Gazette officielle du Québec

Part 2

No. 48
28 November 2007

Laws and Regulations
Volume 139

Summary

Table of Contents
Acts 2007
Regulations and other acts
Draft Regulations
Index

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
© Éditeur officiel du Québec, 2007

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

Table of Contents

Page

Acts 2007

6 An Act to amend various legislative provisions respecting municipal affairs 3155
8 An Act to amend the Act respecting the Société de développement des entreprises culturelles 3179
17 An Act to amend the Public Curator Act and the Act respecting the Ministère du Revenu 3185
19 An Act to amend the Securities Act and other legislative provisions 3189
20 An Act to amend the Act respecting insurance, the Act respecting trust companies and savings companies and other legislative provisions 3207
24 An Act to amend the Act respecting prescription drug insurance 3211
27 An Act to amend the Act respecting financial services cooperatives 3215
57 An Act to amend the Act respecting the Agence de l'efficacité énergétique and the Act respecting the Régie de l'énergie 3219
List of Bills sanctioned (7 November 2007) 3151
List of Bills sanctioned (9 November 2007) 3153

Regulations and other acts

1006-2007 Agricultural operations (Amend.) 3225
1011-2007 Certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (Amend.) 3226
Tariff for hearing devices and insured services (Amend.) 3227

Draft Regulations

Automotive services industry — Québec — Various regulations of the Comité conjoint 3229

PROVINCE OF QUÉBEC

1ST SESSION

38TH LEGISLATURE

QUÉBEC, 7 NOVEMBER 2007

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 7 November 2007

This day, at four minutes past four o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

2 An Act giving effect to the Budget Speech delivered on 23 March 2006 and to certain other budget statements

8 An Act to amend the Act respecting the Société de développement des entreprises culturelles

17 An Act to amend the Public Curator Act and the Act respecting the Ministère du Revenu

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.

PROVINCE OF QUÉBEC

1ST SESSION

38TH LEGISLATURE

QUÉBEC, 9 NOVEMBER 2007

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 9 November 2007

This day, at thirty six minutes past nine o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

19 An Act to amend the Securities Act and other legislative provisions

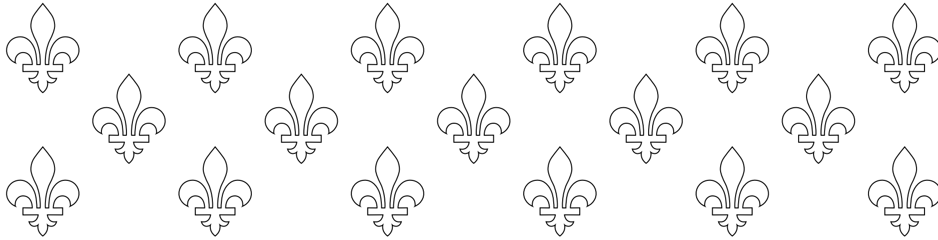
20 An Act to amend the Act respecting insurance, the Act respecting trust companies and savings companies and other legislative provisions

24 An Act to amend the Act respecting prescription drug insurance

27 An Act to amend the Act respecting financial services cooperatives

57 An Act to amend the Act respecting the Agence de l'efficacité énergétique and the Act respecting the Régie de l'énergie

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 6

(2007, chapter 10)

An Act to amend various legislative provisions respecting municipal affairs

Introduced 15 May 2007
Passed in principle 31 May 2007
Passed 25 October 2007
Assented to 25 October 2007

Québec Official Publisher
2007

EXPLANATORY NOTES

This bill introduces changes in the urban agglomeration powers exercised by the urban agglomeration of Longueuil in order to exclude jurisdiction over industrial parks, thoroughfares making up the arterial road system of the urban agglomeration and certain components of the water supply and water purification systems. Industrial parks, thoroughfares, and water and sewer mains located in industrial parks are also excluded from the urban agglomeration powers exercised by the urban agglomeration of Québec. These powers are to be exercised by the related municipalities.

The bill increases the number of members of the board of directors of the Société de transport de Longueuil to 12, comprising six representatives from the regular council of Ville de Longueuil, one from the council of each of the reconstituted municipalities of the urban agglomeration and two from among users of public transit services.

The bill provides for the creation of a board of arbitration to revise the list of equipment, infrastructures and activities of collective interest, as well as the plans for the arterial road system and water supply and water purification systems over which the urban agglomeration council of Ville de Québec has jurisdiction. It sets in place a mechanism to limit the changes made to the list and the plans by the board of arbitration.

Under the bill, from the fiscal year 2008, any urban agglomeration expenditure of the urban agglomeration of Québec or the urban agglomeration of Longueuil is to be financed by the aliquot shares paid by the related municipalities in the proportions determined by the urban agglomeration council.

The bill amends the Act respecting municipal taxation to provide that a body may no longer apply to the Commission municipale du Québec for recognition giving rise to a business tax exemption if, at the time of the application, there is no business tax imposed by the municipality concerned. Provision is also made for the lapsing by operation of law of recognition previously granted by the Commission municipale du Québec if the municipality ceases to impose the business tax. Lastly, it provides that, for the purposes of the fiscal year 2007, Ville de Montréal is deemed to have imposed a business

tax for the application of the provisions relating to exemptions resulting from recognition granted by the Commission.

The bill simplifies the process for claiming compensations in lieu of taxes for immovables in the education and the health and social services sectors by providing that the extracts from the roll that contain the entries used to calculate the amounts due and are sent to the Minister of Municipal Affairs and Regions by the municipalities stand in lieu of a request for payment.

Under the bill, in accordance with the agreement in principle concerning subway cost sharing, the municipalities forming part of the territory of the Agence métropolitaine de transport and situated outside the urban agglomeration of Montréal are bound to contribute to the financing of the subway for the years 2007 to 2011. In addition, the Communauté métropolitaine de Montréal will be required to approve the part of the capital expenditures program of the Société de transport de Montréal specific to the capital expenditures related to the subway network, as well as any loan with a term of more than five years ordered by the Société for the network.

The bill authorizes a municipality to pass a resolution ordering construction or improvement work when the cost of the work is financed by sums appropriated from its working fund or obtained by means of a loan ordered by a by-law that sets out the purpose of the loan in general terms. The bill also grants local municipalities the power to maintain a private waste water treatment system at the owner's expense.

Lastly, the bill contains various other provisions relating to certain specific situations.

LEGISLATION AMENDED BY THIS BILL:

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

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

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

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

– Municipal Powers Act (R.S.Q., chapter C-47.1);

– Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001);

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

– Civil Protection Act (R.S.Q., chapter S-2.3);

– Act respecting public transit authorities (R.S.Q., chapter S-30.01);

– Municipal Works Act (R.S.Q., chapter T-14);

– Act to amend the Act respecting municipal courts, the Courts of Justice Act and other legislative provisions (2002, chapter 21).

Bill 6

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

1. Section 48 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is replaced by the following section:

"**48.** The municipalities in the area of jurisdiction of the Agency that are situated outside the territory of the urban agglomeration of the island of Montréal are bound to contribute to the financing of the subway for the years 2007 to 2011. The annual amount of the contribution of each municipality is determined in accordance with the agreement in principle concerning the rules for apportioning the subway deficit approved by resolution CC07-009 adopted by the council of the Communauté métropolitaine de Montréal on 22 February 2007 and attached to the resolution."

2. Section 50 of the Act is replaced by the following section:

"**50.** The Agency may make an agreement with the Communauté métropolitaine de Montréal with respect to collecting the contributions referred to in section 48 and, in particular, the manner of collecting them."

CHARTER OF VILLE DE MONTRÉAL

3. Division VII of Chapter II of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), comprising sections 58 to 71, is repealed.

4. Schedule C to the Charter is amended by inserting the following chapter after section 231.1:

"**CHAPTER V.1**

"CONSEIL DES ARTS DE MONTRÉAL

"**231.2.** An arts council is established under the name "Conseil des arts de Montréal".

The arts council is a legal person established in the public interest.

“**231.3.** The arts council has the following functions:

(1) to draw up and keep a permanent list of the associations, societies, organizations, groups or persons engaged in artistic and cultural activities in the urban agglomeration of Montréal;

(2) to combine, co-ordinate and promote artistic or cultural initiatives in the urban agglomeration of Montréal; and

(3) within the limits of the revenues available for that purpose and in conformity with the programs referred to in section 231.14, to designate the associations, societies, organizations, groups or persons and the artistic or cultural events to which or in respect of which grants, prizes or other forms of financial assistance are to be paid.

The urban agglomeration council may, by by-law, confer any other power on the arts council or impose on it any other duty it considers advisable to better enable it to attain its objects.

“**231.4.** The arts council shall determine, by a by-law submitted to the urban agglomeration council for approval, the number of members composing the arts council, the qualifications they must have, the duration of their terms and the time and method of their appointment and replacement.

It shall also determine, in the same manner, the rules of internal management and operation of the arts council, and the rules of procedure for its meetings.

“**231.5.** The members of the arts council must be Canadian citizens and be domiciled in the urban agglomeration of Montréal.

“**231.6.** After consulting bodies it considers representative of the arts community, the urban agglomeration council shall appoint the members of the arts council and designate a president and two vice-presidents from among the members, by a decision made by a two-thirds majority of the votes cast.

“**231.7.** The members of the arts council are not remunerated. However, they are entitled to reimbursement by the arts council for all expenses authorized by the arts council and incurred by the members in the exercise of their functions.

“**231.8.** The treasurer of the city or such assistant as the treasurer may designate is by virtue of office the treasurer of the arts council.

“**231.9.** The urban agglomeration council shall determine the guiding principles of the arts council.

"**231.10.** On or before 31 October, the arts council shall send the urban agglomeration council its action plan and budget for the following fiscal year, for approval.

"**231.11.** The fiscal year of the arts council coincides with that of Ville de Montréal.

The city's auditor shall audit the financial statements of the arts council and, within 120 days following the end of the fiscal year, make a report of that audit to the urban agglomeration council.

"**231.12.** Within 120 days following the end of the fiscal year, the arts council shall send the urban agglomeration council a copy of its financial statements and a report on its activities for the fiscal year.

"**231.13.** The following revenues are available to the arts council:

(1) the sums voted annually for that purpose out of the part of the city's budget under the responsibility of the urban agglomeration council;

(2) the sums mentioned in subparagraph 1 that have not been used before the end of the fiscal year;

(3) the gifts, legacies and grants made to the arts council; and

(4) any other revenue, in particular the interest produced by the revenues mentioned in subparagraphs 1 to 3.

The urban agglomeration council may, by by-law, prescribe the minimum amount that must be allocated annually for the purposes of subparagraph 1 of the first paragraph. As long as the by-law is in force, the treasurer of the city must include the amount prescribed in the certificate the treasurer prepares in accordance with section 474 of the Cities and Towns Act (chapter C-19).

Out of the amounts other than those mentioned in subparagraphs 1 and 2 of the first paragraph, the arts council, with the approval of the urban agglomeration council, may reserve a part in respect of which it uses only the interest for the purposes mentioned in section 231.14.

"**231.14.** The revenues available to the arts council are used exclusively to defray the administrative costs of the arts council and to pay grants, prizes and other forms of financial assistance in conformity with the terms of the programs established by the council and approved by the urban agglomeration council.

"**231.15.** Sections 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) apply to the arts council with the necessary modifications. The arts council is deemed to be a local municipality for the purposes of the regulation made under section 573.3.0.1 of that Act."

CHARTER OF VILLE DE QUÉBEC

5. Section 73 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing "this paragraph" in the eighth line of the first paragraph by "this section".

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

6. Section 158 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by adding the following paragraphs after the third paragraph:

"The Community shall approve the part of the program of capital expenditures of the Société de transport de Montréal specific to the capital expenditures related to the subway network, as well as any loan with a term of more than five years ordered by the Société for the network, when the sum of repayment exceeds five years.

The decision to approve that part of the program of capital expenditures or a loan for the subway network must be made by a two-thirds majority of the votes cast. If approval is refused, the refused proposal may be submitted to the council of the Community again if a period of at least 15 days has elapsed; a simple majority then suffices to approve the proposal."

MUNICIPAL POWERS ACT

7. The Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by inserting the following section after section 25:

"**25.1.** A local municipality may maintain a private waste water treatment system at the expense of the owner of the immovable."

ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

8. Section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) is amended by replacing "first aid" in subparagraph *a* of paragraph 8 by "first responder".

9. Section 22 of the Act is amended by adding the following paragraph after the fourth paragraph:

"The fourth paragraph does not apply to the urban agglomeration council of Québec. In that case, the document identifying the thoroughfares forming the arterial road system in the urban agglomeration is amended in accordance with Chapter III.1."

10. Section 25 of the Act is amended by replacing ", the urban agglomeration of Québec and the urban agglomeration of Longueuil" in the first and second lines of the first paragraph by "and the urban agglomeration of Québec".

11. Section 27 of the Act is amended by adding the following paragraph after the third paragraph:

"The third paragraph does not apply to the urban agglomeration council of Québec. In that case, the document identifying the water and sewer mains that are not purely local is amended in accordance with Chapter III.1."

12. Section 28 of the Act is amended by replacing "those referred to in section 25" in the first and second lines of the first paragraph by "the urban agglomeration of Montréal, the urban agglomeration of Québec and the urban agglomeration of Longueuil".

13. Section 39 of the Act is amended by adding the following paragraph after the second paragraph:

"The second paragraph does not apply to the urban agglomeration council of Québec. In that case, the list of equipment, infrastructures and activities of collective interest is amended in accordance with Chapter III.1."

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

"**CHAPTER III.1**

"BOARD OF ARBITRATION

"**44.1.** In the urban agglomeration of Québec, a board of arbitration is established to identify, in accordance with section 44.3,

(1) the thoroughfares forming the arterial road system in the urban agglomeration;

(2) the water and sewer mains that are not purely local; and

(3) the equipment, infrastructures or activities of collective interest.

"**44.2.** The board of arbitration is composed of three members designated as follows:

(1) the mayors of the reconstituted municipalities designate one, in the manner they choose;

(2) the central municipality, acting through its regular council following a report of the executive committee that may not be amended, designates one; and

(3) the Minister designates one.

"**44.3.** At the request of a related municipality, the board may, if it has never done so, evaluate whether

(1) thoroughfares should be included in the arterial road system of the urban agglomeration;

(2) water or sewer mains are not purely local; and

(3) equipment, infrastructures or activities are of collective interest, taking into account the conditions and criteria set out in section 40.

For the purposes of the first paragraph, the mandate of the board may only concern thoroughfares, mains, equipment or infrastructures acquired or built by the related municipality on or after 25 October 2007 or activities carried on on or after that date.

The board must send its decision within 30 days after receiving the request, to the related municipalities of the urban agglomeration and to the Minister. If the board determines that thoroughfares, mains, equipment, infrastructures or activities must be added to a document referred to in section 22, 27 or 39, it makes the amendment, which comes into force on the date of its publication in the *Gazette officielle du Québec*.

"**44.4.** If thoroughfares, mains, equipment or infrastructures were acquired or built by a related municipality before 25 October 2007 or activities were carried on before that date, the urban agglomeration council may, by by-law, add them to a document referred to in section 22, 27 or 39, or remove them from it. The decision to adopt the by-law must be made by a majority of the votes cast, and the majority must include both a majority of the votes cast by the members representing the central municipality and the votes cast by one member representing a reconstituted municipality.

If the board of arbitration has already examined thoroughfares, mains, equipment or infrastructures acquired or built by a related municipality on or after 25 October 2007, or activities carried on on or after that date, the urban agglomeration council may, by a by-law subject to the right of objection under section 115, add them to a document referred to in section 22, 27 or 39 or remove them from it.

An amendment made under the first or second paragraph must be sent to the Minister and it comes into force on the date of its publication in the *Gazette officielle du Québec*."

15. Section 104 of the Act is repealed.

16. Section 112 of the Act is amended by striking out the third paragraph.

17. Section 115 of the Act is amended by replacing “, 99.1 or 112” in the first paragraph by “or 99.1”.

18. Section 115.1 of the Act is amended by striking out “or 112” in subparagraph 2 of the first paragraph.

19. The Act is amended by inserting the following after section 118.1:

“**TITLE IV.1**

“SPECIAL PROVISIONS APPLICABLE TO THE URBAN AGGLOMERATIONS OF QUÉBEC AND LONGUEUIL

“**CHAPTER I**

“ALIQUOT SHARES

“**118.2.** An expenditure incurred by Ville de Québec or Ville de Longueuil in the exercise of an urban agglomeration power is financed by the aliquot shares paid by the related municipalities of the urban agglomeration concerned.

The first paragraph does not prevent the central municipality from financing such an expenditure by revenue from a source other than a tax or a compensation. The only mode of tariffing that may be provided for by the central municipality for that purpose is a fixed amount referred to in subparagraph 3 of the second paragraph of section 244.2 of the Act respecting municipal taxation (chapter F-2.1) or an amount exigible in the same manner as a subscription.

“**118.3.** Urban agglomeration expenditures are apportioned among the related municipalities in proportion to their respective fiscal potentials within the meaning of section 261.5 of the Act respecting municipal taxation (chapter F-2.1), which applies after replacing “0.48” in subparagraph 2 of the first paragraph by “1.65”.

However, the urban agglomeration council may provide, by a by-law subject to the right of objection under section 115,

(1) that all or part of the urban agglomeration expenditures be apportioned according to another criterion, including any change to an element of the criterion set out in the first paragraph; or

(2) that a related municipality not contribute to the payment of part of those expenditures.

“**118.4.** The urban agglomeration council may, by a by-law subject to the right of objection under section 115, prescribe the manner in which the aliquot shares and their payment by the related municipalities are determined.

The by-law may, in particular, prescribe, for every possible situation with respect to the coming into force of the part of the budget of the central municipality related to the exercise of its urban agglomeration powers,

(1) the date on which the data used to establish provisionally or finally the basis of apportionment of the urban agglomeration expenditures are to be considered;

(2) the time limit for determining each aliquot share and for informing each related municipality of it;

(3) the obligation of each related municipality to pay its aliquot share in a single payment or its right to pay it in a certain number of instalments;

(4) the time limit within which each instalment must be paid;

(5) the rate of interest payable on an outstanding instalment; and

(6) the adjustments that may result from the deferred coming into force of a part of the budget of the central municipality related to the exercise of its urban agglomeration powers or from the successive use of provisional and final data in determining the basis of apportionment of the urban agglomeration expenditures.

"**118.5.** For the purpose of financing the urban agglomeration expenditure that is the contribution of the central municipality to the financing of the expenditures of the transit authority governed by the Act respecting public transit authorities (chapter S-30.01) whose territory corresponds to the urban agglomeration, section 488 of the Cities and Towns Act (chapter C-19) applies to each related municipality as if the aliquot share was an amount payable directly to the transit authority.

"**CHAPTER II**

"MODIFICATIONS

"**118.6.** This chapter applies for the purpose of modifying or rendering inapplicable certain provisions of this Act with regard to the urban agglomerations of Québec and Longueuil.

"**DIVISION I**

"MODIFICATIONS APPLICABLE TO THE URBAN AGGLOMERATION OF LONGUEUIL

"**118.7.** Section 19 is modified

(1) by striking out paragraph 3;

(2) by replacing paragraph 5 by the following paragraphs:

"(5) water supply as far as the following equipment is concerned:

(*a*) water collection works, including water intakes;

(*b*) supply lines;

(*c*) filtration plants;

(*d*) reservoirs;

(*e*) chlorination stations; and

(*f*) any other equipment on the list drawn up under section 39;

"(5.1) water purification as far as the following equipment is concerned:

(*a*) treatment plants;

(*b*) outfalls;

(*c*) pumping or lift stations that ensure gravity flow to a treatment plant; and

(*d*) any other equipment on the list drawn up under section 39;";

(3) by striking out "industrial parks and" in subparagraph *e* of paragraph 11.

"**118.8.** Division III of Chapter II of Title III, comprising sections 22 to 24.1, does not apply.

"**118.9.** Sections 25 to 28 are replaced by the following section:

"**25.** The exclusive jurisdiction of Ville de Longueuil over water purification does not apply in the territory of Ville de Saint-Bruno-de-Montarville."

"**118.10.** Section 115 is modified by replacing "22, 27, 30, 34, 36, 38, 39, 41, 47, 55, 56, 69, 78, 85 or 99.1" in the first paragraph by "30, 37, 38, 39, 41, 47, 55, 56, 69, 99.1, 118.3 or 118.4".

"**DIVISION II**

"MODIFICATIONS APPLICABLE TO THE URBAN AGGLOMERATION OF QUÉBEC

"**118.11.** Section 19 is modified by striking out "industrial parks and" in subparagraph *e* of paragraph 11.

“**118.12.** Section 115 is modified by replacing “22, 27, 30, 34, 36, 38, 39, 41, 47, 55, 56, 69, 78, 85 or 99.1” in the first paragraph by “22, 27, 30, 37, 38, 39, 41, 47, 55, 56, 69, 99.1, 118.3 or 118.4”.

“**DIVISION III**

“MODIFICATIONS APPLICABLE TO BOTH URBAN AGGLOMERATIONS

“**118.13.** Division VIII of Chapter II of Title III, comprising sections 32 to 36, does not apply.

“**118.14.** Section 37 is replaced by the following section:

“**37.** The exclusive jurisdiction of the central municipality over assistance intended specifically for business consists, as regards tax credits, in prescribing, by a by-law subject to the right of objection under section 115, the rules that a related municipality, including the central municipality, must comply with when establishing a program for granting such a credit.”

“**118.15.** Section 46 is modified by striking out “or levy taxes” in the second line of the second paragraph.

“**118.16.** Section 70 is modified by replacing “tout” in the first line in the French text by “le”.

“**118.17.** Section 76 is modified

(1) by replacing “any tax or other method of financing imposed” in the first and second lines of the first paragraph by “any method of financing ordered”;

(2) by striking out the second paragraph.

“**118.18.** Sections 78 to 89, 91 to 99 and 100 to 108 do not apply.

“**118.19.** Section 110 is modified by replacing “taxes and other methods of financing imposed” in the seventh line of the first paragraph by “methods of financing ordered”.

“**118.20.** Section 114 does not apply.

“**118.21.** Section 115.1 is modified

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

“(1) is provided for under section 118.3 or 118.4;”;

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

"The possibility that an overpayment of an aliquot share referred to in section 118.2 be used to reduce an aliquot share determined for the following fiscal year is one way of managing the resolutory effects of a refusal."

"**118.22.** Section 116 is modified by striking out the first paragraph.

"**118.23.** Section 118.1 is modified by replacing "When the taxes and other revenues" at the beginning of the third paragraph by "When the revenues"."

20. The Act is amended by replacing "agglomeration" in section 33 and in the heading of Chapter IV of Title V by "urban agglomeration".

ACT RESPECTING MUNICIPAL TAXATION

21. Section 243.4 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by striking out the third paragraph.

22. Section 243.15 of the Act is amended by adding the following paragraph at the end:

"Recognition giving rise to a business tax exemption also lapses by operation of law if the municipality having jurisdiction ceases to impose the tax."

23. Section 243.16 of the Act is amended

(1) by replacing "of recognition by operation of law" in the first line of the first paragraph by "provided for in the first paragraph of section 243.15";

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

"The lapsing provided for in the second paragraph of section 243.15 takes effect on 1 January of the fiscal year for which the business tax ceases to be imposed."

24. Section 254.1 of the Act is amended by adding the following paragraph at the end:

"If, under the regulation, the Minister is required to pay the amount in respect of an immovable contemplated in any of the last three paragraphs of section 255, sending an extract from the property assessment roll concerning the immovable, as provided for in section 80.2, stands in lieu of filing the demand for payment in respect of the immovable. The substitution is only valid if the extract includes every entry contained on the roll and needed to calculate the amount and if the extract is sent within the time limit prescribed in section 80.2. It is not valid in respect of a demand for payment resulting from an alteration to the roll."

CIVIL PROTECTION ACT

25. Section 43 of the Civil Protection Act (R.S.Q., chapter S-2.3) is amended by adding the following at the end of the second paragraph: "The council may designate one of its members to act as acting mayor if the mayor is absent or unable to act. If the council of Ville de Montréal avails itself of this power, it may also designate the chair of the Commission de la sécurité publique of the urban agglomeration of Montréal to replace the mayor if the designated council member is absent."

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

26. Section 11 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is replaced by the following section:

"**11.** Despite section 6, the board of directors of the Société de transport de Longueuil is composed of 12 members designated as follows:

(1) Ville de Longueuil, acting through its regular council, designates six members from that council;

(2) Ville de Longueuil, acting through its urban agglomeration council, designates two members from among the residents of the urban agglomeration, one of whom is a user of the public transit system and one of whom is a user of services adapted to the needs of handicapped persons;

(3) each of the other municipalities whose territory is included in the urban agglomeration designates one member from among its council members.

For the purposes of subparagraph 2 of the first paragraph, one of the users must be a resident of the central municipality and the other a resident of another municipality whose territory is included in the urban agglomeration."

27. Section 158 of the Act is amended by replacing the second paragraph by the following paragraph:

"That part of the program must be sent for approval to the Communauté métropolitaine de Montréal; a copy must also be sent to the Agence métropolitaine de transport. Sections 134 and 135 apply with the necessary modifications."

28. The Act is amended by inserting the following section after section 158:

"**158.1.** In addition to the approvals required under section 123, loans ordered by the Société de transport de Montréal for the subway network must also be approved by the Communauté métropolitaine de Montréal when the term of repayment exceeds five years."

29. The Act is amended by replacing "agglomeration" wherever it appears in sections 1, 8, 9 and 114 by "urban agglomeration".

MUNICIPAL WORKS ACT

30. Section 2 of the Municipal Works Act (R.S.Q., chapter T-14) is amended

(1) by inserting the following paragraphs after paragraph 2:

"(2.1) a part of its working fund not otherwise appropriated;

"(2.2) a part of the sums obtained by means of a loan ordered by a by-law referred to in the second paragraph of section 544 of the Cities and Towns Act (chapter C-19) or article 1063 of the Municipal Code of Québec (chapter C-27.1) not otherwise appropriated;";

(2) by replacing "two or three" in the first line of paragraph 4 by "two or more".

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

31. Section 54 of the Act to amend the Act respecting municipal courts, the Courts of Justice Act and other legislative provisions (2002, chapter 21) is amended by replacing "2007" by "2008".

OTHER AMENDING PROVISIONS

Québec

32. Section 33 of Order in Council 1211-2005 dated 7 December 2005, concerning the urban agglomeration of Québec, amended by section 57 of Order in Council 1003-2006 dated 2 November 2006, is again amended by inserting ", except those situated in an industrial park," after "September 2005".

33. Section 34 of the Order in Council is amended by inserting ", except those situated in an industrial park," after "2005" in the fourth line.

34. Section 54 of the Order in Council, amended by section 61 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing "the general urban agglomeration property tax" in the third paragraph by "revenues deriving from the aliquot shares paid by the related municipalities".

35. Sections 56, 57 and 58 of the Order in Council are repealed.

36. Section 60 of the Order in Council is amended by replacing the seventh paragraph by the following paragraph:

"For the purpose of financing the expenditures resulting from the application of the third, fourth and fifth paragraphs, the urban agglomeration council may set by by-law the aliquot share of the expenditures relating to a contract or agreement that is to be payable by each municipality concerned."

37. Section 62.1 of the Order in Council, enacted by section 62 of Order in Council 1003-2006 dated 2 November 2006, is repealed.

Longueuil

38. Section 5 of Order in Council 1214-2005 dated 7 December 2005, concerning the urban agglomeration of Longueuil, is amended by adding the following at the end of the third paragraph: "However, if the mayor made the designation in advance and neither the mayor nor the designated person is present at a meeting of the urban agglomeration council, the council of the related municipality has exclusive power, until the next general election, to designate a councillor to replace the mayor."

39. Section 13 of the Order in Council, amended by section 12 of Order in Council 549-2006 dated 14 June 2006, by section 2 of Order in Council 910-2006 dated 5 October 2006 and by section 65 of Order in Council 1003-2006 dated 2 November 2006, is replaced by the following section:

"13. Subject to any provision of an Act requiring a decision to be made unanimously, the decisions of the urban agglomeration council are made by a two-thirds majority of the votes of the members of the council.

When a proposal submitted to the urban agglomeration council is the subject of a negative decision, it may, unless the decision was made by a two-thirds majority of the votes of the members of the council, be submitted to the Commission municipale du Québec, which then decides instead of the council, without however being able to change the proposal.

The decision of the urban agglomeration council to submit the proposal to the Commission municipale du Québec is made by a majority of the votes cast by the representatives of the central municipality or by the representatives of the reconstituted municipalities. For the purposes of that decision and despite section 12, the quorum that applies is a majority of the representatives of the central municipality or the representatives of the reconstituted municipalities, depending on whether the decision is made by the first or the second group.

If that is the case, the central municipality is to send to the Commission all the documents useful or necessary for making a decision, and any other document requested by the Commission. The Commission's decision is considered to be a decision of the urban agglomeration council, except that the right of objection under section 115 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations does not apply."

40. The Order in Council is amended by inserting the following section after section 13:

"13.1. If, during the discussion and vote on a matter referred to the urban agglomeration council, a member of the regular council of the central municipality or the council of a reconstituted municipality does not act in conformity with the stance taken by the council of the municipality the member represents, or does not take part in the discussion or vote, the member is deemed to have voted in conformity with the stance taken by the council of the municipality the member represents.

The first paragraph applies to the extent that the decision made by the regular council of the central municipality or the council of a reconstituted municipality was sent to the urban agglomeration council before the meeting in which the matter referred to in the first paragraph was referred to it."

41. Sections 34 to 36 of the Order in Council are repealed.

42. Section 57 of the Order in Council, amended by section 72 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing "the general urban agglomeration property tax" in the fourth paragraph by "revenues deriving from the aliquot shares paid by the related municipalities".

43. Sections 61 and 62 of the Order in Council are repealed.

44. Section 68 of the Order in Council is amended by replacing the seventh paragraph by the following paragraph:

"For the purpose of financing the expenditures resulting from the application of the third, fourth and fifth paragraphs, the urban agglomeration council may set by by-law the aliquot share of the expenditures relating to a contract or agreement that is to be payable by each municipality concerned."

45. Section 70.2 of the Order in Council, enacted by section 18 of Order in Council 549-2006 dated 14 June 2006 and amended by section 73 of Order in Council 1003-2006 dated 2 November 2006, is repealed.

46. Section 70.4 of the Order in Council, enacted by section 18 of Order in Council 549-2006 dated 14 June 2006 and amended by section 74 of Order in Council 1003-2006 dated 2 November 2006, is repealed.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

47. A reconstituted municipality, within the meaning of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), whose property assessment roll came into force on 1 January 2007 and has an extended application period ordered under the second paragraph of section 140 of the Act to again amend various legislative provisions respecting municipal affairs (2006, chapter 60), that did not apply, in 2007, the modifications concerning the averaging of the variation in the taxable values resulting from the coming into force of the property assessment roll provided for in the schedule to the latter Act, despite section 144 of that

Act, may continue to not apply them if it adopts a resolution to that effect before its budget or any part of its budget for the fiscal year 2008 is adopted.

Acts performed by a municipality referred to in the first paragraph in relation to an averaging measure may not be invalidated on the ground that the municipality did not apply in 2007 the modifications relating to that measure provided for in the schedule mentioned in the first paragraph.

48. For the purposes of sections 138 to 144 and the schedule to the Act to again amend various legislative provisions respecting municipal affairs (2006, chapter 60), the urban agglomeration council of Ville de Longueuil may adopt the resolution referred to in the first paragraph of section 141 of that Act before 14 November 2007. The following modifications apply for that urban agglomeration:

(1) the second and third paragraphs of section 143 of the Act are replaced by the following paragraph:

"In the case referred to in the second paragraph of section 140, a municipality that has begun to apply the averaging measure for its property assessment roll whose application period has been extended may decide to apply it with the modifications set out in the schedule, according to the rules applicable for the third and fourth fiscal years for which the property assessment roll applies. The resolution by which the municipality makes the decision must be adopted before its budget or any part of its budget for the fiscal year 2008 is adopted.";

(2) the second paragraph of section 144 of the Act is modified by replacing "2007" by "2008";

(3) paragraph 2 of sections 3 to 6 and 13 of the schedule to the Act are modified by replacing "three quarters" by "five sixths".

Acts performed before 25 October 2007, in anticipation of the coming into force of this section, with a view to the extension of the application period of the roll of a related municipality of the urban agglomeration of Longueuil, are valid.

49. Recognition giving rise to a business tax exemption and granted by the Commission municipale du Québec under Division III.0.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) ceases to be in force on 25 October 2007 if, on that date, the business tax is not imposed in the territory of the local municipality in which the immovable concerned is situated.

For the purposes of subdivisions 1 to 5 and 7 of Division III.0.1 of Chapter XVIII of the Act respecting municipal taxation, Ville de Montréal is deemed to have imposed the business tax for the purposes of the fiscal year 2007.

50. A decision made by a local municipality between 13 June 2002 and 25 October 2007 to order construction or improvement work, the cost of which is financed by sums obtained by means of a loan ordered by a by-law referred to in the second paragraph of section 544 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 1063 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), may not be declared invalid solely because it was made by resolution.

51. Subject to the second paragraph, sections 2 to 9.1 of Order in Council 1210-2005 dated 7 December 2005, concerning various taxation measures related to the reorganization, do not apply to the related municipalities of the urban agglomerations of Québec and Longueuil.

The provisions referred to in the first paragraph continue to have effect, for the purposes of section 149 of chapter 60 of the statutes of 2006, with the necessary modifications, with respect to the reconstituted municipalities of those urban agglomerations. The modifications include replacing the third paragraph of that section by the following paragraph:

"The amount of the loan may not exceed the total amount that the reconstituted municipality could have paid the central municipality for the fiscal year concerned, under section 3 of the Order in Council mentioned in the first paragraph, in respect of all the categories of immovables."

52. The urban agglomeration council of Ville de Québec or Ville de Longueuil may, by a by-law subject to the right of objection under section 115 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), determine the change in the tax burden, for the related municipalities and their ratepayers arising, in the case of the urban agglomeration of Québec, from sections 15 to 19 and 32 to 36 and, in the case of the urban agglomeration of Longueuil, from sections 10, 12, 15 to 19 and 38 to 46, and provide measures for averaging the change in the tax burden over a maximum period of 10 years.

A related municipality may borrow to reduce the financial impact of any change in the tax burden arising from the sections referred to in the first paragraph. The maximum term of the loan is 10 years and it may not be renewed. The loan by-law only requires the approval of the Minister of Municipal Affairs and Regions.

53. From 25 October 2007, the urban agglomeration council of Ville de Québec or Ville de Longueuil may, for the purpose of preparing its budget and that of the related municipalities for the fiscal year 2008, adopt a by-law under sections 118.3 and 118.4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), enacted by section 19. It may also, from that date, make any administrative decision to implement the changes arising from sections 10, 12, 15 to 19, 38 to 46 and 51 in the case of the urban agglomeration of Longueuil, and from sections 15 to 19, 32 to 36 and 51 in the case of the urban agglomeration of Québec.

From 25 October 2007, the regular council of Ville de Québec or Ville de Longueuil and the council of each reconstituted municipality of the urban agglomeration of Québec or Longueuil may, for the purpose of preparing their budget for the fiscal year 2008, make any administrative decision to implement the changes provided for in sections 15 to 19, 32 to 36 and 51 in the case of the related municipalities of the urban agglomeration of Québec, and in sections 10, 12, 15 to 19, 38 to 46 and 51 in the case of the related municipalities of the urban agglomeration of Longueuil. They may also adopt a by-law providing for taxes and other financing methods for the collection of the revenues to finance the new expenditures arising from those changes.

54. A by-law ordering a loan, adopted by the urban agglomeration council of Québec or Longueuil before 25 October 2007 and imposing a tax or requiring a compensation to finance the repayment of the loan, is deemed to be amended for the purpose of replacing that tax or compensation by aliquot shares payable by the related municipalities and providing the central municipality with the same revenue the tax or compensation would have brought in.

Every related municipality must, in any by-law on the financing of an aliquot share referred to in the first paragraph, impose a tax on the same immovables or require a compensation from the same persons as would have been affected by the urban agglomeration tax or compensation.

55. A loan by-law of a reconstituted municipality of the urban agglomeration of Québec or Longueuil made for the purposes of a loan under a provision mentioned in the first paragraph of section 51 to reduce the amount of taxes imposed for a fiscal year before the fiscal year 2008 continues to have effect.

56. The Conseil des arts de Montréal established by section 231.2 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), enacted by section 4, succeeds to the rights and obligations of the Conseil des arts de Montréal established by section 58 of the Charter, as it read before being repealed by section 3.

Any by-law in force on 24 October 2007 and made under section 60 of the Charter of Ville de Montréal, as it read before being repealed by section 3, is deemed to be a by-law made under section 231.4 of Schedule C to the Charter, enacted by section 4.

Until 31 December 2007, section 231.14 of Schedule C to the Charter of Ville de Montréal, enacted by section 4, must be read as follows:

"**231.14.** The funds available to the arts council are used exclusively to defray the administrative costs of the arts council and to pay grants, prizes and other forms of financial assistance in keeping with the strategic guidelines adopted by the urban agglomeration council."

57. The thoroughfares and water or sewer mains, except the mains referred to in paragraphs 5 and 5.1 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), that are the property of Ville de Longueuil under sections 24.1 and 27.1 of that Act become, on 1 January 2008, the property of the municipality in whose territory they are situated.

58. An immovable situated in an industrial park included in the territory of the urban agglomeration of Québec or Longueuil that, on 31 December 2007, is the property of the central municipality becomes, on 1 January 2008, the property of the reconstituted municipality in whose territory the immovable is situated.

59. Ville de Saint-Augustin-de-Desmaures succeeds to the rights and obligations of Ville de Québec with respect to the Corporation de développement économique de Saint-Augustin-de-Desmaures inc.

60. The members referred to in section 44.2 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), enacted by section 14, must be designated before 24 November 2007. If any of the members has not been designated by that date, the Minister of Municipal Affairs and Regions designates them.

61. The first mandate of the board of arbitration established under section 44.1 of that Act, enacted by section 14, is to revise

(1) the document referred to in section 22 of that Act that identifies the thoroughfares forming the arterial road system in the urban agglomeration;

(2) the document referred to in section 27 of that Act that identifies the water and sewer mains that are not purely local; and

(3) the list of equipment, infrastructures and activities of collective interest referred to in section 39 of that Act, taking into account the conditions and criteria set out in section 40 of that Act.

The mandate of the board concerns only the thoroughfares, mains, equipment and infrastructures acquired or built by a related municipality before 25 October 2007 and the activities carried on before that date.

The revised documents and list must be sent to the related municipalities and to the Minister of Municipal Affairs and Regions before 24 December 2007; they come into force on the date of their publication in the *Gazette officielle du Québec*. If the revised document is a map, plan or other illustration, it comes into force on the date of the publication in the *Gazette officielle du Québec* of the decision of the board referring to that document.

62. The term of the members of the board of directors of the Société de transport de Longueuil ends on 31 December 2007.

63. As of the fiscal year 2008, the Gouvernement du Québec must pay an annual sum of $1,400,000 to Ville de Québec, in addition to any amount it already pays the city.

64. The coming into force of this Act terminates any proceedings relating to a contestation of the following acts of Ville de Québec:

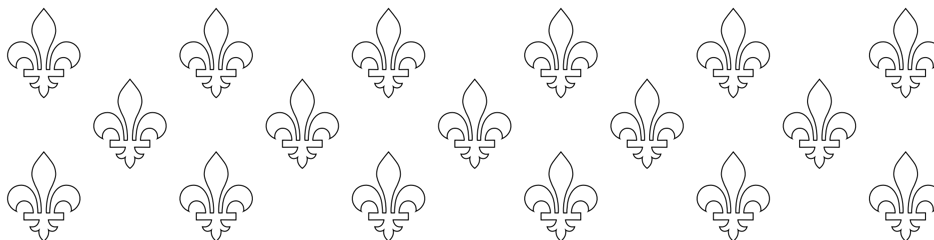
(1) resolutions CA-2005-0004 and CA-2006-0451 adopting the budgets related to the urban agglomeration powers for the fiscal years 2006 and 2007 and those budgets;

(2) the Règlement de l'agglomération sur l'imposition des taxes et des compensations pour l'exercice financier de 2006, R.A.V.Q. 7, and the Règlement de l'agglomération sur l'imposition des taxes et des compensations pour l'exercice financier de 2007, R.A.V.Q. 107;

(3) the Règlement de l'agglomération sur le partage des dépenses mixtes, R.A.V.Q. 5, the Règlement modifiant le Règlement de l'agglomération sur le partage des dépenses mixtes, R.A.V.Q. 38, and the Règlement modifiant le Règlement de l'agglomération sur le partage des dépenses mixtes relativement à certaines dépenses, R.A.V.Q. 27.

65. Section 7 has effect from 1 January 2006.

66. This Act comes into force on 25 October 2007, except sections 10, 12, 15 to 19, 26, 32 to 46, 51, 55 and 57 to 59, which come into force on 1 January 2008.



NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 8

(2007, chapter 13)

An Act to amend the Act respecting the Société de développement des entreprises culturelles

Introduced 15 June 2007
Passed in principle 18 October 2007
Passed 6 November 2007
Assented to 7 November 2007

Québec Official Publisher
2007

EXPLANATORY NOTES

The object of this bill is to subject the Société de développement des entreprises culturelles to the Act respecting the governance of state-owned enterprises and to introduce into the Act constituting the Société new governance rules adapted to the Société.

The new rules concern, among other things, the composition of the board of directors. The bill states that the board of directors is to consist of 15 members, including the chair of the board and the president and chief executive officer. It prescribes that at least eight of the members, including the chair, must qualify as independent directors in the opinion of the Government. The bill also separates the functions of the chair of the board and those of the president and chief executive officer and prescribes the rules of appointment for both positions.

Subjecting the Société to the Act respecting the governance of state-owned enterprises will make new rules applicable relating among other things to the operation of the board of directors, the establishment of the committees under the authority of the board of directors, and the disclosure and publication of information.

Lastly, the bill includes transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02);

– Act respecting the Société de développement des entreprises culturelles (R.S.Q., chapter S-10.002).

Bill 8

AN ACT TO AMEND THE ACT RESPECTING THE SOCIÉTÉ DE DÉVELOPPEMENT DES ENTREPRISES CULTURELLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE SOCIÉTÉ DE DÉVELOPPEMENT DES ENTREPRISES CULTURELLES

1. Section 5 of the Act respecting the Société de développement des entreprises culturelles (R.S.Q., chapter S-10.002) is replaced by the following sections:

"**5.** The Société is administered by a board of directors consisting of 15 members, including the chair and the president and chief executive officer. At least eight of the members, including the chair, must qualify as independent directors in the opinion of the Government.

The Government shall appoint the members of the board other than the chair and the president and chief executive officer, based on the expertise and experience profiles approved by the board, after consultation with bodies considered by the Minister to be representative of the sectors concerned by the activities of the Société. The members are appointed for a term of up to four years and are chosen as follows:

(1) two persons active in the field of cinema or television production;

(2) two persons active in the field of sound recording or variety shows;

(3) two persons active in the book industry or in the field of specialized publishing;

(4) two persons active in the field of fine crafts;

(5) two persons active in a cultural field other than those referred to in subparagraphs 1 to 4; and

(6) three persons active in a field other than a cultural field.

"**5.1.** The Government shall appoint the chair of the board of directors for a term not exceeding five years.

“**5.2.** On the recommendation of the board of directors, the Government shall appoint the president and chief executive officer based on the expertise and experience profile approved by the board.

The president and chief executive officer is appointed for a term of up to five years. The office of president and chief executive officer is a full-time position.

“**5.3.** If the board of directors does not recommend someone for the position of president and chief executive officer in accordance with section 5.2 within a reasonable time, the Government may appoint the president and chief executive officer after notifying the board members.

“**5.4.** If the president and chief executive officer is absent or unable to act, the board of directors may designate a member of the Société’s personnel to exercise the functions of that position.”

2. Section 6 of the Act is repealed.

3. Section 8 of the Act is repealed.

4. Section 9 of the Act is repealed.

5. Section 10 of the Act is amended by striking out the second paragraph.

6. Section 11 of the Act is amended by replacing “chairman’s remuneration, employment benefits and other conditions of employment” in the first paragraph by “remuneration, employment benefits and other conditions of employment of the president and chief executive officer”.

7. Section 12 of the Act is amended by replacing “chairman” in the first line of the second paragraph by “president and chief executive officer”.

8. Section 14 of the Act is repealed.

9. Section 15 of the Act is repealed.

10. Section 40 of the Act is amended

(1) by replacing “chairman” in the second line of the first paragraph by “chair of the board of directors, the president and chief executive officer of the Société”;

(2) by replacing “chairman” in the fifth line of the second paragraph by “chair of the board of directors or the president and chief executive officer”.

11. The Act is amended by replacing “chairman” wherever it appears in sections 29, 30 and 41 by “chair”.

12. The Act is amended by adding the following section after section 44:

"**44.1.** The Société must provide the Minister with any information the Minister requests concerning the Société."

ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

13. Schedule I to the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02) is amended by inserting "Société de développement des entreprises culturelles" in alphabetical order.

TRANSITIONAL AND FINAL PROVISIONS

14. The requirements relating to the number of independent directors on the board of the Société de développement des entreprises culturelles and to the independence of the chair provided in the first paragraph of section 5 of the Act respecting the Société de développement des entreprises culturelles (R.S.Q., chapter S-10.002) enacted by section 1 of this Act, and the requirement provided in the second paragraph of section 19 of the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02) apply as of the date set by the Government. That date must be set as soon as possible and those sections are to apply not later than 14 December 2011.

The same applies to the requirement that the audit committee include a member of one of the professional orders of accountants as set out in the second paragraph of section 23 of the Act respecting the governance of state-owned enterprises.

15. The Government may, in accordance with the Act respecting the governance of state-owned enterprises, determine that a member of the board of directors of the Société de développement des entreprises culturelles, in office on 6 November 2007, has the status of independent director.

16. A member of the board of directors of the Société de développement des entreprises culturelles in office on 6 November 2007 who has not obtained the status of independent director under section 15 of this Act may, despite section 19 of the Act respecting the governance of state-owned enterprises, be a member of a committee referred to in section 19 until such time as the number of independent directors on the Société's board reaches the number set in section 5 of the Act respecting the Société de développement des entreprises culturelles enacted by section 1 of this Act.

17. The members of the board of directors of the Société de développement des entreprises culturelles in office on 6 November 2007 continue in office, on the same conditions, until replaced or reappointed.

The chairman of the Société continues in office as president and chief executive officer for the duration of the term, on the same conditions.

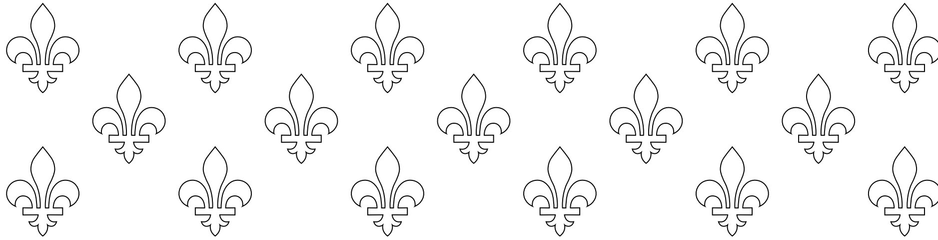
The chairman of the Société acts as chair of the board until that position is filled in accordance with section 5.1 of the Act respecting the Société de développement des entreprises culturelles enacted by section 1 of this Act.

18. Sections 36, 38 and 39 of the Act respecting the governance of state-owned enterprises apply to the Société de développement des entreprises culturelles from the fiscal year ending after 31 March 2008.

19. In addition to the transitional provisions provided in this Act, the Government may, by a regulation made before 7 November 2008, enact any other transitional provision or measure conducive to the carrying out of this Act.

A regulation made under this section is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

20. This Act comes into force on 7 November 2007.



NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 17

(2007, chapter 14)

An Act to amend the Public Curator Act and the Act respecting the Ministère du Revenu

Introduced 21 June 2007
Passed in principle 17 October 2007
Passed 6 November 2007
Assented to 7 November 2007

Québec Official Publisher
2007

EXPLANATORY NOTES

This bill amends the Public Curator Act in order to add property that is to be granted because of the conversion of a mutual insurance association into a joint-stock company to the list of property that may be considered as unclaimed property within the meaning of that Act.

The bill also amends the Act respecting the Ministère du Revenu so that tax information may be used within the Ministère du Revenu for the provisional administration of property entrusted to the Minister of Revenue under an Act.

LEGISLATION AMENDED BY THIS BILL:

– Public Curator Act (R.S.Q., chapter C-81);

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

Bill 17

AN ACT TO AMEND THE PUBLIC CURATOR ACT AND THE ACT RESPECTING THE MINISTÈRE DU REVENU

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 24.1 of the Public Curator Act (R.S.Q., chapter C-81) is amended by inserting the following paragraph after paragraph 3:

"(3.1) property to be granted because of the conversion of a mutual insurance association into a joint-stock company for which the interested party has made no claim, engaged in no transaction or given no instruction within the three years following the date on which the conversion was made;".

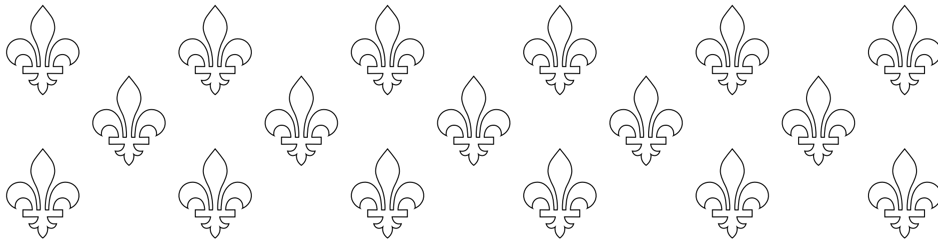
2. Section 69.0.0.7 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 43 of chapter 38 of the statutes of 2006, is again amended by adding the following subparagraph after subparagraph *b*.1 of the first paragraph:

"(*b*.2) the provisional administration of property entrusted to the Minister under an Act;".

3. Sections 24.2, 24.3 and 26 to 26.4, the second paragraph of section 26.5 and section 26.6 of the Public Curator Act apply to property that became unclaimed property within the meaning of paragraph 3.1 of section 24.1 of that Act before 21 June 2007.

However, the obligation imposed on debtors or holders of property described in that paragraph 3.1 to transfer that property to the Minister of Revenue with the related statement, as well as the time from which they owe interest on that property, are deferred for as many days as necessary to afford them one year from 7 November 2007 to give interested parties the notice provided for in section 26 of that Act.

4. This Act comes into force on 7 November 2007.



NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 19

(2007, chapter 15)

An Act to amend the Securities Act and other legislative provisions

Introduced 21 June 2007
Passed in principle 18 October 2007
Passed 8 November 2007
Assented to 9 November 2007

Québec Official Publisher
2007

EXPLANATORY NOTES

This bill amends the Securities Act to introduce a special civil remedy so that investors in the secondary securities market may bring actions for damages if issuers release documents or statements containing a misrepresentation or fail to disclose a material change. The bill identifies the parties against whom such actions may be brought and determines the plaintiff's burden of proof.

In addition, the bill determines the defences available to defendants, the maximum amount of damages that defendants may be ordered to pay and the procedure for bringing actions, including the requirement to obtain the prior authorization of the court. The bill also makes the amendments necessary to include the remedy in the Securities Act.

Moreover, the bill amends the Deposit Insurance Act to raise the guarantee limit to $100,000, the Act respecting the Autorité des marchés financiers to clarify privative clauses designed to protect the Authority, and the Act respecting the distribution of financial products and services to allow the Autorité des marchés financiers to suspend the certificate of a representative who has not complied with professional development requirements. Lastly, the bill contains consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

– Deposit Insurance Act (R.S.Q., chapter A-26);

– Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2);

– Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2);

– Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);

– Securities Act (R.S.Q., chapter V-1.1).

Bill 19

AN ACT TO AMEND THE SECURITIES ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 73 of the Securities Act (R.S.Q., chapter V-1.1) is amended by replacing "statement of material change" in the third paragraph by "material change report".

2. The Act is amended by replacing "annual information statement" in the heading of Chapter III of Title III, section 84 and subparagraph 1 of the second paragraph of section 85 by "annual information form".

3. The Act is amended by inserting the following section after the heading of Title VIII:

"**213.1.** This Title sets rules applicable to certain actions for rescission, for revision of the price or for damages. It also sets rules applicable when privileged information is used in contravention of certain provisions concerning insiders, and rules applicable when this Act or a regulation made under this Act is contravened in connection with a take-over bid or issuer bid.

More particularly, Chapters I and II of this Title establish rules relating to actions for damages resulting from the subscription, acquisition or disposition of securities to which this Title applies. They do not prevent an action for damages from being brought under ordinary civil liability rules."

4. Section 215 of the Act is amended by replacing "transferred" and "transfer" in the first paragraph by "disposed of" and "disposal" respectively.

5. The Act is amended by inserting the following section after section 215:

"**215.1.** The plaintiff in an action for damages is not required to prove that the plaintiff subscribed for, acquired or disposed of securities because the distribution, take-over bid or issuer bid was made without a prospectus or without a circular, or because the plaintiff did not receive a prospectus or a circular that the plaintiff was entitled to receive."

6. The heading of Chapter II of Title VIII of the Act is amended by striking out "TRANSACTIONS EFFECTED WITH DOCUMENTS CONTAINING A".

7. Section 222 of the Act is amended

(1) by replacing "transferred" in the first paragraph by "disposed of";

(2) by replacing "transfer" by "disposal" wherever it appears.

8. Section 224 of the Act is amended by replacing "transfer" in paragraph 2 by "disposal".

9. The Act is amended by inserting the following heading after the heading of Chapter II of Title VIII:

"**DIVISION I**

"PRIMARY MARKET AND TAKE-OVER OR ISSUER BIDS".

10. The Act is amended by inserting the following sections after section 225:

"**225.0.1.** A defendant may defeat an action based on a misrepresentation in forward-looking information by proving that

(1) the document containing the forward-looking information contained, proximate to that information,

(*a*) reasonable cautionary language identifying the forward-looking information as such, and identifying material factors that could cause actual results to differ materially from a conclusion, forecast or projection in the forward-looking information; and

(*b*) a statement of the material factors or assumptions that were applied in drawing a conclusion or making a forecast or projection; and

(2) the defendant had a reasonable basis for drawing the conclusions or making the forecasts or projections set out in the forward-looking information.

This section does not apply to forward-looking information in a financial statement required to be filed under this Act or the regulations or in a document released in connection with an initial public offering.

"**225.0.2.** The plaintiff is not required to prove that the plaintiff relied on the document containing a misrepresentation when the plaintiff subscribed for, acquired or disposed of a security."

11. The Act is amended by inserting the following before Chapter III of Title VIII:

"**DIVISION II**

"SECONDARY MARKET

"§1. — *Scope and interpretation*

"**225.2.** This division applies to any person who acquires or disposes of a security of a reporting issuer or of any issuer closely connected to Québec whose securities are publicly traded.

However, this division does not apply to a person that subscribes for or acquires a security during the period of a distribution of securities made with a prospectus or, unless otherwise provided by regulation, under a prospectus exemption granted by this Act, a regulation made under this Act or a decision of the Authority; nor does it apply to a person that acquires or disposes of a security in connection with or pursuant to a take-over bid or issuer bid, unless otherwise provided by regulation, or to a person that makes any other transaction determined by regulation.

"**225.3.** In this division, unless the context indicates otherwise,

"core document" means a prospectus, a take-over bid circular, an issuer bid circular, a directors' circular, a notice of change or variation in respect of a take-over bid circular, issuer bid circular or directors' circular, a rights offering circular, management's discussion and analysis, an annual information form, a proxy solicitation circular, the issuer's annual and interim financial statements and any other document determined by regulation, and a material change report, but only where used in relation to the issuer or the investment fund manager and their officers;

"document" means any writing that is filed or required to be filed with the Authority, with a government or an agency of a government under applicable securities or corporate law, or with a stock exchange or quotation and trade reporting system under its by-laws, or the content of which would reasonably be expected to affect the market price or value of a security of the issuer;

"expert" means a person whose profession gives authority to a statement made in a professional capacity by the person, including an accountant, actuary, appraiser, auditor, engineer, financial analyst, geologist, advocate or notary, but not including an entity that is an approved rating organization defined by regulation;

"influential person" means, in respect of an issuer, a control person, a promoter, an insider who is not a director or officer of the issuer, or an investment fund manager, if the issuer is an investment fund;

"issuer's security" means a security of an issuer and includes a security the market price or value of which, or payment obligations under which, are derived from or based on a security of the issuer and which is created by a person acting on behalf of the issuer or is guaranteed by the issuer;

"management's discussion and analysis" means the section of an annual information form, annual report or other document that contains management's discussion and analysis of the financial situation and operating results of an issuer as required under this Act or the regulations;

"public oral statement" means an oral statement made in circumstances in which a reasonable person would believe that information contained in the statement will become generally disclosed; and

"release" means, with respect to information or a document, to file with a stock exchange, the Authority or an extra-provincial securities commission within the meaning of section 305.1, or to otherwise make available to the public.

"§2. — *Actions for damages and burden of proof*

"I. — *Prior authorization and other general conditions*

"**225.4.** No action for damages may be brought under this division without the prior authorization of the court.

The request for authorization must state the facts giving rise to the action. It must be filed together with the projected statement of claim and be notified by bailiff to the parties concerned, with a notice of at least 10 days of the date of presentation.

The court grants authorization if it deems that the action is in good faith and there is a reasonable possibility that it will be resolved in favour of the plaintiff.

"**225.5.** On filing the request for authorization with the court, the plaintiff must send a copy to the Authority.

If authorization is granted by the court, the plaintiff must promptly issue a press release disclosing that fact. Within seven days after authorization is granted, the plaintiff must send a written notice to the Authority, together with a copy of the press release. In addition, on filing the statement of claim with the court, the plaintiff must send a copy to the Authority.

"**225.6.** Any interested party may request that the court declare an authorization perempted if the plaintiff does not commence the action within three months after authorization is granted.

Such a request must be served on the parties together with a notice of at least 30 days of the date of presentation.

"**225.7.** An action may not be abandoned or settled except on the terms set by the court, including terms as to costs.

When setting the terms, the court considers whether there are any other actions outstanding under this division or under comparable provisions of extra-provincial securities laws within the meaning of section 305.1 in respect of the same misrepresentation or failure to make timely disclosure.

"II. — *Persons liable to action*

"**225.8.** A person that acquires or disposes of an issuer's security during the period between the time when the issuer or a mandatary or other representative of the issuer released a document containing a misrepresentation and the time when the misrepresentation was publicly corrected may bring an action against

(1) the issuer, each director of the issuer at the time the document was released, and each officer of the issuer who authorized, permitted or acquiesced in the release of the document;

(2) each influential person, and each director and officer of an influential person, who knowingly influenced the issuer or a mandatary or other representative of the issuer to release the document or a director or officer of the issuer to authorize, permit or acquiesce in the release of the document; and

(3) each expert whose report, statement or opinion containing the misrepresentation was included, summarized or quoted from in the document and, if the document was released by a person other than the expert, who consented in writing to the use of the report, statement or opinion in the document.

"**225.9.** A person that acquires or disposes of an issuer's security during the period between the time when a mandatary or other representative of the issuer made a public oral statement relating to the issuer's business or affairs and containing a misrepresentation and the time when the misrepresentation was publicly corrected may bring an action against

(1) the issuer and each director and officer of the issuer who authorized, permitted or acquiesced in the making of the public oral statement;

(2) the person who made the public oral statement;

(3) each influential person, and each director and officer of an influential person, who knowingly influenced the person who made the public oral statement to make the public oral statement or a director or officer of the issuer to authorize, permit or acquiesce in the making of the public oral statement; and

(4) each expert whose report, statement or opinion containing the misrepresentation was included, summarized or quoted from in the public oral statement and, if the public oral statement was made by a person other than the expert, who consented in writing to the use of the report, statement or opinion in the public oral statement.

"**225.10.** A person that acquires or disposes of an issuer's security during the period between the time when an influential person or a mandatary or other representative of the influential person released a document or made a public oral statement relating to the issuer and containing a misrepresentation and the time when the misrepresentation was publicly corrected may bring an action against

(1) the issuer, if a director or officer of the issuer or the investment fund manager authorized, permitted or acquiesced in the release of the document or the making of the public oral statement;

(2) the person who made the public oral statement;

(3) each director and officer of the issuer who authorized, permitted or acquiesced in the release of the document or the making of the public oral statement;

(4) the influential person and each director and officer of the influential person who authorized, permitted or acquiesced in the release of the document or the making of the public oral statement; and

(5) each expert whose report, statement or opinion containing the misrepresentation was included, summarized or quoted from in the document or public oral statement and, if the document was released or the public oral statement was made by a person other than the expert, who consented in writing to the use of the report, statement or opinion in the document or public oral statement.

"**225.11.** A person that acquires or disposes of an issuer's security during the period between the time when the issuer failed to make timely disclosure of a material change and the time when the material change was disclosed in the manner required under this Act or the regulations may bring an action against

(1) the issuer and each director and officer of the issuer who authorized, permitted or acquiesced in the failure to make timely disclosure; and

(2) each influential person, and each director and officer of an influential person, who knowingly influenced the issuer or a mandatary or other representative of the issuer in the failure to make timely disclosure or a director or officer of the issuer to authorize, permit or acquiesce in the failure to make timely disclosure.

"III. — *Plaintiff's burden of proof*

"**225.12.** The plaintiff is not required to prove that the plaintiff relied on the document or public oral statement containing a misrepresentation or on the issuer having complied with its timely disclosure obligations when the plaintiff acquired or disposed of the issuer's security.

"**225.13.** For the purposes of sections 225.8 to 225.10, unless the defendant is an expert or the misrepresentation was contained in a core document, the plaintiff must prove that the defendant

(1) knew, at the time that the document was released or the public oral statement was made, that the document or public oral statement contained a misrepresentation or deliberately avoided acquiring such knowledge at or before that time; or

(2) was guilty of a gross fault in connection with the release of the document or the making of the public oral statement.

"**225.14.** For the purposes of section 225.11, unless the defendant is the issuer, the investment fund manager or an officer of the issuer or the investment fund manager, the plaintiff must prove that the defendant

(1) knew, at the time that a material change report should have been filed, of the change and that the change was a material change, or deliberately avoided acquiring such knowledge at or before that time; or

(2) was guilty of a gross fault in connection with the failure to make timely disclosure.

"**225.15.** In determining whether a gross fault was committed, the court must consider all relevant circumstances, including

(1) the nature of the issuer;

(2) the knowledge, experience and function of the defendant;

(3) the office held, if the defendant was an officer;

(4) the presence or absence of another relationship with the issuer, if the defendant was a director;

(5) the existence and the nature of any system designed to ensure that the issuer meets its continuous disclosure obligations, and the reasonableness of reliance by the defendant on that system;

(6) the reasonableness of reliance by the defendant on the issuer's officers and employees and on others whose duties would in the ordinary course have given them knowledge of the relevant facts;

(7) the period within which disclosure was required to be made under this Act or the regulations;

(8) in respect of a report, statement or opinion of an expert, any standards, rules or practices applicable to the expert;

(9) the extent to which the defendant knew, or should reasonably have known, the content and medium of dissemination of the document or public oral statement;

(10) the role and responsibility of the defendant in the preparation and release of the document or the making of the public oral statement containing the misrepresentation or in the ascertaining of the facts contained in that document or public oral statement; and

(11) the role and responsibility of the defendant in the decision not to disclose the material change.

"**225.16.** The court seized of the action may decide that multiple misrepresentations having common subject matter or content may be treated as a single misrepresentation or that multiple instances of failure to make timely disclosure concerning common subject matter may be treated as a single failure to make timely disclosure.

"IV. — *Defendant's burden of proof*

"**225.17.** A defendant may defeat an action by proving that, at the time of the transaction, the plaintiff knew that the document or public oral statement contained a misrepresentation or was aware of the material change that should have been disclosed.

An action may also be defeated by proving that the defendant conducted or caused to be conducted a reasonable investigation and had no reasonable grounds to believe that the document or public oral statement would contain a misrepresentation or that the failure to make timely disclosure would occur.

"**225.18.** In determining whether an investigation was reasonable under the second paragraph of section 225.17, the court must consider all relevant circumstances, including those listed in paragraphs 1 to 11 of section 225.15.

"**225.19.** A defendant may defeat an action by proving that

(1) the misrepresentation was also contained in a document filed by or on behalf of a third person, other than the issuer, with the Authority or an extra-provincial securities commission within the meaning of section 305.1 or a stock exchange, and was not corrected in another document filed by or on behalf of that third person with the Authority, commission or stock exchange before the issuer or the mandatary or other representative of the issuer released the document or made the public oral statement;

(2) the document or public oral statement contained a reference identifying the document that was the source of the misrepresentation; and

(3) when the document was released or the public oral statement was made, the defendant did not know and had no reasonable grounds to believe that the document or public oral statement contained a misrepresentation.

"**225.20.** A defendant, other than the issuer, may defeat an action by proving that

(1) the document was released, the public oral statement was made or the failure to make timely disclosure occurred without the defendant's knowledge or consent; and

(2) after the defendant became aware of the misrepresentation or the failure to make timely disclosure but before the misrepresentation was corrected or the material change was disclosed in the manner required under this Act or the regulations,

(*a*) the defendant promptly notified the board of directors of the issuer or other persons acting in a similar capaciy of the misrepresentation or the failure to make timely disclosure; and

(*b*) if no correction of the misrepresentation or no subsequent disclosure of the material change in the manner required under this Act or the regulations was made by the issuer within two business days after the notification under subparagraph *a*, the defendant, unless prohibited by law or by professional confidentiality rules, promptly notified the Authority, in writing, of the misrepresentation in the document or public oral statement or failure to make timely disclosure.

"**225.21.** For the purposes of sections 225.9 and 225.10, a defendant other than the person who made the public oral statement may defeat an action by proving that the defendant did not become, or should not reasonably have become, aware of the misrepresentation before the plaintiff acquired or disposed of the issuer's securities and by proving that the person who made the public oral statement had no authority other than apparent authority to do so.

"**225.22.** A defendant may defeat an action for a misrepresentation in forward-looking information in a document or a public oral statement by proving that

(1) the document or public oral statement containing the forward-looking information contained, proximate to that information,

(*a*) reasonable cautionary language clearly identifying the forward-looking information as such, and identifying material factors that could cause actual results to differ materially from a conclusion, forecast or projection in the forward-looking information; and

(*b*) a statement of the material factors or assumptions that were applied in drawing a conclusion or making a forecast or projection; and

(2) the defendant had a reasonable basis for drawing the conclusions or making the forecasts or projections set out in the forward-looking information.

This section does not apply to forward-looking information in a financial statement required to be filed under this Act or the regulations or in a document released in connection with an initial public offering.

"**225.23.** A defendant is deemed to have satisfied the requirements of subparagraph 1 of the first paragraph of section 225.22 with respect to a public oral statement containing forward-looking information if the person who made the public oral statement

(1) made a cautionary statement that the public oral statement contains forward-looking information;

(2) stated that the actual results could differ materially from a conclusion, forecast or projection in the forward-looking information and that certain material factors or assumptions were applied in drawing a conclusion or making a forecast or projection as reflected in the forward-looking information; and

(3) stated that additional information about the material factors that could cause actual results to differ materially from the conclusion, forecast or projection in the forward-looking information and about the material factors or assumptions applied in drawing a conclusion or making a forecast or projection as reflected in the forward-looking information is contained in a readily-available document, and has identified that document.

For the purposes of subparagraph 3 of the first paragraph, a document filed with the Authority, or otherwise generally disclosed, is deemed to be readily available.

"**225.24.** A defendant, other than an expert, may defeat an action for a misrepresentation in a document or public oral statement that includes, summarizes or quotes from a report, statement or opinion made by the expert, with the expert's written consent to the use of the report, statement or opinion, if the consent had not been withdrawn in writing before the document was released or the public oral statement was made, by proving that

(1) the defendant did not know and had no reasonable grounds to believe that there was a misrepresentation in the report, statement or opinion of the expert that was included, summarized or quoted from in the document or public oral statement; and

(2) that the report, statement or opinion of the expert was fairly represented in the document or public oral statement.

"**225.25.** An expert who is the defendant in an action may defeat the action by proving that the written consent previously provided to the use of a

report, statement or opinion made by the expert was withdrawn in writing before the document was released or the public oral statement was made.

“**225.26.** A defendant may defeat an action for a misrepresentation in a document other than a document that is required to be filed with the Authority by proving that, at the time that the document was released, the defendant did not know and had no reasonable grounds to believe that the document would be released.

“**225.27.** A defendant may defeat an action under section 225.11 by proving that

(1) the issuer, in accordance with this Act or the regulations, filed a material change report with the Authority without making the report public and the issuer had a reasonable basis to file the report on a confidential basis;

(2) if the change remains material, the issuer promptly made the material change public when the basis for confidentiality ceased to exist;

(3) the defendant or issuer did not release a document or make a public oral statement that, due to the undisclosed material change report, contained a misrepresentation; and

(4) if the material change became publicly known in a manner other than the manner required under this Act or the regulations, the issuer promptly disclosed the material change in accordance with this Act or the regulations.

“§3. — *Assessment of damages and apportionment of liability*

“**225.28.** Damages are assessed as follows in favour of a plaintiff that acquired an issuer’s securities:

(1) in respect of securities that the plaintiff has not disposed of, assessed damages are to be equal to the number of securities acquired and not disposed of, multiplied by the difference between the average price paid per security (including commissions) and, if the issuer’s securities trade on an organized market, the trading price of the issuer’s securities on the principal market for the 10 trading days following the public correction of the misrepresentation or the disclosure of the material change in the manner required under this Act or the regulations or, if there is no organized market, the amount that the court considers just;

(2) in respect of securities that the plaintiff subsequently disposed of on or before the last of the 10 trading days referred to in paragraph 1, assessed damages are to be equal to the difference between the average price paid for those securities (including commissions) and the price received on the disposition of those securities (without deducting commissions), calculated taking into account the result of hedging or other risk limitation transactions; and

(3) in respect of securities that the plaintiff subsequently disposed of after the last of the 10 trading days referred to in paragraph 1, assessed damages are to be equal to the lesser of

(*a*) the number of those securities, multiplied by the difference determined under paragraph 1; and

(*b*) the difference determined under paragraph 2.

"**225.29.** Damages are assessed as follows in favour of a plaintiff that disposed of an issuer's securities:

(1) in respect of securities that the plaintiff has not subsequently repurchased, assessed damages are to be equal to the number of securities disposed of and not repurchased, multiplied, if the issuer's securities trade on an organized market, by the difference between the trading price of the issuer's securities on the principal market for the 10 trading days following the public correction of the misrepresentation or the disclosure of the material change in the manner required under this Act or the regulations, or, if there is no organized market, the amount that the court considers just, and the average price received per security on the disposition of those securities (deducting commissions paid determined on a per security basis);

(2) in respect of securities that the plaintiff subsequently repurchased on or before the last of the 10 trading days referred to in paragraph 1, assessed damages are to be equal to the difference between the price paid for those securities (excluding commissions) and the average price received on the disposition of those securities (deducting commissions), calculated taking into account the result of hedging or other risk limitation transactions; and

(3) in respect of securities that the plaintiff repurchased after the last of the 10 trading days referred to in paragraph 1, assessed damages are to be equal to the lesser of

(*a*) the number of those securities, multiplied by the difference determined under paragraph 1; and

(*b*) the difference determined under paragraph 2.

"**225.30.** Assessed damages are not to include any amount that the defendant proves is attributable to a change in the market price of securities that is unrelated to the misrepresentation or the failure to make timely disclosure.

"**225.31.** The court determines each defendant's responsibility for the damages assessed and orders each defendant to pay that portion of those damages that corresponds to the defendant's responsibility.

However, if the court determines that a particular defendant, other than the issuer, authorized, permitted or acquiesced in the release of the document or

making of the public oral statement containing the misrepresentation, or the failure to make timely disclosure, while knowing it to be a misrepresentation or a failure to make timely disclosure, it may order that defendant to pay the whole amount of the damages.

If two or more defendants are so determined to be responsible for all the damages assessed, they are solidarily liable for the whole amount of the damages.

"**225.32.** A defendant who is a director or officer of an influential person is not liable in that capacity if the defendant is liable as a director or officer of the issuer.

"**225.33.** Unless the plaintiff proves that the defendant, other than the issuer, authorized, permitted or acquiesced in the release of the document or making of the public oral statement containing the misrepresentation, or the failure to make timely disclosure, while knowing it to be a misrepresentation or a failure to make timely disclosure, the damages payable are the lesser of

(1) the amount determined under section 225.28 or 225.29; and

(2) the maximum amount determined under the second paragraph less any damages the defendant has been ordered to pay by a judgment that has become *res judicata* in any other actions brought against the defendant under this division or comparable provisions of extra-provincial securities laws within the meaning of section 305.1 in respect of the same misrepresentation or failure to make timely disclosure, and less any amount paid in settlement of such actions.

For the purposes of subparagraph 2 of the first paragraph, the maximum amount is,

(1) in the case of the issuer or an influential person that is not a natural person, the greater of 5% of its market capitalization and $1,000,000;

(2) in the case of a natural person other than an expert, the greater of 50% of the aggregate of that person's compensation from the issuer and its affiliates and $25,000 or, if the person is a director or officer of an influential person, the greater of 50% of the aggregate of that person's compensation from the influential person and its affiliates and $25,000; and

(3) in the case of an expert, the greater of the revenue that the expert and the affiliates of the expert earned from the issuer and its affiliates during the 12-month period preceding the misrepresentation and $1,000,000.

For the purposes of subparagraph 2 of the second paragraph, "compensation" means compensation received during the 12-month period immediately preceding the day on which the misrepresentation was made or on which the failure to make timely disclosure first occurred, together with the market value

of all deferred compensation including, without limitation, options, pension benefits and stock appreciation rights, granted during the same period, valued as of the date that such compensation is awarded."

12. Section 235 of the Act is amended by adding the following paragraph at the end:

"However, in the case of an action under Division II of Chapter II, the plaintiff is deemed to have knowledge of the facts as of the date on which the document containing the misrepresentation was first released, the oral public statement containing the misrepresentation was made or the material change should have been disclosed."

13. Section 236 of the Act is amended by adding the following paragraph after paragraph 2:

"(3) six months from the publication of the press release announcing that authorization has been granted by the court to bring an action under Division II of Chapter II or comparable provisions of extra-provincial securities laws within the meaning of section 305.1 regarding the same misrepresentation or failure to make timely disclosure, in the case of actions under that division."

14. Sections 330.3 and 330.4 of the Act are repealed.

15. Section 331.1 of the Act is amended

(1) by replacing "define" in paragraph 27 by "determine";

(2) by striking out paragraph 31;

(3) by inserting the following paragraphs after paragraph 32:

"(32.1) prescribe the cases in which Division II of Chapter II of Title VIII applies to a person that has subscribed for or acquired a security in a distribution of securities made under a prospectus exemption or in a take-over bid or issuer bid, or that makes any other transaction determined by regulation;

"(32.2) determine documents other than those referred to in the definition of "core document" in section 225.3 to be core documents for the purposes of that definition;".

DEPOSIT INSURANCE ACT

16. Section 33 of the Deposit Insurance Act (R.S.Q., chapter A-26) is repealed.

17. Section 33.1 of the Act is amended by replacing "$60 000" in the first paragraph by "$100,000" and by striking out the third paragraph.

18. Section 33.2 of the Act is repealed.

19. The first paragraph of section 34, the second paragraph of section 38.1, section 39 and subparagraph *a* of the first paragraph of section 57 of the Act are amended by replacing "$60 000" wherever it appears by "$100,000".

ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS

20. Section 18 of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2) is amended by replacing "against the Authority, against a self-regulatory organization or" in the first paragraph by a comma.

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

"**34.1.** Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised, nor any injunction granted, against the Authority.

Any judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to the first paragraph."

22. The Act is amended by inserting the following section after section 63:

"**63.1.** Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised, nor any injunction granted, against a self-regulatory organization in the exercise of the powers delegated to it under this division.

Any judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to the first paragraph."

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

23. Section 218 of the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) is amended by adding the following paragraph at the end:

"The Authority may, in addition, suspend a certificate where the certificate holder has not complied with compulsory professional development requirements."

24. Section 228 of the Act is amended by striking out paragraph 3.

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

25. Section 329 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by replacing "section 9.1 of the Act respecting the enterprise registrar (chapter R-17.1)" by "section 9 of the Act respecting the Autorité des marchés financiers (chapter A-33.2)".

TRANSITIONAL AND FINAL PROVISIONS

26. Section 37 of the Regulation respecting the application of the Deposit Insurance Act, enacted by Order in Council 819-93 dated 9 June 1993 and amended by Order in Council 820-2006 dated 13 September 2006, is again amended by replacing "$60,000" at the end by "$100,000".

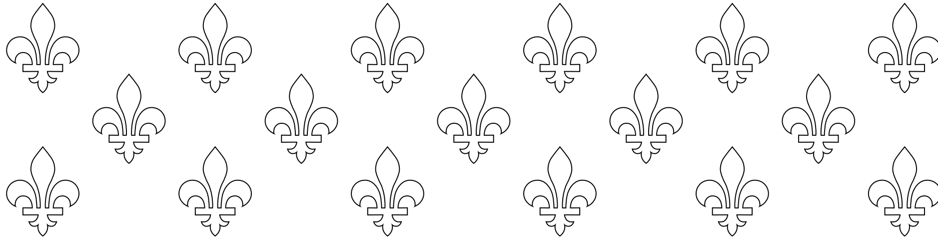
27. Schedules II, V and VI to the Regulation are amended by replacing "$60,000" by "$100,000".

28. The Government may, by a regulation made before 9 November 2008, adopt any other transitional provision or measure conducive to the carrying out of this Act.

A regulation under this section is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

29. Sections 17, 19, 26 and 27 of this Act have effect from 23 February 2005.

30. This Act comes into force on 9 November 2007.



NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 20

(2007, chapter 16)

An Act to amend the Act respecting insurance, the Act respecting trust companies and savings companies and other legislative provisions

Introduced 21 June 2007
Passed in principle 18 October 2007
Passed 8 November 2007
Assented to 9 November 2007

Québec Official Publisher
2007

EXPLANATORY NOTES

This bill amends the Act respecting insurance and the Act respecting trust companies and savings companies in order to allow Québec insurers, trust companies and savings companies to acquire claims secured by hypothec or grant hypothecary loans for an amount not exceeding 80% of the value of an immovable. Thus, the maximum amount of hypothec-secured claims that may be acquired by such companies or of hypothecary loans that may be granted by them with no other form of guarantee or insurance is increased from 75% to 80% of the value of an immovable.

The bill also contains consequential amendments, including amendments to the provisions in the Civil Code of Québec dealing with investments that are presumed sound and to other Acts that impose investment rules.

LEGISLATION AMENDED BY THIS BILL:

– Civil Code of Québec (1991, chapter 64);

– Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1);

– Act respecting insurance (R.S.Q., chapter A-32);

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

– Act respecting the Naskapi Development Corporation (R.S.Q., chapter S-10.1);

– Act respecting the Makivik Corporation (R.S.Q., chapter S-18.1);

– Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01).

Bill 20

AN ACT TO AMEND THE ACT RESPECTING INSURANCE, THE ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING INSURANCE

1. Section 93.251 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by replacing "75%" wherever it appears by "80%".

2. Section 246 of the Act is amended by replacing "75%" in the first paragraph by "80%".

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

3. Section 205 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by replacing "75%" by "80%".

CIVIL CODE OF QUÉBEC

4. Article 1339 of the Civil Code of Québec (1991, chapter 64) is amended by replacing "seventy-five percent" in subparagraphs *b* and *c* of paragraph 7 by "eighty percent".

ACT RESPECTING THE CREE REGIONAL AUTHORITY

5. The schedule to the Act respecting the Cree Regional Authority (R.S.Q., chapter A-6.1) is amended by replacing "75%" in paragraph ii of subsection 13 by "80%".

ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT DU QUÉBEC

6. Section 28 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) is amended by replacing "75%" in subparagraph *a* of the second paragraph by "80%".

ACT RESPECTING THE NASKAPI DEVELOPMENT CORPORATION

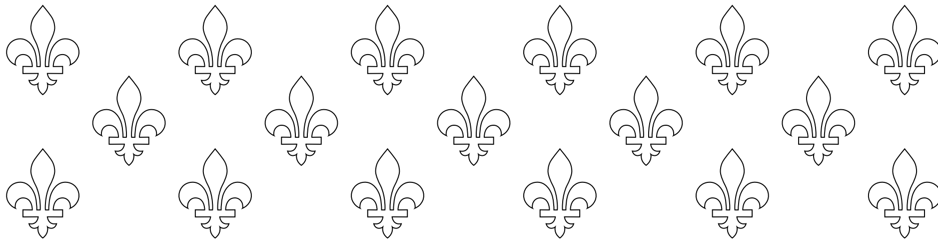
7. The schedule to the Act respecting the Naskapi Development Corporation (R.S.Q., chapter S-10.1) is amended by replacing "75%" in paragraph 2 of subsection 13 by "80%".

ACT RESPECTING THE MAKIVIK CORPORATION

8. The schedule to the Act respecting the Makivik Corporation (R.S.Q., chapter S-18.1) is amended by replacing "seventy-five per cent (75%)" in paragraph ii of subsection 13 by "eighty per cent (80%)".

FINAL PROVISION

9. This Act comes into force on 9 November 2007.



NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 24

(2007, chapter 17)

An Act to amend the Act respecting prescription drug insurance

Introduced 17 October 2007
Passed in principle 24 October 2007
Passed 8 November 2007
Assented to 9 November 2007

Québec Official Publisher
2007

EXPLANATORY NOTES

The purpose of this bill is to provide free access to medication for all recipients under a last resort financial assistance program, all persons 60 years of age or over and less than 65 years of age who hold a claim booklet, and all persons 65 years of age or over receiving 94% or more of the maximum amount of the guaranteed income supplement.

LEGISLATION AMENDED BY THIS BILL:

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

Bill 24

AN ACT TO AMEND THE ACT RESPECTING PRESCRIPTION DRUG INSURANCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 24 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01) is amended by adding the following paragraph at the end:

"(4) persons 65 years of age or over receiving 94% or more of the maximum amount of the monthly guaranteed income supplement under the Old Age Security Act (Revised Statutes of Canada, 1985, chapter O-9)."

2. Section 28 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing "Elle" in the first line of the second paragraph in the French text by "La contribution maximale";

(3) by replacing "guaranteed monthly income" in the third line of the second paragraph by "monthly guaranteed income".

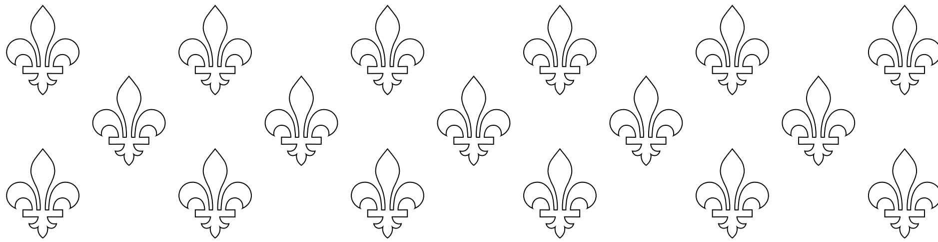
3. Section 29 of the Act is amended by replacing the second paragraph by the following paragraph:

"The following persons are also exempted from the payment of any contribution:

(1) persons referred to in paragraph 1 of section 15 receiving 94% or more of the maximum amount of the guaranteed income supplement under the Old Age Security Act;

(2) persons to whom paragraph 2 or 3 of section 15 applies."

4. This Act comes into force on 9 November 2007, but it has effect from 1 July 2007.



NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 27
(2007, chapter 18)

An Act to amend the Act respecting financial services cooperatives

Introduced 23 October 2007
Passed in principle 31 October 2007
Passed 8 November 2007
Assented to 9 November 2007

Québec Official Publisher
2007

EXPLANATORY NOTES

The purpose of this bill is to amend the Act respecting financial services cooperatives to enable the board of directors of a credit union to admit a person although that person has ceased to meet the conditions relating to a characteristic common to all members, which conditions are set out in the articles of the credit union. The bill specifies that the number of such members must not exceed the limits determined by the federation or, in the absence of such limits, 3% of the total number of credit union members.

In addition, the bill allows the payment of dividends to persons that ceased to be members of the credit union during the fiscal year concerned.

Furthermore, the bill provides that a credit union must hold a special meeting on the requisition of the number of members determined in accordance with the standards adopted by the federation. In the absence of standards to that effect, that number is equal to 2% of the total number of credit union members.

Lastly, the bill contains consequential provisions.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting financial services cooperatives (R.S.Q., chapter C-67.3).

Bill 27

AN ACT TO AMEND THE ACT RESPECTING FINANCIAL SERVICES COOPERATIVES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 84 of the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3) is amended by replacing "members" in subparagraph 5 of the first paragraph by "persons and partnerships that were members of the cooperative during the fiscal year".

2. Section 197 of the Act is amended by replacing "A person" in the first line of the first paragraph by "Subject to section 200.1, a person".

3. The Act is amended by inserting the following section after section 200:

"**200.1.** The board of directors of a credit union may, in accordance with the standards of the federation, admit as a member a natural person who is a former member of the credit union and has ceased to meet the conditions relating to a common characteristic set out in the articles of the credit union, if the person re-applies for membership within the period set by the federation.

The number of members who do not meet the conditions relating to a common characteristic must not exceed the limits determined by federation standards. In the absence of standards to that effect, that number must not exceed 3% of the total number of credit union members."

4. Section 223 of the Act is amended by replacing the first paragraph by the following paragraph:

"**223.** The credit union must hold a special meeting on the requisition of a minimum number or percentage of members determined in accordance with the standards adopted by the federation. In the absence of standards to that effect, that number is equal to 2% of the total number of credit union members."

5. Section 369 of the Act is amended by adding the following paragraph at the end:

"(13) the period within which a natural person may apply, under section 200.1, for membership in a credit union after the person has ceased to meet the conditions relating to a common characteristic set out in the articles of the credit union in accordance with the second paragraph of section 10."

6. Section 370 of the Act is amended

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

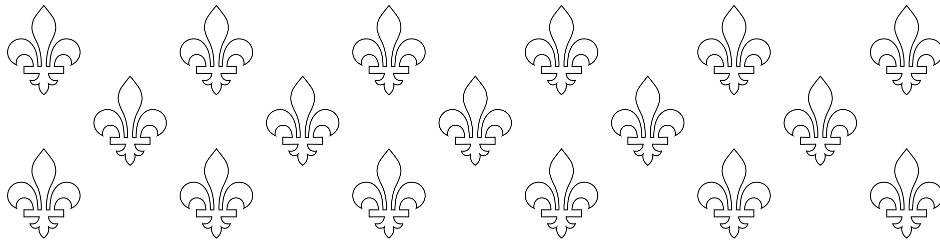
"(1.1) for the purposes of section 200.1, the conditions under which a natural person may be admitted as a member by the board of directors after the person has ceased to meet the conditions relating to a common characteristic set out in the articles of the credit union in accordance with the second paragraph of section 10;

"(1.2) the limits that apply to the number of credit union members who do not meet the conditions relating to a common characteristic;";

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

"(3.1) the minimum number or percentage of members required to requisition a special meeting of credit union members;".

7. This Act comes into force on 9 November 2007.



NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 57

(2007, chapter 19)

An Act to amend the Act respecting the Agence de l'efficacité énergétique and the Act respecting the Régie de l'énergie

Introduced 8 November 2007
Passed in principle 8 November 2007
Passed 8 November 2007
Assented to 9 November 2007

Québec Official Publisher
2007

EXPLANATORY NOTES

This bill proposes that distributors that acquire 25 million litres or more of gasoline, diesel fuel, heating oil or propane from a refiner or importer no longer be subject to payment of the annual duty to the Green Fund or the annual share payable to the Agence de l'efficacité énergétique and that distributors that acquire petroleum coke or coal from a refiner or importer no longer be subject to payment of the annual duty.

In addition, under this bill, legal persons or partnerships that bring fuel into Québec for a purpose other than resale become subject to the payment of the annual duty and the annual share.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the Agence de l'efficacité énergétique (R.S.Q., chapter A-7.001);

– Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01).

Bill 57

AN ACT TO AMEND THE ACT RESPECTING THE AGENCE DE L'EFFICACITÉ ÉNERGÉTIQUE AND THE ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE AGENCE DE L'EFFICACITÉ ÉNERGÉTIQUE

1. Section 0.1 of the Act respecting the Agence de l'efficacité énergétique (R.S.Q., chapter A-7.001) is amended

(1) by inserting ", hydrocarbons used as raw material by industries that transform hydrocarbon molecules through chemical or petrochemical processes" after "marine bunker fuel" in the second line of the definition of "fuel" in the first paragraph;

(2) by striking out ", excluding hydrocarbons used as raw material by industries that transform hydrocarbon molecules through chemical and petrochemical processes" in paragraph 1 of the definition of "fuel distributor" in the first paragraph;

(3) by replacing paragraph 3 of the definition of "fuel distributor" in the first paragraph by the following paragraph:

"(3) a person that, in Québec, exchanges fuel with a person described in paragraph 1;";

(4) by inserting "a legal person or partnership that brings fuel into Québec for a purpose other than resale," after "Division IV.1," in the first line of the second paragraph.

ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

2. Section 85.31 of the Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01) is replaced by the following section:

"**85.31.** No later than 31 March of each year, an energy distributor must file a registration statement with the Régie specifying, for the period covered by its preceding fiscal year,

(1) the volume of natural gas or electric power it distributed;

(2) the volume of fuel it brought into Québec for a purpose other than resale;

(3) the volume of fuel intended for consumption in Québec that was sold and refined in Québec or brought into Québec and, where applicable, the volume it exchanged with a person described in paragraph 1 of the definition of "fuel distributor" in section 0.1 of the Act respecting the Agence de l'efficacité énergétique (chapter A-7.001); and

(4) any other information the Régie deems necessary for the purposes of this chapter, in the form prescribed by the Régie."

3. Section 85.33 of the Act is amended

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

"(2) a legal person or partnership that brings fuel into Québec for a purpose other than resale; and";

(2) by striking out ", excluding hydrocarbons used as raw material by industries that transform hydrocarbon molecules through chemical and petrochemical processes" in subparagraph 3 of the first paragraph.

4. Section 85.34 of the Act is amended

(1) by inserting ", hydrocarbons used as raw material by industries that transform hydrocarbon molecules through chemical or petrochemical processes" after "marine bunker fuel" in the second line of the definition of "fuel";

(2) by replacing paragraph 3 of the definition of "fuel distributor" by the following paragraph:

"(3) a person that, in Québec, exchanges fuel with a person described in paragraph 1; and";

(3) by striking out paragraph 4 of the definition of "fuel distributor".

5. Section 85.37 of the Act is replaced by the following section:

"**85.37.** A distributor referred to in section 85.33 must file with the Régie, on the date the Régie determines and in the form it prescribes, a statement specifying, for the period covered by its preceding fiscal year,

(1) the volume of natural gas it distributed;

(2) the volume of fuel it brought into Québec for a purpose mentioned in paragraph 2 of that section;

(3) the volume of fuel intended for consumption in Québec that was sold and refined in Québec or brought into Québec and, where applicable, the volume it exchanged with a person described in paragraph 1 of the definition of "fuel distributor" in section 85.34; and

(4) any other information the Régie deems necessary for the purposes of this chapter, in the form prescribed by the Régie."

6. This Act comes into force on 9 November 2007.

Regulations and other acts

Gouvernement du Québec

O.C. 1006-2007, 14 November 2007

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

Agricultural operations
— Amendment

Regulation to amend the Agricultural Operations Regulation

WHEREAS subparagraphs *a*, *c* and *e* of the first paragraph of section 31 and subparagraphs 1, 2, 4 and 5 of the first paragraph of section 53.30 of the Environment Quality Act (R.S.Q., c. Q-2) empower the Government to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation to amend the Agricultural Operations Regulation was published in Part 2 of the *Gazette officielle du Québec* of 11 July 2007 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Regulation to amend the Agricultural Operations Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Agricultural Operations Regulation*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *a, c* and *e* and s. 53.30, 1st par., subpars. 1, 2, 4 and 5)

1. The Agricultural Operations Regulation is amended by replacing section 29.1 by the following:

"**29.1.** The spreading of the following fertilizing materials or a product containing any amount of such materials on a parcel of land where a crop for human consumption is grown, or on pasture land, is prohibited:

(1) compost from all or any part of a carcass of a mammal or fowl, including a carcass originating outside Québec; and

(2) sludge from a municipal wastewater treatment plant or any other wastewater treatment or collection system, including sludge originating outside Québec.

Subparagraph 1 of the first paragraph does not apply :

(1) to food waste compost composed of organic, vegetal or animal matter, of domestic origin or derived from the preparation, consumption or distribution of food or drink; or

(2) to sewage sludge compost from a wastewater treatment plant of a slaughterhouse, rendering plant or other meat processing plant.

The first paragraph does not apply to the fertilizing materials to which it refers if they are certified compliant with CAN/BNQ Standard 0413-200 or 0413-400, or with BNQ Standard 0419-090.".

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

8403

* The Agricultural Operations Regulation, made by Order in Council 695-2002 dated 12 June 2002 (2002, *G.O.* 2, 2643), was last amended by the regulation made by Order in Council 906-2005 dated 4 October 2005 (*G.O.* 2, 4449A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

Gouvernement du Québec

O.C. 1011-2007, 14 November 2007

An Act respecting workforce vocational training and qualification
(R.S.Q., c. F-5)

**Certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry
— Amendments**

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry

WHEREAS, under section 30 of the Act respecting workforce vocational training and qualification (R.S.Q., c. F-5), the Government may make regulations to ensure the efficient carrying out of the Act and, in particular, determine the qualifications required to carry on trades or vocations, render obligatory apprenticeship and the certificate of qualification for the carrying on of a trade or vocation, determine the conditions for admission to apprenticeship and to the examinations for qualification, for obtaining and renewing certificates of qualification, fix certain duties exigible and generally adopt any other related or suppletory provision for the efficient carrying out of the Act;

WHEREAS, by Order in Council 279-2006 dated 29 March 2006, the Government made the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry;

WHEREAS it is expedient to amend the Regulation to add to it a restricted certificate in equipment connection for work involving connecting or disconnecting equipment to wiring forming part of an electrical installation, without any other alteration to the installation, when the work is carried out by a person who does not hold a certificate of qualification in electricity;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry was published in the *Gazette officielle du Québec* of 27 June 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry*

An Act respecting workforce vocational training and qualification
(R.S.Q., c. F-5, s. 30, 1st par., subpars. *a* to *c*, *g*, *h* and *l*)

1. Section 3 of the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry is amended by inserting the following after paragraph 1:

"(1.1) restricted certificate in equipment connection (RCA) for connecting or disconnecting equipment to wiring forming part of an electrical installation, without any other alteration to the electrical installation, where such work is carried out by a person who does not hold the certificate in electricity referred to in paragraph 1;".

* The Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry made by Order in Council 279-2006 dated 29 March 2006 (2006, *G.O.* 2, 1252) has never been amended.

2. The following is inserted after section 6:

"**6.1.** A person who holds one of the following diplomas awarded by the Minister of Education, Recreation and Sports is exempt from the apprenticeship required under the first paragraph of section 6 to be issued the restricted certificate in equipment connection referred to in paragraph 1.1 of section 3:

(1) a diploma of college studies issued upon completion of a program in the electrotechnology vocational sector identified in paragraphs 4 to 7 of section 2.09 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983;

(2) a diploma of vocational studies issued upon completion of studies in construction electricity;

(3) a diploma of vocational studies issued upon completion of studies in maintenance electricity.

Despite the foregoing, the provisions of subdivision 2 relating to the qualification examination apply to that person, with the necessary modifications.".

3. Section 21 is amended by replacing the second paragraph by the following:

"Despite the first paragraph, an apprentice who holds both apprenticeship cards for the certificates referred to in paragraphs 1 and 1.1 of section 3 must pay the duties exigible for the renewal of only one apprenticeship card. A holder of more than one apprenticeship card for more than one certificate referred to in paragraphs 3 to 6 of that section must also pay the duties exigible for the renewal of only one apprenticeship card, whatever the number of apprenticeship cards in trades or vocations referred to in those paragraphs for which the holder is requesting a renewal. The same applies to a holder of an apprenticeship card for more than one certificate referred to in paragraphs 9 to 11 of that section.".

4. Section 23 is replaced by the following:

"**23.** A holder of a restricted certificate in equipment connection referred to in paragraph 1.1 of section 3 who qualifies for the certificate in electricity referred to in paragraph 1 of that section is issued the certificate in electricity to replace the restricted certificate in equipment connection for the period prescribed by section 22.

A holder of one of the certificates of qualification referred to in paragraphs 3 to 6 of section 3 who qualifies for one of the other certificates in those paragraphs or a holder of one of the certificates of qualification referred to in paragraphs 9 to 11 of that section who qualifies for one of the other certificates referred to in those paragraphs is issued a new certificate for the unexpired period of validity of the first certificate that person holds.".

5. This Regulation comes into force on 1 January 2008.

8404

Notice 002-2007

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

Tariff for hearing devices and insured services — Amendments

Making by the Régie de l'assurance maladie du Québec of a Regulation to amend the Tariff for hearing devices and insured services, dated 14 November 2007

THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC,

CONSIDERING the seventh paragraph of section 3 and section 72.1 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING that it is necessary to amend the prices of certain services dispensed within the scope of the supplying of hearing devices insured under the Health Insurance Act;

GIVES NOTICE that, by Resolution CA-441-07-025 of its board of directors dated 14 November 2007, it has made the Regulation to amend the Tariff for hearing devices and insured services, the text of which is attached hereto.

Québec, 14 November 2007

NORMAND JULIEN,
Secretary General of the Régie de l'assurance maladie du Québec

Regulation to amend the Tariff for hearing devices and insured services*

Health Insurance Act
(R.S.Q., c. A-29, s. 3, 7th and 10th pars. and s. 72.1)

1. The Tariff for hearing devices and insured services is amended by replacing Part III of Schedule I by the Part III attached hereto.

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

SCHEDULE I
(s. 1)

PART III
INSURED SERVICES AND THEIR TARIFFS

DIVISION I
HEARING AIDS

	Tariffs
Services at the time of purchase or replacement of a hearing aid (first par. of s. 19 of the Regulation respecting hearing devices and insured services)	286.18
+ if an initial earmold (third par. of s. 19 of the Regulation)	48.01
+ if shell impression where an in-the-ear hearing aid is allocated (third par. of s. 19 of the Regulation)	22.93
In the event of death	
Tariff per quarter hour or fraction thereof (s. 20 of the Regulation)	9.66
Maximum amount, including the earmold or the shell impression (s. 20 of the Regulation)	140.05
Repair (after the warranty period)	
Tariff per quarter hour or fraction thereof (second par. of s. 21 of the Regulation)	9.66
Addition or replacement of an option or accessory (after first year)	
Tariff per quarter hour or fraction thereof (second par. of s. 24 of the Regulation)	9.66
Tube	2.00
Harness for body hearing aid (s. 25 of the Regulation)	16.50
Case for body hearing aid (s. 25 of the Regulation)	9.25
Microphone cover for behind-the-ear or body hearing aid (s. 25 of the Regulation)	6.00
Earmold and tube (whether or not made of nonallergenic materials) (s. 26 of the Regulation)	48.01
Shell impression (s. 26 of the Regulation)	22.93

DIVISION II
ASSISTIVE LISTENING DEVICES

	Tariffs
Services (first par. of s. 30 of the Regulation)	
Decoder	70.19
TTY (with or without printer)	106.44
Adapted TTY (large display or Braille display)	130.60
VCO (voice carry over) reception mode portable adapted TTY	106.44
TTY modem	130.60
Telephone amplifier (portable or freehand)	90.33
Frequency modulation system	130.60
Personal amplifier	82.28
Magnetic loop	178.93
Wireless amplification system for television (infrared or frequency modulation)	106.44
Vibrotactile aid	82.28
Telephone monitor	68.18
Door monitor	79.54
Fire alarm monitor	68.18
Baby cry or sound monitor	11.36
Adapted alarm clock (visual, tactile or for deaf-blind persons)	74.22
Repair (after the warranty period)	
Tariff for quarter hour or fraction thereof (first par. of s. 31 of the Regulation)	10.97

8406

* The Tariff for hearing aids and insured services, made by Resolution CA-425-06-01 dated 8 February 2006 (2006, *G.O.* 2, 2012) of the Régie de l'assurance maladie du Québec, was last amended by Resolution CA-431-06-22 dated 11 October 2006 (2006, *G.O.* 2, 4944). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2007, updated to 1 September 2007

Draft Regulations

Draft Regulation

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Automotive services industry
— Québec
— Various regulations of the Comité conjoint
— Amendments

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend various regulations of the Comité conjoint sur les services automobiles de la région de Québec, was adopted by the Comité conjoint sur les services automobiles de la région de Québec, a copy of which appears below, and may be made on the approval of the Government upon the expiry of the 45 days following this publication.

The purpose of this Regulation is to amend the name of the Comité conjoint sur les services automobiles de la région de Québec in the Regulation respecting the constitution of the Comité conjoint sur les services automobiles de la région de Québec and also in the following regulations: Levy Regulation of the Joint Committee on automotive services of the Québec region, Special By-laws of the Comité conjoint sur les services automobiles de la région de Québec and the Regulation respecting the attendance allowance and travelling expenses of the members of the Comité conjoint sur les services automobiles de la région de Québec. It should be noted that the Comité administers the Decree respecting the automotive services industry in the Québec region.

The consultation period will serve to clarify the impacts of this Regulation. According to the 2006 annual report of the Comité conjoint sur les services automobiles de la région de Québec, the Decree concerned by the Comité conjoint governs 761 employers, 240 artisans and 4,957 employees.

Additional information may be obtained by contacting:

Ms Annie Harvey
Direction des politiques du travail
Ministère du Travail
200, chemin Sainte-Foy, 5e étage
Québec (Québec) G1R 5S1

Telephone: 418 646-2446
Fax: 418 644-6969
e-mail: annie.harvey@travail.gouv.qc.ca

Any person having comments to make on this subject may send them in writing, before the expiry of the 45 days period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6e étage, Québec (Québec) G1R 5S1.

JULIE GOSSELIN,
Deputy Minister of Labour

Regulation to amend various regulations of the Comité conjoint sur les services automobiles de la région de Québec

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 18)

1. The Regulation respecting the constitution of the Comité conjoint sur les services automobiles de la région de Québec[1] is amended by replacing in the title, the words "conjoint sur les" by the words "paritaire de l'industrie des".

2. Section 2.00 of the Regulation is replaced by the following:

"**Section 2.00 Name of the Comité**

The name of the Comité is: Comité paritaire de l'industrie des services automobiles de la région de Québec.".

[1] The Regulation respecting the constitution of the Comité conjoint sur les services automobiles de la région de Québec, approved by Order in Council No. 1310-89 dated 9 August 1989 (1989, *G.O. 2*, 4848), was amended by the regulations approved by Orders in Council No. 178-90 dated 14 February 1990 (1990, *G.O. 2*, 774), No. 605-2000 dated 17 May 2000 (2000, *G.O. 2*, 2315) and No. 981-2001 dated 23 August 2001 (2001, *G.O. 2*, 4889).

3. The Levy Regulation of the Joint Committee on automotive services of the Québec region[2] is amended by replacing in the title the expression "Joint Committee on automotive services of the Québec region" by the expression "Comité paritaire de l'industrie des services automobiles de la région de Québec".

4. Section 2 of the Regulation is amended by replacing the expression "Joint Committee on automotive services of the Québec region" by the expression "Comité paritaire de l'industrie des services automobiles de la region de Québec".

5. Sections 3 and 4 of the Regulation are amended by replacing the words "Joint Committee" by the word "Comité".

6. Section 5 of the Regulation is amended by replacing in each paragraph the words "Joint Committee" by the word "Comité"

7. The Special By-laws of the Comité conjoint sur les services automobiles de la région de Québec[3] are amended by replacing in the title the words "conjoint sur les" by the words "paritaire de l'industrie des".

8. The Regulation respecting the attendance allowance and the travelling expenses of the members of the Comité conjoint sur les services automobiles de la région de Québec[4] is amended by replacing in the title the words "conjoint sur les" by the words "paritaire de l'industrie des".

9. Section 1 of the Regulation is amended by replacing the word "conjoint sur les" by the words "paritaire de l'industrie des".

10. Section 2 of the Regulation is amended by replacing the word "Committee" by the word "Comité".

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

8405

[2] The only amendments to the Levy Regulation of the Comité conjoint sur les services automobiles de la région de Québec, approved by Order in Council No. 51-96 dated 16 January 1996 (1996, *G.O. 2*, 998), were made under Order in Council No. 501-2002 dated 24 April 2002 (2002, *G.O. 2*, 2322).

[3] The only amendments to the Special By-laws of the Comité conjoint sur les services automobiles de la région de Québec, approved by Order in Council No. 518-F dated 28 March 1962 were made by Order in Council No. 707-2004 dated 30 June 2004 (2004, *G.O. 2*, 3382).

[4] The Regulation respecting the attendance allowance and the travelling expenses of the members of the Comité conjoint sur les services automobiles de la région de Québec, approved by Order in Council No. 707-2004 dated 30 June 2004 (2004, *G.O. 2*, 2296), has not been amended since its approval.

Index

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

	Page	Comments
Agence de l'efficacité énergétique and the Act respecting the Régie de l'énergie, An Act to amend the Act respecting the... (2007, Bill 57)	3219	
Agence de l'efficacité énergétique, An Act respecting the..., amended (2007, Bill 57)	3219	
Agence métropolitaine de transport, An Act respecting the..., amended (2007, Bill 6)	3155	
Agricultural operations (Environment Quality Act, R.S.Q., c. Q-2)	3225	M
Autorité des marchés financiers, An Act respecting the..., amended (2007, Bill 19)	3189	
Automotive services industry — Québec — Various regulations of the Comité conjoint (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	3229	Draft
Caisse de dépôt et placement du Québec, An Act respecting the..., amended (2007, Bill 20)	3207	
Certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry (An Act respecting workforce vocational training and qualification, R.S.Q., c. F-5)	3226	M
Charter of Ville de Montréal, amended (2007, Bill 6)	3155	
Charter of Ville de Québec, amended (2007, Bill 6)	3155	
Civil Code of Québec, amended (2007, Bill 20)	3207	
Civil Protection Act, amended (2007, Bill 6)	3155	
Collective agreement decrees, An Act respecting... — Automotive services industry — Québec — Various regulations of the Comité conjoint (R.S.Q., c. D-2)	3229	Draft
Communauté métropolitaine de Montréal, An Act respecting the..., amended (2007, Bill 6)	3155	
Cree Regional Authority, An Act respecting the..., amended (2007, Bill 20)	3207	
Deposit Insurance Act, amended (2007, Bill 19)	3189	
Distribution of financial products and services, An Act respecting the..., amended (2007, Bill 19)	3189	

Environment Quality Act — Agricultural operations . . . . 3225 M
(R.S.Q., c. Q-2)

Exercise of certain municipal powers in certain urban agglomerations,
An Act respecting the..., amended 3155
(2007, Bill 6)

Financial services cooperatives, An Act respecting..., amended 3215
(2007, Bill 27)

Financial services cooperatives, An Act to amend the Act respecting... 3215
(2007, Bill 27)

Governance of state-owned enterprises, An Act respecting the...., amended 3179
(2007, Bill 8)

Health Insurance Act — Tariff for hearing devices and insured services . . . . 3227 M
(R.S.Q., c. A-29)

Insurance, An Act respecting..., amended 3207
(2007, Bill 20)

Insurance, the Act respecting trust companies and savings companies and
other legislative provisions, An Act to amend the Act respecting... 3207
(2007, Bill 20)

List of Bills sanctioned (7 November 2007) 3151

List of Bills sanctioned (9 November 2007) 3153

Makivik Corporation, An Act respecting the..., amended 3207
(2007, Bill 20)

Ministère du Revenu, An Act respecting the..., amended 3185
(2007, Bill 17)

Municipal affairs, An Act to amend various legislative provisions
respecting... 3155
(2007, Bill 6)

Municipal courts, the Courts of Justice Act and other legislative provisions,
An Act to amend the Act respecting..., amended 3155
(2007, Bill 6)

Municipal Powers Act, amended 3155
(2007, Bill 6)

Municipal taxation, An Act respecting..., amended 3155
(2007, Bill 6)

Municipal Works Act, amended 3155
(2007, Bill 6)

Naskapi Development Corporation, An Act respecting the..., amended 3207
(2007, Bill 20)

Prescription drug insurance, An Act respecting..., amended 3211
(2007, Bill 24)

Prescription drug insurance, An Act to amend the Act respecting 3211
(2007, Bill 24)

Public Curator Act and the Act respecting the Ministère du Revenu,
An Act to amend the... 3185
(2007, Bill 17)

Public Curator Act, amended 3185
(2007, Bill 17)

Public transit authorities, An Act respecting..., amended 3155
(2007, Bill 6)

Régie de l'énergie, An Act respecting the..., amended 3219
(2007, Bill 57)

Securities Act and other legislative provisions, An Act to amend the... 3189
(2007, Bill 19)

Securities Act, amended 3189
(2007, Bill 19)

Société de développement des entreprises culturelles, An Act respecting the...,
amended 3179
(2007, Bill 8)

Société de développement des entreprises culturelles, An Act to amend the
Act respecting the... 3179
(2007, Bill 8)

Tariff for hearing devices and insured services . . . . 3227 M
(Health Insurance Act, R.S.Q., c. A-29)

Trust companies and savings companies, An Act respecting..., amended 3189
(2007, Bill 19)

Trust companies and savings companies, An Act respecting..., amended 3207
(2007, Bill 20)

Workforce vocational training and qualification, An Act respecting...
— Certificates of qualification and apprenticeship in electricity, pipe fitting
and mechanical conveyor systems mechanics in sectors other than the
construction industry . . . . 3226 M
(R.S.Q., c. F-5)