimbursement of that amount by way of compensation or otherwise, as the case may be.

Sections 22.2 to 22.4 of the Health Insurance Act govern the procedure applicable to a decision made by the Board under the third paragraph as if the decision had been made under the second paragraph of section 22.2 of that Act."

**10.** The Act is amended by inserting the following section after section 28.1:

"**28.2.** If an eligible person with a prescription chooses a medication that costs more than the maximum amount covered by the basic plan or if a prescribed medication costs more than that maximum amount, the difference

between that maximum amount and the price paid is to be borne by the person, is not included in the contribution to be paid by the person, and does not count toward the person's maximum contribution."

**11.** Section 29 of the Act, amended by section 150 of chapter 15 of the statutes of 2005, is again amended by adding the following subparagraph at the end of the second paragraph:

"(3) persons referred to in paragraph 1 of section 15, if they are receiving the maximum amount of monthly guaranteed income supplement paid under the Old Age Security Act."

**12.** Section 42 of the Act is amended

(1) by replacing "group of persons determined on the basis of current or former employment status, profession or habitual occupation" in the second, third and fourth lines of the first paragraph by "group with private coverage within the meaning of section 15.1";

(2) by replacing "the persons having that current or former employment status, profession or habitual occupation" at the end of the first paragraph by "members of the group".

**13.** The Act is amended by inserting the following sections after section 42:

"**42.1.** If a group insurance contract or employee benefit plan applicable to a group with private coverage within the meaning of section 15.1 includes coverage for the cost of pharmaceutical services or medications, that coverage under the contract or plan may not be offered to, made available to or maintained for persons who are not members of the group although they may have the same employment or engage in the same profession, trade or occupation as the members of that group.

"**42.2.** No individual insurance contract that includes coverage for accident, illness or disability and has one or more of the distinctive characteristics of group insurance may be offered to, made available to or maintained for a group of persons to whom section 16 applies, or facilitated for such persons by any means whatsoever, unless it includes coverage at least equivalent to the basic plan coverage.

A uniform annual premium, coverage offered regardless of the risk associated with state of health, rates or financial arrangements based on the history of the group, a contract negotiated between an insurer and an intermediary on behalf of the group and any other condition or circumstance specified by regulation are considered to be distinctive characteristics of group insurance.

A contract that must include coverage at least equivalent to the basic plan coverage under this section is governed by the provisions of this Act that are applicable to a group insurance contract. The insurer or the policy-holder and

the persons who are part of the group to whom the contract is offered or made available or for whom it is maintained must fulfill all their respective obligations under this Act."

**14.** The Act is amended by inserting the following section after section 44:

"**44.1.** The employer of the members of a group referred to in section 16 and formed on the basis of employment status must deduct the premium or assessment pertaining to the basic plan coverage stipulated in a group insurance contract or employee benefit plan to be paid by each employee concerned from the employee's remuneration, and remit the deducted sums to the insurer or plan administrator.

However, an employee who submits proof of status as the beneficiary of coverage at least equivalent to the basic plan coverage under another group insurance contract or employee benefit plan is exempted from the deduction of the premium or assessment, except if membership under the employer's contract or plan is a condition of employment."

**15.** Section 45 of the Act is amended by adding the following sentence at the end: "A copy of a notice of non-renewal from the insurer or the policyholder must be sent to the Board."

**16.** Section 47 of the Act is amended

(1) by replacing "may cancel a contract" in the first line by "or administrator of an employee benefit plan may cancel a contract or the prescription drug insurance component of a plan";

(2) by inserting "or administrator" after "insurer" in the fourth line;

(3) by adding the following sentence at the end: "A copy of the notice must be sent to the Board."

**17.** Section 48 of the Act is amended by adding the following sentence at the end: "A copy of the notice must be sent to the Board."

**18.** Section 52.1 of the Act is amended by inserting the following paragraph after the first paragraph:

"The Minister may also make the following agreements with drug manufacturers:

(1) financial risk-sharing agreements for specific medications; and

(2) agreements providing for compensatory measures to mitigate the negative impact of a price increase on the public plan."

**19.** Section 57.1 of the Act is replaced by the following section:

"**57.1.** For the purpose of updating the list referred to in section 60, the council shall first assess the therapeutic value of each medication concerned. If the council considers that the therapeutic value of a medication has not been established to its satisfaction, it shall send the Minister a notice to that effect.

If the council considers that the therapeutic value of a medication has been established, it shall send the Minister an advisory opinion after assessing the following aspects:

(1) the reasonableness of the price charged;

(2) the cost effectiveness ratio of the medication;

(3) the impact that entering the medication on the list will have on the health of the population and on the other components of the health care system; and

(4) the advisability of entering the medication on the list with regard to the purpose of the basic plan."

**20.** Section 57.2 of the Act is amended by replacing "and the quantity dispensed" in subparagraph 4 of the third paragraph by ", the quantity dispensed and the therapeutic intent, if specified".

**21.** The Act is amended by inserting the following division after section 59.1:

"**DIVISION II.1**

"TABLE DE CONCERTATION DU MÉDICAMENT

"**59.2.** A medication advisory panel called the "Table de concertation du médicament" is hereby established. Under the authority of the council, the panel shall have the following mandate as regards promotion of the optimal use of medications:

(1) advise the council on the priorities to be set and the actions to be taken, including priorities and actions under agreements under the first paragraph of section 52.1;

(2) facilitate the implementation of actions, including actions under agreements under the first paragraph of section 52.1;

(3) recommend concerted action plans to the council for the implementation of information, training and awareness strategies involving the various authorities represented on the advisory panel;

(4) specify how each of the authorities represented on the advisory panel is to contribute to the strategies framed by the council or other authorities and

agree on terms and conditions, including terms and conditions outlined in agreements under the first paragraph of section 52.1.

The council shall provide the human and physical resources necessary for the proper conduct of the business of the advisory panel and shall include a summary of the panel's activities in its annual report.

"**59.3.** The advisory panel shall be composed of 15 members, including

(1) a representative of each of the following bodies, designated by them respectively: the Collège des médecins du Québec, the Ordre des pharmaciens du Québec, the Ordre des infirmières et infirmiers du Québec, the Québec Federation of General Practitioners, the Québec Federation of Medical Specialists, the Association québécoise des pharmaciens propriétaires, the Association des pharmaciens des établissements de santé, the Canadian Life and Health Insurance Association, Canada's Research-Based Pharmaceutical Companies and the Canadian Generic Pharmaceutical Association; and

(2) a representative, designated by the Minister, of each of the following groups: persons covered under the public plan, persons covered under private group plans, faculties of medicine, faculties of pharmacology and faculties of nursing.

A representative of the Ministère de la Santé et des Services sociaux and a representative of the Régie de l'assurance maladie du Québec shall sit in on meetings as observers."

**22.** Section 60 of the Act, amended by section 22 of chapter 27 of the statutes of 2002, is again amended

(1) by inserting "except with respect to what is specified in the sixth paragraph" after "médicament" in the second line of the first paragraph;

(2) by replacing ", where applicable, for which payment is covered under the basic plan" in the fifth line of the fourth paragraph by "covered, where applicable, excluding any amount that is not included in the contribution to be paid and that does not count toward the maximum contribution";

(3) by replacing the last paragraph by the following paragraph:

"A regulation made under this section or a correction made under section 60.2 is not subject to the requirements concerning publication and date of coming into force set out in sections 8, 15 and 17 of the Regulations Act (chapter R-18.1). The regulation or correction shall come into force on the date of its publication on the Board's website or on any later date specified. Publication of the regulation or correction on the Board's website imparts authentic value to the regulation or correction."

**23.** The Act is amended by inserting the following sections after section 60:

"**60.1.** If the Conseil du médicament is informed that a medication on the list is out of stock, it shall notify the Board, which may temporarily authorize use of an alternative. A notice that the medication is to be replaced by an alternative is published on the Board's website and comes into force on the date of its publication or any later date fixed in the notice. Publication of the notice on the Board's website imparts authentic value to the notice. The notice is not subject to the requirements concerning publication and date of coming into force set out in sections 8, 15 and 17 of the Regulations Act.

"**60.2.** If the Conseil du médicament is informed that the price of a medication has dropped or that a medication is produced by a different manufacturer, has a different name or identification number or is in a different therapeutic class than was formerly the case, or if the council finds that the list contains a manifest clerical error or any other error of form, it shall notify the Board. The Board shall make the necessary correction and specify its effective date, which may be the effective date of the price drop or of the provision for which the correction was requested.

"**60.3.** Before 1 April of each year, the Board shall publish, in Part 2 of the *Gazette officielle du Québec*, a notice of the dates on which the list of medications was drawn up anew or updated, a medication on the list was replaced by an alternative under section 60.1 or a correction was made under section 60.2 during the preceding calendar year. The notice shall include the address of the website on which the list is published.

"**60.4.** No person may charge a fee or receive payment for filling out an application for authorization with respect to coverage of the medications referred to in the fifth or sixth paragraph of section 60, except in the cases prescribed in a regulation or provided for in an agreement made under section 19 of the Health Insurance Act and on the conditions set out in the regulation or agreement."

**24.** The Act is amended by inserting the following section after section 62:

"**62.1.** Manufacturers and wholesalers must establish rules to govern their commercial practices and mutually agreed mechanics for those rules. The rules must include a dispute resolution process.

The rules must be sent in writing to the Minister by the manufacturers' representatives no later than (*insert the date occurring one year after the date of coming into force of this section*) and by the wholesalers' representatives no later than (*insert the date occurring two years after the date of coming into force of this section*). Any amendments to the rules must be sent to the Minister as soon as possible after their adoption.

The Minister may ask the manufacturers and wholesalers to make specified amendments to those rules or their mechanics within a specified time.

If the manufacturers or wholesalers fail to comply with the first paragraph, if the Minister does not agree with the rules and mechanics established by them or if they fail to make the specified amendments within the specified time, the Minister may, by regulation, establish those rules and their mechanics."

**25.** The Act is amended by inserting the following division after section 70:

"**DIVISION III.1**

"VERIFICATION OF GROUP INSURANCE CONTRACTS AND EMPLOYEE BENEFIT PLANS

"**70.1.** Every insurer transacting group insurance or administrator of an employee benefit plan must provide the Board, in accordance with the regulations, with the full list of their current group insurance contracts or employee benefit plans.

"**70.2.** Every insurer transacting group insurance or administrator of an employee benefit plan must inform the Board of any amendment to a group insurance contract or employee benefit plan causing eligible persons covered by that contract or plan to be transferred to the public plan. That obligation also applies to every insurance representative or life and health insurance representative who offers, or obtains the signature of, an insurance contract having the same effect.

"**70.3.** The Board may, for the purposes of this Act, require any insurer transacting group insurance, insurance representative, life and health insurance representative or administrator of an employee benefit plan to produce any current group insurance contract or employee benefit plan and any other relevant explanatory document."

**26.** Section 78 of the Act is amended

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

"(1.1) determine classes of persons eligible for the basic plan other than those determined in this Act, and the conditions those persons must meet;";

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

"(2.1) determine what information on the medications provided must be given by a pharmacist when providing pharmaceutical services and medications covered by the Board to an eligible person;";

(3) by adding "and the cases in which and conditions on which a person suffering from a functional impairment is deemed to attend an educational

institution on a full-time basis" at the end of subparagraph 6 of the first paragraph;

(4) by inserting the following subparagraphs after subparagraph 9 of the first paragraph:

"(9.1) determine any conditions or circumstances considered to be distinctive characteristics of group insurance in addition to those set out in the second paragraph of section 42.2;

"(9.2) prescribe, for the purposes of sections 70.1 to 70.3, the procedure for communicating lists of group insurance contracts and employee benefit plans, group insurance contracts and employee benefit plans, and information on any amendments to those contracts and plans causing eligible persons to be transferred to the public plan, as well as the intervals at which they must be communicated and the information the lists must contain;".

**27.** Section 80 of the Act is amended

(1) by inserting "or 62.1" after "60" in the first line;

(2) by striking out ", after consulting the Conseil du médicament," in the first and second lines.

**28.** The Act is amended by inserting the following sections after section 84:

"**84.1.** If a group insurance contract or employee benefit plan applicable to a group with private coverage within the meaning of section 15.1 includes coverage for the cost of pharmaceutical services or medications, every person who offers that coverage under the contract or plan to, makes such coverage available to or maintains such coverage for persons who are not members of the group although they may have the same employment or engage in the same profession, trade or occupation as the members of that group is guilty of an offence and is liable to a fine of not less than $1,000 and not more than $10,000.

"**84.2.** Every person who, in contravention of section 42.2, offers an individual insurance contract that does not include coverage at least equivalent to the basic plan coverage to persons who are part of a group of persons to whom section 16 applies, makes such a contract available to them or maintains such a contract for them is guilty of an offence and is liable to a fine of not less than $1,000 and not more than $10,000.

"**84.3.** Every insurer contracting group insurance, insurance representative, life and health insurance representative or administrator of an employee benefit plan who refuses, neglects or fails to produce the documents required under section 70.1 or 70.3 or to inform the Board as required under section 70.2 is guilty of an offence and is liable to a fine of not less than $1,000 and not more than $10,000.

"**84.4.** Every employer of members of a group referred to in section 16 and formed on the basis of employment status that refuses, neglects or fails to deduct, as required by section 44.1, the amount of the premium or assessment to be paid by the members of the group or that refuses, neglects or fails to remit the deducted sums to the insurer or plan administrator is guilty of an offence and is liable to a fine of not less than $1,000 and not more than $10,000.

"**84.5.** Every person who helps, incites, advises, encourages, allows, authorizes or orders another person to commit an offence referred to in section 84.1, 84.2, 84.3 or 84.4 is guilty of an offence and is liable to a fine of not less than $1,000 and not more than $10,000."

**29.** The Act is amended by inserting the following section after the heading of Chapter VI:

"**85.1.** The Board may apply to the Superior Court for an interlocutory injunction enjoining a person to cease offering, in contravention of section 42.1, coverage for the cost of pharmaceutical services or medications or making such coverage available to or renewing such coverage for persons who are not members of a group with private coverage within the meaning of section 15.1, until final judgment is rendered.

The Board may also apply to the Superior Court for an interlocutory injunction enjoining a person to include coverage at least equivalent to the basic plan coverage, or to take the necessary measures to have such coverage included, in any contract offered, made available or renewed by the person, until final judgment is rendered.

On rendering final judgment on the application for an interlocutory injunction, the Superior Court may order

(1) in the case described in the first paragraph, that the person cease maintaining coverage for the cost of pharmaceutical services or medications in contracts or plans already in force, after giving the persons covered under the contract or plan such prior notice as is required by the Court;

(2) in the case described in the second paragraph, that the person include in contracts in force coverage at least equivalent to the basic plan coverage, after giving the persons covered under the contract or plan such prior notice as is required by the Court.

The Board is dispensed from the obligation to give security."

**30.** The Act is amended

(1) by replacing "utilisation" and "utilisation optimale" by "usage" and "usage optimal" respectively wherever they occur in the French text of

sections 51, 52.1, 57 and 57.2, except in the first line of subparagraph 1 of the first paragraph of section 57.2;

(2) by replacing "plan member" and "plan members" by "member" and "members" respectively wherever they occur in sections 41, 45, 46, 47 and 50.

HOSPITAL INSURANCE ACT

**31.** Section 8 of the Hospital Insurance Act (R.S.Q., chapter A-28) is amended by inserting the following paragraph after paragraph *b*:

"(*b*.1) determine the cases, conditions and circumstances in or on which a person may, in a centre operated by an institution, be administered a medication the person obtained outside the centre;".

HEALTH INSURANCE ACT

**32.** Section 3 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing "group of persons determined on the basis of current or former employment status, profession or habitual occupation and" in the second, third and fourth lines of subparagraph *a* of the third paragraph by "group with private coverage within the meaning of section 15.1 of the Act respecting prescription drug insurance".

**33.** Section 9.7 of the Act is amended by replacing the portion before subparagraph 1 of the first paragraph by the following:

"**9.7.** A person must reimburse the Board for any amount paid or reimbursed by the Board under this Act on the person's behalf or on behalf of a spouse or child for whom the person is required by law to obtain insurance coverage, if the person, spouse or child received insured services without being entitled to them because the person, spouse or child".

**34.** The Act is amended by inserting the following section after section 9.7:

"**9.8.** The Board puts a debtor in default by giving the debtor notice of the decision stating the amount of the debt and the reasons for which the debt is due, and indicating that the debtor has the right to apply for a review under section 18.1.

The decision must also contain information on the recovery procedure and, in particular, on the issue of the certificate referred to in section 18.3.1 and its effects.

The decision interrupts prescription."

**35.** Section 18.3.1 of the Act is replaced by the following sections:

"**18.3.1.** If a person fails to reimburse or pay an amount owed to the Board, the Board may, on the expiry of the period for applying for a review and if no proceeding has been brought against the Board's decision, issue a certificate stating the name and address of the debtor and attesting the amount of the debt and the debtor's failure to bring a proceeding against the decision.

The Board may also, on the expiry of the period for contesting the review decision before the Administrative Tribunal of Québec, issue such a certificate to confirm all or part of the Board's decision following a review under section 18.3 if no proceeding has been brought against the decision.

The Board may also issue such a certificate on the expiry of a period of 30 days after a decision of the Administrative Tribunal of Québec confirming all or part of the Board's decision under section 18.3.

"**18.3.2.** Once the Board has issued the certificate, it may recover the debt by way of compensation, that is, by withholding part of any amount it owes the debtor under this Act.

Any refund owed to a debtor under a fiscal law may likewise, once the certificate has been issued, be withheld by the Minister of Revenue in accordance with section 31 of the Act respecting the Ministère du Revenu (chapter M-31).

"**18.3.3.** On the filing of the certificate at the office of the court of competent jurisdiction with a copy of the final decision establishing the debt, the decision becomes enforceable as if it were a final judgment of that court, is not subject to appeal, and has all the effects of such a judgment."

**36.** Section 22.3 of the Act is amended

(1) by replacing "the Board's decision may be homologated, upon its request, by the Superior Court or the Court of Québec according to their respective jurisdictions, at the expiry of the time limit for filing an appeal under the fifth paragraph of section 22.2, and the decision becomes executory under the authority of the court which homologated it" in the sixth, seventh, eighth, ninth and tenth lines by "the Board may, at the expiry of the time for filing an appeal under the fifth paragraph of section 22.2, issue a certificate stating the name and address of the health professional and attesting the amount of the debt and the health professional's failure to contest the Board's decision before the competent court. On the filing of the certificate at the office of that court, the decision becomes enforceable as if it were a final judgment of that court, is not subject to appeal, and has all the effects of such a judgment.";

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

"The second paragraph of section 18.3.2 applies, with the necessary modifications, to the amount owed by the health professional."

**37.** Section 51 of the Act is amended by replacing the first paragraph by the following paragraphs:

"**51.** If no proceeding has been brought at the expiry of the time for bringing a proceeding under the second paragraph of section 50, the Board may issue a certificate stating the name and address of the professional and attesting the amount of the debt and the professional's failure to contest the Board's decision before the Administrative Tribunal of Québec.

On the filing of the certificate at the office of the competent court, the decision becomes enforceable as if it were a final judgment of that court, is not subject to appeal, and has all the effects of such a judgment.

The second paragraph of section 18.3.2 applies, with the necessary modifications, to a professional to whom this section applies."

ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

**38.** Section 2.0.3 of the Act respecting the Régie de l'assurance maladie du Québec (R.S.Q., chapter R-5), enacted by section 288 of chapter 32 of the statutes of 2005, is amended by adding the following paragraph at the end:

"On request, the Board shall also communicate the information referred to in the third and fourth paragraphs of section 57.2 of the Act respecting prescription drug insurance to the Conseil du médicament, in non-nominative form, concerning a person who has consented to the storage of personal information and to whom a medication was dispensed by a pharmacist practising in a community pharmacy, along with any other necessary data, in non-nominative form, referred to in the fifth paragraph of that section, that the Board stores under subparagraphs *h*.2 and *h*.3 of the second paragraph of section 2."

**39.** Section 20 of the Act is amended by adding the following sentence at the end of the first paragraph: "It may furthermore, in the same manner, inquire into any other matter concerning the basic prescription drug insurance plan."

**40.** Section 40.1 of the Act is amended

(1) by inserting the following paragraph after paragraph *d*:

"(*d*.1) the sums received under financial risk-sharing agreements and agreements providing for compensatory measures made under the second paragraph of section 52.1 of the Act respecting prescription drug insurance;";

(2) by replacing "and *d*" in paragraph *e* by ", *d* and *d*.1".

**41.** Section 40.9 of the Act is amended by inserting the following sentence after the first sentence: "The report must contain information on the number of agreements made under the second paragraph of section 52.1 of the Act respecting prescription drug insurance, the number of products and enterprises concerned, and the sums paid under those agreements."

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**42.** Section 116 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended

(1) by replacing the last sentence of the first paragraph by the following sentences: "The list and updatings come into force on the date they are published on the Board's website or on any later date specified in the accompanying notice from the Minister. The publication imparts authentic value to the list or updating and the notice from the Minister.";

(2) by striking out the last sentence of the second paragraph.

**43.** Section 117 of the Act is replaced by the following section:

"**117.** An institution that takes part in clinical or basic research activities may furnish medicines on the conditions and in the circumstances prescribed by regulation."

**44.** Section 520.5 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

(1) by inserting ", subject to the second paragraph," after "must" in the first line;

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

"The information referred to in subparagraph 6 of the first paragraph of section 520.9 and stored by the Régie de l'assurance maladie du Québec under subparagraphs *h*.2 and *h*.3 of the second paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec may be communicated to the Conseil du médicament for the purpose of promoting the optimal use of medications."

**45.** Section 520.11 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

(1) by inserting ", subject to the second paragraph of section 2.0.3 of the Act respecting the Régie de l'assurance maladie du Québec," after "even" in the third line of the first paragraph;

(2) by replacing "the Act respecting the Régie de l'assurance maladie du Québec" at the end of the first paragraph by "that Act".

TRANSITIONAL AND FINAL PROVISIONS

**46.** A group insurance contract or employee benefit plan in force before (*insert the date of coming into force of this section*) that includes coverage for the cost of pharmaceutical services and medications for persons who are not part of the group with private coverage within the meaning of section 15.1 of the Act respecting prescription drug insurance that is covered by the contract or plan remains valid with respect to that coverage for those persons until the earlier of the date occurring six months after that date and the date on which the contract or plan expires, unless the insurer or plan administrator ceases maintaining that coverage for those persons before then, after giving them at least 45 days' notice.

**47.** An individual insurance contract described in the first paragraph of section 42.2 of the Act respecting prescription drug insurance that does not include coverage at least equivalent to the basic plan coverage and that was signed before (*insert the date of coming into force of this section*) remains valid until the earlier of the date occurring six months after that date and its date of expiry.

**48.** A choice legally made by a member of a group with private coverage within the meaning of section 15.1 of the Act respecting prescription drug insurance before 13 December 2005 to become a member under a group insurance contract applicable to the group or to be covered under the public plan remains valid, but the member may not again choose between those two options.

**49.** The provisions of this Act come into force on the date or dates to be set by the Government; however, sections 11 and 48 come into force on 13 December 2005 and section 11 has effect from 1 July 2005.

# NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 131
(2005, chapter 41)

## An Act to amend the Courts of Justice Act and the Act respecting municipal courts

**Introduced 15 November 2005**
**Passage in principle 29 November 2005**
**Passage 8 December 2005**
**Assented to 13 December 2005**

**Québec Official Publisher**
**2005**

**EXPLANATORY NOTES**

*This bill amends the Courts of Justice Act to provide for the designation, by the chief judge of the Court of Québec, of a judge responsible for the professional development of the judges of the Court of Québec. It also amends that Act and the Act respecting municipal courts to allow the Government to fix, by order, the additional remuneration attached to the function of judge responsible for the professional development of judges of the Court of Québec and that attached to the function of judge responsible for a municipal court.*

*The bill also grants a judge who participates in a pension plan provided for in Part V.1 or Part VI of the Courts of Justice Act the right to retire early if he has reached 55 years of age and accumulated at least 5 years of service, subject to the reduction of his pension.*

*Under the bill, a municipality that establishes a municipal court must provide the judges with the secretarial services required to exercise the functions of office.*

*Furthermore, the bill provides that the period during which a judge is granted leave without pay or leave with deferred pay is taken into account, on the conditions determined by the Government, in the computation of years of service for the purposes of the pension plan provided for in Part VI of the Courts of Justice Act.*

*The bill also allows the Government to determine, by order, the rate of contribution of municipalities to the pension plans provided for in Parts V.1 and VI of the Courts of Justice Act and in the supplementary benefits plans with regard to the judges of the municipal courts to whom those plans apply.*

**LEGISLATION AMENDED BY THIS BILL:**

– Act respecting municipal courts (R.S.Q., chapter C-72.01);

– Courts of Justice Act (R.S.Q., chapter T-16).

# Bill 131

## AN ACT TO AMEND THE COURTS OF JUSTICE ACT AND THE ACT RESPECTING MUNICIPAL COURTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 93.1 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing the second sentence of the first paragraph by the following sentence: "Unless the judge resumes judicial duties under the second paragraph, the judge is deemed to have ceased to hold office on the day preceding the day on which the judge satisfies any of the pension eligibility requirements set out in paragraphs 1, 2 and 3 of sections 224.3 and 228 and section 246.3, depending on the pension plan."

**2.** The Act is amended by inserting the following after section 105.5:

"§3.1 — *Judge responsible for the professional development of judges of the Court*

"**105.6.** With the approval of the Government, the chief judge shall designate from among the judges of the Court a judge responsible for the professional development of judges of the Court for a term not exceeding three years. The term is renewable.

The chief judge shall determine the functions of the judge responsible for professional development.

"**105.7.** The judge responsible for professional development shall remain in office notwithstanding the expiry of his term of office until he is replaced or designated for another term.

If the judge responsible for professional development is absent or unable to act, the chief judge may designate another judge to exercise the first judge's functions until the first judge resumes his duties or is replaced."

**3.** Section 115 of the Act is amended by replacing "or associate coordinating judge" in the third and fourth lines by ", associate coordinating judge or judge responsible for the professional development of judges of the Court".

**4.** Section 117 of the Act is amended

(1) by replacing "or an associate coordinating judge" in the first and second lines by ", an associate coordinating judge or the judge responsible for the professional development of judges of the Court";

(2) by striking out "de celui-ci" in the third line of the French text.

**5.** Section 122 of the Act is amended by replacing "or associate coordinating judge" in the sixth line of the fourth paragraph by ", associate coordinating judge or judge responsible for the professional development of judges of the Court".

**6.** Section 122.3 of the Act is amended by adding the following sentence at the end of the third paragraph: "The order may have effect from 1 January following the date on which the Minister of Justice receives the actuarial valuation or any later date fixed in the order."

**7.** Section 123 of the Act is amended by replacing "122.3" in the first line by "122.2".

**8.** Section 224.2 of the Act is amended by replacing "or associate coordinating judge" in the seventh line of the first paragraph by ", associate coordinating judge or judge responsible for the professional development of judges of the Court".

**9.** Section 224.3 of the Act is amended by adding the following paragraph at the end:

"(4) has reached 55 years of age and accumulated at least 5 years of service."

**10.** Section 224.9 of the Act is amended

(1) by replacing "or associate coordinating judge" in the sixth and seventh lines of the second paragraph by ", associate coordinating judge or judge responsible for the professional development of judges of the Court";

(2) by inserting "leave without pay or" after "agreement granting" in the second line of the fifth paragraph.

**11.** Section 224.10 of the Act is replaced by the following section:

"**224.10.** The pension of a judge who availed himself of paragraph 2 of section 224.3 shall be reduced, if applicable, for its duration, by the amount resulting from the application of the minimum reduction provided for in the Income Tax Act (Revised Statutes of Canada (1985), chapter 1, 5th Supplement).

The pension of a judge who availed himself of paragraph 4 of section 224.3 shall be reduced, for its duration, by the amount obtained by multiplying the amount of the pension established pursuant to the first paragraph of

section 224.8 by 0.5% per month, computed for each month comprised between the date on which payment of the pension begins and the nearest date on which the judge would otherwise have been eligible for a pension under section 224.3. However, the amount thus obtained may not be less than the amount that would have been obtained under the first paragraph."

**12.** Section 224.15 of the Act is amended by replacing "with" in the fourth line by "with the first paragraph of".

**13.** Section 228 of the Act is amended by adding the following paragraph at the end:

"(4) he has reached 55 years of age and has 5 years of service or more to his credit."

**14.** Section 229 of the Act is amended

(1) by adding ", or during which the judge was granted leave without pay or leave with deferred pay under section 122.0.1, subject to the applicable fiscal rules" at the end of subparagraph 1 of the first paragraph;

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

"The Government shall fix, by order, the conditions that must be fulfilled so that a year or part of a year during which a judge was granted leave without pay or leave with deferred pay may be counted for the purposes of the pension plan."

**15.** Section 231 of the Act is amended

(1) by replacing "or associate coordinating judge" in the tenth line of the second paragraph by ", associate coordinating judge or judge responsible for the professional development of judges of the Court";

(2) by striking out "a judge on leave without pay or" in the eleventh line of the second paragraph;

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

"For the purposes of this section, the salary pertaining to a year of service covered by an agreement granting leave without pay or leave with deferred pay under section 122.0.1 is the salary the judge would have received if the judge had not been a party to such an agreement."

**16.** Section 232.1 of the Act is replaced by the following section:

"**232.1.** The pension of a judge who availed himself of paragraph 3 of section 228 is reduced, if applicable, for its duration, by the amount resulting

from the application of the minimum reduction provided for in the Income Tax Act (Revised Statutes of Canada (1985), chapter 1, 5th Supplement).

The pension of a judge who is eligible for retirement under paragraph 4 of section 228 shall be reduced, for its duration, by the amount obtained by multiplying the amount of the pension established pursuant to the first paragraph of section 230 by 0.5% per month, computed for each month comprised between the date on which the judge is eligible for retirement and the nearest date on which the judge would otherwise have been eligible for retirement under section 228."

**17.** Section 237 of the Act is amended by replacing "with" in the third line by "with the first paragraph of".

**18.** Section 246.26.1 of the Act is amended

(1) by replacing "by-law" in the first line of the first paragraph by "order";

(2) by replacing the last sentence of the first paragraph by the following sentence: "The order may have effect from 1 January following the date on which the Minister of Justice receives the actuarial valuation or any later date fixed in the order."

**19.** Section 49 of the Act respecting municipal courts (R.S.Q., chapter C-72.01) is amended by replacing "and of associate president judge" in the second line of the third paragraph by ", of associate president judge and of judge responsible for a municipal court".

**20.** Section 69 of the Act is amended by adding the following paragraph at the end:

"The municipality is also required to provide the judge with the secretarial services required to exercise the functions of office."

**21.** The Regulation respecting the contribution of a municipality that joins the pension plan provided for in Part VI of the Courts of Justice Act, enacted by Order in Council 1828-92 (1993, G.O. 2, 3) and amended by Orders in Council 793-93 (1993, G.O. 2, 3247) and 1476-95 (1995, G.O. 2, 3207) applies, with the necessary modifications, to the pension plan provided for in Part V.1 of the Act.

For the period from 1 January 2001 to 31 December 2004, the rate of contribution of the municipalities to the pension plan provided for in Part V.1 of the Act, with regard to the judges of the municipal courts to whom it applies, is set at the amount by which 10.81% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge if he had not been granted leave without pay or leave with deferred pay, exceeds the contribution paid by the judge.

From 1 January 2005 and until a new rate is determined by order under section 246.26.1 of the Courts of Justice Act (R.S.Q., chapter T-16), the rate of contribution of the municipalities to the pension plan provided for in Part V.1 of the Act, with regard to the judges of the municipal courts to whom it applies, is set at the amount by which 10.81% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge if he had not been granted leave without pay or leave with deferred pay, exceeds the contribution paid by the judge.

From 1 January 2005 and until a new rate is determined by order under section 122.3 of the Courts of Justice Act, the rate of contribution of the municipalities to the supplementary benefits plan for the judges of the municipal courts to whom the pension plan provided for in Part V.1 of the Act applies is set at the amount by which 29.63% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge if he had not been granted leave without pay or leave with deferred pay exceeds the contribution of the municipality and the contribution of the judge paid to the pension plan provided for in Part V.1 of the Act and any contribution the judge paid to his supplementary benefits plan.

**22.** From 1 January 2005 and until a new rate is determined by order under section 246.26.1 of the Courts of Justice Act (R.S.Q., chapter T-16), the rate of contribution of the municipalities to the pension plan provided for in Part VI of the Act with regard to the judges of the municipal courts to whom it applies is set at 8.60% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge if he had not been granted leave without pay or leave with deferred pay.

From 1 January 2005 and until a new rate is determined by order under section 122.3 of the Courts of Justice Act, the rate of contribution of the municipalities to the supplementary benefits plan of the judges of the municipal courts to whom the pension plan provided for in Part VI of the Act applies is set at 13.36% of the annual salary, including any additional remuneration, paid to the judge or that would have been paid to the judge if he had not been granted leave without pay or leave with deferred pay.

**23.** The provisions of this Act have effect from 1 July 2004 except

(1) section 14 and paragraphs 2 and 3 of section 15, which have effect from 30 May 2001;

(2) section 20;

(3) the first and second paragraphs of section 21, which have effect from 1 January 2001; and

(4) the third and fourth paragraphs of section 21 and section 22, which have effect from 1 January 2005.

**24.** This Act comes into force on 13 December 2005, except section 20, which comes into force on the date to be set by order of the Government.

# NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 135
(2005, chapter 42)

## An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry

**Introduced 15 November 2005**
**Passage in principle 23 November 2005**
**Passage 8 December 2005**
**Assented to 13 December 2005**

**Québec Official Publisher**
**2005**

**EXPLANATORY NOTES**

*This bill amends various provisions of the Act respecting labour relations, vocational training and manpower management in the construction industry that relate to the exercise of freedom of association. More specifically, it broadens prohibitions against intimidation and discrimination, and prohibits associations from acting in an arbitrary or discriminatory manner when making employment references with respect to employees they represent.*

*Also, the bill provides that any interested person may file a complaint with the Commission des relations du travail about an infringement on freedom of association and that the Commission de la construction du Québec is to contribute to the fund of the Commission des relations du travail toward the processing of referred complaints.*

*In another vein, the bill tightens certain other rules concerning the position of job-site steward and employees' eligibility for that position. The bill affirms the binding nature of decisions made as part of the jurisdictional conflict resolution process in place in the construction industry.*

*In addition, the bill excludes from the scope of the Act work on tailings facilities and construction work on greenhouses to be used for agricultural production. It adds psychological harassment to the list of grounds on which a grievance may be filed and modifies the regulatory power of the Government as regards the remuneration of arbitrators of grievances. It also requires that the Commission de la construction du Québec conduct an inquiry into all written complaints that bring an infringement of the Act to its attention.*

*The bill recognizes the Conseil provincial du Québec des métiers de la construction (International) and the Fédération des travailleurs et travailleuses du Québec (FTQ-Construction) as representative associations in the construction industry, in replacement of their former joint council.*

*Lastly, the bill amends certain penal provisions and contains consequential, technical and transitional provisions.*

**LEGISLATION AMENDED BY THIS BILL:**

– Labour Code (R.S.Q., chapter C-27);

– Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20).

# Bill 135

## AN ACT TO AMEND THE ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by inserting the following section after section 8:

"**8.1.** The Commission de la construction du Québec shall contribute to the fund of the Commission des relations du travail, established by section 137.62 of the Labour Code (chapter C-27), to cover the expenses incurred by the latter commission in investigating complaints submitted to it under section 105 of this Act.

The amount of the contribution from the Commission de la construction du Québec and the manner in which it is to be paid are determined by the Government."

**2.** Section 19 of the Act is amended

(1) by inserting "or construction work on a greenhouse to be used for agricultural production done by the regular employees of the greenhouse operator, of the greenhouse manufacturer, of the greenhouse manufacturer's successor or of a person whose main activity is to do such work and to whom the manufacturer or the manufacturer's successor entrusts such work on an exclusive basis" at the end of subparagraph 1 of the first paragraph;

(2) by inserting ", or work on tailings facilities" at the end of subparagraph 4 of the first paragraph.

**3.** Section 22 of the Act is amended by adding the following paragraph at the end:

"If the decision aims to settle a jurisdictional conflict relating to the practice of a trade or occupation, it also binds the associations of employees that are party to the conflict for the purposes of the future assignment of similar work on other job sites."

**4.** Section 28 of the Act is amended by replacing "the Conseil conjoint de la Fédération des travailleurs du Québec (FTQ-Construction) et du Conseil

provincial du Québec des métiers de la construction (International)" in the third, fourth and fifth lines by "the Conseil provincial du Québec des métiers de la construction (International), the Fédération des travailleurs et travailleuses du Québec (FTQ-Construction)".

**5.** The Act is amended by inserting the following section after section 53:

"**53.1.** If a collective agreement provides for the creation of jurisdictional conflict resolution committees, every person or association affected by a work assignment decision rendered by such a committee must comply with it without delay until such time as the construction industry commissioner, if called upon to render a decision on the jurisdictional conflict, does so."

**6.** Section 61.2 of the Act is amended by inserting the following paragraph after paragraph 4:

"(4.1) limit the freedom of an employee to choose how he will offer his services to an employer;".

**7.** Section 62 of the Act is amended by replacing "or the notice board" in the third line by ", the notice board or psychological harassment".

**8.** Section 86 of the Act is amended

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

"**86.** For the purposes of this section, "union" means any union or association of employees affiliated with a representative association, or any representative association that does not include such affiliated unions or associations.";

(2) by replacing "job-site employees who are members of the union for the same employer entitles the employees" in the first and second lines of the third paragraph of paragraph 1 by "employees who are members of the union for the same employer entitles the employees";

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

"For the purposes of the Commission's functions, the person elected must give his union a declaration, in the form determined by the Commission, that his election as job-site steward does not contravene section 26. The union must immediately forward the declaration to the Commission, in the manner determined by it.";

(4) by replacing "appointed as the representative of the group of employees who are members of the union concerned after he has been notified of the election in writing by such union" in the first, second and third lines of paragraph 2 by "elected as the representative of the group of employees who are members of the union concerned once the union has notified the employer

of the job-site steward's election in writing and forwarded the declaration required by the fourth paragraph of paragraph 1 to the Commission";

(5) by inserting "*and remuneration*" after "*Functions*" in the heading of paragraph 3;

(6) by adding the following subparagraphs at the end of paragraph 3:

"(*e*) Except in the case of a prolonged absence accounted for as required by subparagraph *d*, the job-site steward is not entitled to wages for union activities beyond the agreed time.

"(*f*) On the job site, the job-site steward must limit himself to doing his work for the employer and carrying out the functions of job-site steward determined by law.";

(7) by replacing paragraph 4 by the following paragraph:

"4. — *Preference of employment*

The job-site steward shall be given preference of employment on his job site over all employees if

(*a*) seven or more employees who are members of his union are still employed by the employer on the job site; and

(*b*) there is work to be done in his trade, specialty or occupation."

**9.** Section 88 of the Act is amended by replacing "no union" in the first line of paragraph *b* by "no association or person acting on behalf of an association".

**10.** Section 91 of the Act is amended

(1) by replacing "member of the union" in the third line of the first paragraph by "employee, by any association, by the Commission";

(2) by inserting "the Commission or" after "when" in the first line of the second paragraph.

**11.** Section 101 of the Act is replaced by the following section:

"**101.** No person may intimidate, threaten or coerce a person or discriminate or take reprisals against a person with the aim or effect of infringing on the person's freedom of association, penalizing the person for choosing a union affiliation or becoming a member of a union, compelling the person to become, abstain from becoming or cease being a member or officer of an association, penalizing the person for having exercised a right under this Act or inciting the person to forfeit such a right.

Any person who, for the purposes or reasons stated in the first paragraph, does any of the following contravenes that paragraph:

(*a*) refuses to employ, dismisses or threatens to dismiss a person;

(*b*) imposes a disciplinary penalty on an employee, reduces his workload, demotes him, denies him a promotion he would normally be entitled to, or shows favouritism toward him when transferring employees or assigning work.

An association that acts in an arbitrary or discriminatory manner when making employment references with respect to employees it represents also contravenes the first paragraph.

As well, a person intimidates another person when the person pressures a third party in any way to do any of the actions prohibited by the first paragraph."

**12.** Section 102 of the Act is amended by striking out "belongs to another association or" in the second and third lines.

**13.** Sections 105 to 107 of the Act are replaced by the following sections:

"**105.** An interested person may file a complaint with the Commission des relations du travail about the application of the provisions of this chapter within 15 days after the date on which the act complained about took place or on which he became aware of it.

"**106.** If the complainant establishes to the satisfaction of the Commission des relations du travail that he is exercising a right under this chapter, it is up to the person or association complained against to prove that there was good and sufficient reason for the act complained about.

"**107.** The provisions of the Labour Code (chapter C-27) applicable to a recourse relating to the exercise by an employee of a right under that Code apply, with the necessary modifications, to a complaint submitted to the Commission des relations du travail under section 105 of this Act.

An order under paragraph *a* of section 15 of the Labour Code to pay an employee an indemnity may apply to a person or association besides the employer. The Commission des relations du travail may also order persons or associations that contravened a provision of this chapter to pay punitive damages, order a representative association or association of employees to reinstate an employee in its ranks with the advantages he was illegally deprived of, or issue any other order it considers appropriate."

**14.** Section 110 of the Act is amended by adding the following paragraph at the end:

"The same applies to complaints filed under section 105."

**15.** The Act is amended by inserting the following section after section 115:

"**115.1.** The following is guilty of an offence and is liable to a fine of not less than $200 and not more than $400 in the case of an individual, and not less than $800 and not more than $1,600 in the case of an association, for each day or part of a day during which the offence lasts:

(1) any person who makes a false declaration when making the declaration required by the fourth paragraph of paragraph 1 of section 86;

(2) any association that notifies the employer under paragraph 2 of section 86 without first having forwarded the declaration required by the fourth paragraph of paragraph 1 of section 86 to the Commission; and

(3) any job-site steward who contravenes subparagraph *f* of paragraph 3 of section 86."

**16.** Section 119 of the Act is replaced by the following section:

"**119.** Any person who contravenes any of sections 101 to 103 is guilty of an offence and is liable to a fine of not less than $700 and not more than $13,975.

Furthermore, if the offence has been committed by an employer's representative, a union representative, a business agent or a job-site steward, the Court must declare such person disqualified to represent, in any capacity whatsoever, an employer or an association of employees for five years from the day sentence is rendered."

**17.** Section 121 of the Act is amended by replacing "Subject to section 105, the Minister" in the first line by "The Commission" and "his" in the second line by "its".

**18.** Section 123 of the Act is amended by replacing subparagraph 8.5 of the first paragraph by the following subparagraph:

"(8.5) determine, after consultation with the Conseil consultatif du travail et de la main-d'œuvre, the remuneration, allowances and expenses of the arbitrators of grievances appointed by the Commission, one or more methods for determining the remuneration, allowances and expenses of the arbitrators of grievances chosen by the parties, and the situations in which the regulation does not apply. The regulation may also determine who is to assume the payment of the remuneration, allowances and expenses and, where applicable, in which cases and in what proportion;".

**19.** Section 137.62 of the Labour Code (R.S.Q., chapter C-27) is amended by inserting the following subparagraph after subparagraph 2 of the second paragraph:

"(2.1) the sums paid by the Commission de la construction du Québec under section 8.1 of the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20);".

**20.** Schedule I to the Code is amended by striking out "the fourth paragraph of" in the third line of paragraph 18.

TRANSITIONAL AND FINAL PROVISIONS

**21.** For the purposes of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20), the Commission de la construction du Québec issues certificates to the Conseil provincial du Québec des métiers de la construction (International) and the Fédération des travailleurs et travailleuses du Québec (FTQ-Construction) establishing their representativeness based on the union representation vote held in June 2003.

The certificates are valid until the next certificates issued under section 34 of that Act take effect.

For the purposes of that Act, a reference to the Conseil conjoint de la Fédération des travailleurs du Québec (FTQ-Construction) et du Conseil provincial du Québec des métiers de la construction (International) in a document referred to in section 36 of that Act is deemed to be a reference to the Conseil provincial du Québec des métiers de la construction (International) or the Fédération des travailleurs et travailleuses du Québec (FTQ-Construction), depending on the affiliation, on the date of the union representation vote in June 2003, of the employees' association to which the employee belongs.

**22.** In any collective agreement within the meaning of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) expiring on 30 April 2007, a reference to the Conseil conjoint de la Fédération des travailleurs du Québec (FTQ-Construction) et du Conseil provincial du Québec des métiers de la construction (International) under that name, an abbreviated name or another name is deemed to be a reference to the Conseil provincial du Québec des métiers de la construction (International) and the Fédération des travailleurs et travailleuses du Québec (FTQ-Construction), with the necessary modifications.

The same applies to any regulation made under that Act.

For the purposes of the first two paragraphs, in any provision of a collective agreement or a regulation that provides for the creation of a committee on which there are one or more representatives of the Conseil conjoint de la Fédération des travailleurs du Québec (FTQ-Construction) et du Conseil provincial du Québec des métiers de la construction (International), the number of representatives from the Conseil provincial du Québec des métiers de la construction (International) and from the Fédération des travailleurs et

travailleuses du Québec (FTQ-Construction) must be equal, except if the total is an odd number, in which case the association with the greater representativeness according to the certificate issued under the first paragraph of section 21 designates one more representative.

**23.** This Act comes into force on 13 December 2005, except sections 8, 13, 15 and 20, which come into force on 1 March 2006.

# NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 226
(Private)

## An Act respecting Municipalité de Sacré-Cœur

**Introduced 11 May 2005**
**Passage in principle 9 December 2005**
**Passage 9 December 2005**
**Assented to 13 December 2005**

**Québec Official Publisher**
**2005**

# Bill 226

(Private)

## AN ACT RESPECTING MUNICIPALITÉ DE SACRÉ-CŒUR

AS it is in the general interest of Municipalité de Sacré-Cœur and its citizens that the situation of the properties in the "Anse de Roche", "Anse au Sable" and "Anse à Pierrot" sectors, which make up an important portion of zone 40-REC established in zoning by-law 210 of Municipalité de Sacré-Cœur, be regularized given the non-compliance of division, building or enlargement permits issued from 8 May 1974 to 31 December 1989 with certain provisions of the municipal urban planning by-laws and the interim control of the Municipalité régionale de comté de La Haute-Côte-Nord;

As zone 40-REC extends from lot 19 to lot 33 inclusively, all of which are in Saguenay Range 1, cadastre of the township of Albert;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The subdivision of lots erroneously authorized and the building and enlargement permits erroneously issued by Municipalité de Sacré-Cœur from 8 May 1974 to 31 December 1989 in the "Anse de Roche", "Anse au Sable" and "Anse à Pierrot" sectors in that they did not comply with the subdivision, building and zoning by-laws of the municipality and the interim control of the Municipalité régionale de comté de La Haute-Côte-Nord are deemed valid.

**2.** The sectors referred to in section 1 are located in zone 40-REC established in the zoning plan that is part of by-law 210, in force since 26 July 1993.

**3.** Non-conforming riverbank structures built in the sectors mentioned in section 1 may not be expanded so as to increase their footprint on the riverbank.

The municipality may not authorize a structure on that riverbank that has been destroyed or become unsafe to be rebuilt on the same site if another site available on the same land reduces riverbank encroachment.

In this section, "riverbank" has the meaning assigned by the protection policy for lakeshores, riverbanks, littoral zones and floodplains adopted under section 2.1 of the Environment Quality Act (R.S.Q., chapter Q-2).

**4.** This Act does not affect cases pending on 15 April 2005.

**5.** This Act comes into force on 13 December 2005.

# NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 235
(Private)

## An Act respecting Ville de Trois-Rivières

**Introduced 1 November 2005**
**Passage in principle 9 December 2005**
**Passage 9 December 2005**
**Assented to 13 December 2005**

**Québec Official Publisher**
**2005**

# Bill 235

(Private)

## AN ACT RESPECTING VILLE DE TROIS-RIVIÈRES

AS it is in the interest of Ville de Trois-Rivières that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 1 of the Act respecting Ville de Trois-Rivières (1997, chapter 107) is replaced by the following section:

"**1.** Ville de Trois-Rivières is authorized, on the conditions it determines, to grant a tax credit or subsidies for the conversion of lot 1536658 of the cadastre of Québec."

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

(1) by replacing the portion before paragraph 1 by the following:

"**2.** The tax credit or subsidies may only be granted if the following conditions are met:";

(2) by striking out "residential" in the first line of paragraph 3.

**3.** Section 3 of the Act is repealed.

**4.** The schedule to the Act is repealed.

**5.** This Act comes into force on 13 December 2005.

# NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 237
(Private)

## An Act respecting Municipalité de Saint-Donat

**Introduced 10 November 2005**
**Passage in principle 9 December 2005**
**Passage 9 December 2005**
**Assented to 13 December 2005**

**Québec Official Publisher**
**2005**

# Bill 237

(Private)

## AN ACT RESPECTING MUNICIPALITÉ DE SAINT-DONAT

AS it is in the interest of Municipalité de Saint-Donat that it be granted certain powers and that certain acts be validated;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Municipalité de Saint-Donat may prescribe in its zoning or subdivision by-law, as a prerequisite condition for the issue of a building permit or for the approval of a plan relating to a cadastral operation, that the owner undertake to gratuitously create a real servitude in favour of an immovable of the municipality for the purposes referred to in section 117.1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

The servitude may also be created prior to an application for the issue of a building permit or for the approval of a plan relating to a cadastral operation. Any such contribution is to be credited when an application for the issue of a building permit or for the approval of a plan relating to a cadastral operation is filed.

In all cases, the reference values are those that apply on the date the application for the issue of a building permit or for the approval of a plan relating to a cadastral operation is filed.

For the purposes of sections 117.1 to 117.15 of that Act,

(1) a corridor for recreational and sports activities is considered to be a park;

(2) the development of a parcel of land includes the construction of works related to pedestrian and vehicular traffic in a corridor referred to in subparagraph 1; and

(3) a servitude created in favour of an immovable of the municipality is considered to be a parcel of land transferred to the municipality.

**2.** A deed under which a servitude was created, on or after 13 June 2002, in favour of an immovable of the municipality for the purposes referred to in section 117.1 of the Act respecting land use planning and development, or in

anticipation of such purposes, and the acts performed by the municipality to achieve those purposes may not be invalidated on the ground that the law did not enable the municipality to require the creation of a servitude.

No illegality or irregularity may result from the fact that the municipality spent on the site of such a servitude amounts taken out of the fund referred to in section 117.15 of the Act respecting land use planning and development.

**3.** This Act comes into force on 13 December 2005.

# NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 240
(Private)

## An Act respecting Ville de Chandler

**Introduced 15 November 2005**
**Passage in principle 9 December 2005**
**Passage 9 December 2005**
**Assented to 13 December 2005**

**Québec Official Publisher**
**2005**

# Bill 240

(Private)

## AN ACT RESPECTING VILLE DE CHANDLER

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 1 of the Act respecting Ville de Chandler (2002, chapter 92) is amended by adding the following paragraph at the end:

"The town may also adopt an industrial renewal program for any other industrial sectors in its territory."

**2.** The town may participate with the Société de développement économique et industriel de Chandler in a project to re-open the Gaspésia plant, and in the acquisition and conservation, or disposal, if necessary, of the assets of Papiers Gaspésia, Limited Partnership.

**3.** The town may act as general partner of a limited partnership formed to manage an economic renewal fund made up of the contributions that SGF Rexfor Inc., Investissement Québec, the Fonds de solidarité des travailleurs du Québec (F.T.Q.) and Tembec Inc. have undertaken to pay to the Société de développement économique et industriel de Chandler and to any other bodies formed for that purpose as part of the transfer of the assets of Papiers Gaspésia, Limited Partnership. The town's participation in the fund is limited to 25% of the total amount of those contributions. Section 1 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) applies to that contribution, with the necessary modifications.

The town may entrust the power devolved to it under the first paragraph to a non-profit body.

**4.** The town designates the members, directors and executive officers of the Société de développement économique et industriel de Chandler, the Société de développement de Chandler and any non-profit body mandated to manage the economic renewal fund or act as general partner of a limited partnership formed for that purpose.

**5.** The town may make its group insurance plan and the protection plan provided for in sections 604.6 to 604.13 of the Cities and Towns Act (R.S.Q., chapter C-19) applicable to the directors, executive officers and employees of the bodies referred to in section 4.

**6.** For the purposes of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) and the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), the bodies referred to in section 4 are deemed to be supramunicipal bodies.

With regard to the directors of such a body who are not members of the town council, the town may, by by-law, provide for the payment of a remuneration to be determined on the basis of the directors' attendance at meetings of the body, and for the reimbursement of their expenses.

**7.** This Act comes into force on 13 December 2005.

# NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 241
(Private)

## An Act respecting Ville de Grande-Rivière

**Introduced 15 November 2005**
**Passage in principle 9 December 2005**
**Passage 9 December 2005**
**Assented to 13 December 2005**

**Québec Official Publisher**
**2005**

# Bill 241

(Private)

## AN ACT RESPECTING VILLE DE GRANDE-RIVIÈRE

AS it is in the interest of Ville de Grande-Rivière that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The town may, by by-law, adopt an industrial recovery program with respect to all or part of the sectors the town delimits within the industrial zones contiguous to the Rocher-Percé airport industrial zone and with respect to the Grande-Rivière wharf industrial zone.

The by-law must determine the amount of the expenses the town may incur within the framework of the program. It must be submitted for approval to the qualified voters of the entire territory of the town.

**2.** A by-law made under section 1 determines the nature of the financial assistance, including a tax credit, that may be granted and the duration of the assistance, which may not exceed five years or 31 December 2011.

The total financial assistance granted under a program referred to in section 1 may not exceed $1,000,000. The town may increase that amount and extend the duration of the program by a by-law approved by the Minister of Municipal Affairs and Regions.

The second paragraph of section 85.2 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) and section 85.3 of that Act apply to the program.

**3.** The town may participate in the Carrefour national de l'aquaculture et des pêches de Grande-Rivière project in the wharf industrial zone.

**4.** The town may enter into agreements with the Minister of Agriculture, Fisheries and Food to municipalize the Grande-Rivière industrial fishery park.

**5.** The agreement the Minister of Industry and Commerce of Québec and Ville de Grande-Rivière entered into on 10 November 1977 with respect to the drinking water supply in the Grande-Rivière industrial fishery park may not be invalidated on the grounds that the town was not competent to enter into the agreement. In addition, the transfer to the Minister of the waterworks system

and road rights of way provided for in that agreement and municipal by-law V-20 ordering that the roads in question be closed are declared valid.

**6.** The town may acquire and operate a sea water supply system to serve the industries in the Grande-Rivière industrial fishery park, as well as a disposal system for waste sea water.

Despite the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the town may assist the industries referred to in the first paragraph by granting a preferential rate for the services referred to in that paragraph, for a period not exceeding five years following the municipalization of the Grande-Rivière industrial fishery park.

**7.** This Act comes into force on 13 December 2005, except sections 1 and 2, which come into force on 1 January 2006.

# Regulations and other acts

## **M.O.,** 2006-001

**Order of the Minister of Health and Social Services dated 16 January 2006 for the designation of a breast cancer detection centre**

Health Insurance Act
(R.S.Q., c. A-29)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING subparagraph *b*.3 of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING subparagraph *ii* of paragraph *o* of section 22 of the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1);

ORDERS AS FOLLOWS:

The following breast cancer detection centre is designated for the Laval region:

"Clinique de radiologie Chomedey
610, boulevard Curé-Labelle
Laval (Québec)
H7V 2T7"

Québec, 16 January 2006

PHILIPPE COUILLARD,
*Minister of Health and Social Services*

7425

# Index

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