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**Laws and Regulations**

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**Summary**

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**PROVINCE OF QUÉBEC**

1ST SESSION

38TH LEGISLATURE

QUÉBEC, 18 DECEMBER 2007

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## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 18 December 2007*

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

- 11 An Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity
- 45 An Act to amend the Act respecting the Barreau du Québec and the Professional Code (*modified title*)
- 58 An Act to amend the Act respecting labour standards with regard to absences and leave

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



**PROVINCE OF QUÉBEC**

1ST SESSION

38TH LEGISLATURE

QUÉBEC, 21 DECEMBER 2007

## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 21 December 2007*

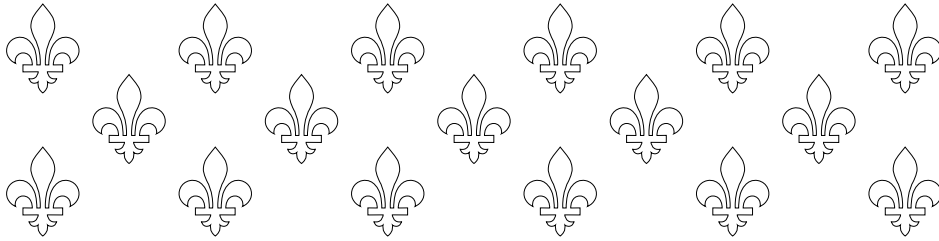
This day, at ten minutes past two o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 16 An Act to amend the Act respecting the Société du Centre des congrès de Québec and the Act respecting the Société du Palais des congrès de Montréal
- 32 An Act to promote the maintenance and renewal of public infrastructures (*modified title*)
- 39 An Act to amend the Forest Act and other legislative provisions
- 42 An Act to amend the Highway Safety Code and the Regulation respecting demerit points
- 44 An Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances
- 46 An Act to amend the Professional Code and the Chartered Accountants Act in respect of public accountancy
- 52 An Act to amend various legislative provisions concerning pension plans in the public sector
- 198 An Act to amend the Act respecting the Fondation Jean-Charles-Bonenfant
- 204 An Act respecting Ville de Lévis
- 206 An Act respecting Ville de Saint-Jérôme
- 207 An Act to amend the Act respecting Boucherville Golf Club

- 208 An Act to amend the Act respecting *L'Union des municipalités de la province de Québec* (Union of Municipalities of the Province of Québec)
- 209 An Act respecting Marie Francine Sonia Sophie Bisson
- 210 An Act to establish the Société du chemin de fer de la Gaspésie
- 211 An Act to amend the Act respecting Ville de Varennes
- 212 An Act respecting Ville de Matane

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





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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 11  
(2007, chapter 34)

**An Act respecting the forfeiture,  
administration and appropriation of  
proceeds and instruments of unlawful  
activity**

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**Introduced 15 June 2007  
Passed in principle 7 November 2007  
Passed 14 December 2007  
Assented to 18 December 2007**

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**Québec Official Publisher  
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## EXPLANATORY NOTES

*This bill introduces a new scheme for the civil forfeiture of property derived from or used to engage in unlawful activity so that persons who, in whatever capacity, hold rights in such property or use such property are not allowed to keep the resulting benefit, unless they are in good faith.*

*Thus, the Attorney General is authorized to make a forfeiture application to a court of civil jurisdiction. Under the new scheme, which is subject to civil rules of evidence and procedure, the court may order the forfeiture of property to the State if it is convinced that the property is connected in some way to unlawful activity and, in the case of property used to engage in unlawful activity, that the defendant participated in or was aware of the unlawful activity.*

*The new scheme also allows the Attorney General to file an incidental application requesting the court to declare rights in the forfeited property to be unenforceable given their fictitious or simulated nature, which nature may be presumed under certain circumstances. The scheme contains measures to protect the rights of third persons in good faith, and sets rules for the registration and the cancellation of the registration of rights in forfeited property as well as rules on prescription as it applies to forfeited property.*

*The bill provides for the administration of the proceeds and instruments of unlawful activity forfeited under the new scheme, and clarifies the current rules for the administration of property seized, restrained or forfeited under federal laws. It expands those rules by adding a provision under which the registration of rights in forfeited property may be cancelled if the holder of those rights has not confirmed them.*

*While the bill maintains the current rules for the appropriation of the proceeds and instruments of unlawful activity and applies them to the new civil forfeiture scheme, it alters them in such a way as to allow property administered by the Attorney General to be destroyed or alienated free of charge in certain cases. As well, the bill adds certain government departments and certain bodies to the list of organizations that may receive a share of the proceeds from forfeited property.*

**LEGISLATION AMENDED BY THIS BILL:**

- Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1);
- Public Curator Act (R.S.Q., chapter C-81);
- Act respecting the Director of Criminal and Penal Prosecutions (R.S.Q., chapter D-9.1.1);
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19).



## Bill 11

### AN ACT RESPECTING THE FORFEITURE, ADMINISTRATION AND APPROPRIATION OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### DIVISION I

##### PURPOSE AND SCOPE

**1.** The purpose of this Act is to provide for the civil forfeiture of property derived from or used to engage in unlawful activity so that persons who, in whatever capacity, hold rights in such property or use such property are not allowed to keep the resulting benefit, unless they are in good faith.

The purpose of this Act is also to provide for the administration of forfeited property or of property seized, restrained or forfeited under federal laws, and to allow the appropriation of such property or of the proceeds from the disposition of such property to socially useful purposes such as providing assistance for victims of crime and preventing, detecting and repressing crime.

**2.** An act or omission that is an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) is unlawful activity for the purposes of this Act.

A penal offence under an Act listed in Schedule 1 is also unlawful activity for the purposes of this Act.

**3.** This Act applies to property that is in Québec.

It is applicable to unlawful activity committed in Québec and to unlawful activity engaged in outside Québec that would also be unlawful activity if engaged in in Québec.

## DIVISION II

### CIVIL FORFEITURE OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY

**4.** The Attorney General may apply to a court of civil jurisdiction for forfeiture to the State of any property that is in whole or in part directly or indirectly derived from or used to engage in unlawful activity.

The Attorney General may also file an incidental application requesting the court to declare rights in the property unenforceable because they are of a fictitious or simulated nature or because they were acquired out of the proceeds of unlawful activity.

An application under this section is filed and heard according to the rules of the Code of Civil Procedure (R.S.Q., chapter C-25), and the rules of evidence in the proceedings are those applicable in civil matters.

**5.** Property to which improvements paid for out of the proceeds of unlawful activity have been made is proceeds of unlawful activity.

Property whose acquisition created a debt any part of which was repaid out of the proceeds of unlawful activity is also proceeds of unlawful activity.

**6.** The forfeiture application is served on the owner of the property, if known, and on any possessor or holder of the property at the time the application is filed or at the time the property was seized by a police force or another authority empowered to do so.

It is also served on any other known person whose rights in the property are likely to be affected by the application.

**7.** The court grants the forfeiture application if it is convinced that the property is proceeds or an instrument of unlawful activity. In the case of an instrument of unlawful activity, the court must also be convinced that the owner participated in the unlawful activity, was aware that the property was used to engage in such activity or could not reasonably have been unaware that the property was so used.

In all cases where the alleged unlawful activity is a penal offence under an Act listed in Schedule 1, the court must also be convinced that the activity resulted in substantial economic gain for the owner, possessor or holder.

The court may, according to the evidence presented before it, grant the forfeiture application only for some of the property for which the forfeiture application is filed.

**8.** When ruling on the forfeiture application or the incidental application, the court may prescribe any measure it deems necessary or appropriate in the interests of justice, including the remittal to the defendant of any amount by

which the proceeds of the alienation of forfeited property exceeds the value of the part of the forfeited property that is derived from unlawful activity.

The court may also prescribe any measure it deems necessary or appropriate to protect the rights of persons in good faith, to declare the nature and extent of their rights or to specify, on the application of the Attorney General, the amount of any claims guaranteed by a security they hold on the forfeited property.

**9.** Property that is proceeds of unlawful activity retains that nature into whatever hands it may come, unless the owner proves that he, she or it was not or could not reasonably have been aware of its nature at the time the rights in the property were acquired.

**10.** If the court grants the forfeiture application and the Attorney General has filed an incidental application for a declaration of unenforceability, the court rules on the incidental application. It declares unenforceable all rights proved to be fictitious or simulated or proved to be acquired out of the proceeds of unlawful activity, and orders that their registration in the land register or register of personal and movable real rights be cancelled.

A right is presumed to be fictitious or simulated when its holder is a person related to the owner of the forfeited property, such as the owner's spouse, a blood relative of the owner up to the second degree, a person connected to the owner by marriage or a civil union up to the second degree, a person living under the same roof as the owner, a partner of the owner or a legal person of which the owner is a director or that the owner controls.

**11.** The property for which the application is filed is presumed to be proceeds of unlawful activity if the defendant's legitimate income is significantly disproportionate to the defendant's patrimony or lifestyle or both, and the defendant

(1) frequently participates in unlawful activity likely to result in personal economic benefit;

(2) participates in the unlawful activity of a criminal organization within the meaning of the Criminal Code or acts in association with such an organization; or

(3) is a legal person one of whose directors or officers participates in the unlawful activity of a criminal organization within the meaning of the Criminal Code or a legal person in which a person who participates in such activity holds a substantial interest.

A person convicted of a criminal organization offence within the meaning of the Criminal Code is presumed to participate in the unlawful activity of or to act in association with a criminal organization.

**12.** A person convicted of a criminal offence in connection with unlawful activity alleged in the application is presumed to have participated in the unlawful activity except if the person has been discharged.

**13.** The forfeiture order is equivalent to a title of the State to the forfeited property and has all the effects of such a title. The forfeiture order strips the forfeited property of its nature as proceeds of unlawful activity.

**14.** The Attorney General may, at any time during or even before the proceedings, apply to a judge for authorization to seize before judgment the property for which an application has been or is to be filed if there is reason to fear that the forfeiture of the property would otherwise be jeopardized or that the property would otherwise be destroyed, severely damaged or squandered.

The application must be supported by an affidavit affirming that the property is proceeds or an instrument of unlawful activity, stating the facts giving rise to the seizure and indicating, if applicable, the deponent's sources.

The rules of the Code of Civil Procedure apply to the seizure.

**15.** Extinctive prescription may not be invoked against an application filed under this division.

However, acquisitive prescription in favour of an owner in good faith of the property for which an application is filed under this division or that person's predecessors may be invoked against the application.

### **DIVISION III**

#### **ADMINISTRATION OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY**

##### *§1. — Applicability*

**16.** The Attorney General administers property acquired by the State through civil forfeiture.

The Attorney General also administers property seized, restrained or forfeited under the provisions of the Criminal Code or the Controlled Drugs and Substances Act or any other rule of law, in connection with suits or proceedings brought by the Attorney General, namely,

(1) seized property entrusted to the Attorney General, at the Attorney General's request, by the competent judicial authority or another person holding that property;

(2) property seized under section 462.32 of the Criminal Code;



(3) property that is the subject of a restraint order and entrusted to the Attorney General by the competent judicial authority, at the Attorney General's request; and

(4) property forfeited to the State and fines corresponding to the value of that property.

§2. — *Rules*

**17.** The Attorney General has the full administration of property acquired by the State through civil forfeiture and property referred to in subparagraph 4 of the second paragraph of section 16.

The Attorney General administers property referred to in subparagraphs 1, 2 and 3 of the second paragraph of section 16 as stipulated in the order made by the competent judicial authority.

**18.** The Attorney General may entrust the Centre de services partagés du Québec or any other person the Attorney General designates with the mandate to administer certain property under the Attorney General's administration and with the responsibility for alienating forfeited property.

**19.** The Attorney General may apply for the cancellation of the registration, in the land register or register of personal and movable real rights, of rights in property referred to in subparagraph 4 of the second paragraph of section 16 if no order declaring that they are not affected by the forfeiture and declaring their nature and extent has been made in accordance with the provisions governing forfeiture.

The application for cancellation must be filed with a certificate attesting that fact issued by the clerk of the court that made the forfeiture order. The clerk of the court issues such a certificate if

(1) the clerk is presented with proof that prior notice of the forfeiture order in the form prescribed in Schedule 2 was given to the holder of the rights concerned, and with proof of service of the order;

(2) the forfeiture order has become *res judicata*; and

(3) where applicable, the decision dismissing the application for the order referred to in the first paragraph has become *res judicata*.

#### **DIVISION IV**

#### **APPROPRIATION OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY**

**20.** The Attorney General may, on the conditions determined by the Government, make a short-term loan to the consolidated revenue fund of all or

part of the sums under the Attorney General's administration. A loan made to the consolidated revenue fund is repayable out of that fund.

**21.** If the public interest so requires, the Attorney General may destroy forfeited property or alienate it free of charge. Forfeited property may be alienated free of charge in favour of such parties as police forces for research or training purposes, or in favour of non-profit bodies devoted to historical, educational or other purposes.

**22.** The proceeds, for a fiscal year, of the alienation of property acquired by the State through civil forfeiture are equal to the sum of the proceeds of the alienation, during that year, of property acquired by the State through civil forfeiture and the amounts collected for costs during that year, minus, for that year,

(1) expenditures related to the administration and alienation of property for which a civil forfeiture application was filed or property acquired by the State through civil forfeiture, determined in accordance with generally recognized accounting practices;

(2) judicial and other costs paid by the Attorney General;

(3) expenditures or advances to cover amounts awarded against persons to whom the Attorney General entrusted the administration of property; and

(4) expenditures made or advances paid by the Ministère de la Justice in connection with civil forfeiture-related activities.

**23.** The proceeds, for a fiscal year, of the alienation of property forfeited under the Criminal Code or the Controlled Drugs and Substances Act are equal to the sum of the proceeds of the alienation, during that year, of property referred to in subparagraph 4 of the second paragraph of section 16 and the fines corresponding to the value of that property that were collected during that year, minus, for that year,

(1) expenditures related to the administration and alienation of property referred to in subparagraphs 1 to 4 of the second paragraph of section 16, determined in accordance with generally recognized accounting practices;

(2) compensation paid in accordance with undertakings given by the Attorney General under subsection 6 of section 462.32 or subsection 7 of section 462.33 of the Criminal Code; and

(3) expenditures or advances to cover amounts awarded against persons to whom the Attorney General entrusted the administration of property.

**24.** The proceeds of the alienation of property acquired by the State through civil forfeiture and of property forfeited under the Criminal Code or the Controlled Drugs and Substances Act are, subject to section 25, paid into the

consolidated revenue fund on the dates and to the extent determined by the Government.

**25.** The Government may, in the circumstances and according to the proportions it determines, allow the proceeds referred to in section 24 to be wholly or partly shared with one or more of the following government departments, bodies or organizations:

- (1) the Fonds d'aide aux victimes d'actes criminels;
- (2) municipal bodies or native communities whose police forces, including special constables under the authority of native communities, participated in the operations that led to the forfeiture of the property or to the imposition of the fines and, if the police forces that participated in the operations are not subject to the Police Act (R.S.Q., chapter P-13.1), the authorities responsible for them as well as community organizations, designated by the Government, whose purpose is to facilitate such operations;
- (3) community organizations whose primary purpose is to prevent unlawful activity, particularly among young people;
- (4) the Ministère de la Sécurité publique, if the Sûreté du Québec participated in the operations that led to the forfeiture of the property or to the imposition of fines;
- (5) the Ministère de la Justice;
- (6) government departments responsible for the enforcement of an Act listed in Schedule 1 whose agents participated in the operations that led to the civil forfeiture of the property; and
- (7) bodies or organizations responsible for the administration of an Act listed in Schedule 1 whose agents participated in the operations that led to the civil forfeiture of the property.

The Attorney General pays into the Fonds d'aide aux victimes d'actes criminels or to the bodies or organizations referred to in subparagraphs 2, 3 and 7 of the first paragraph the sums allotted to them according to the shares determined. The Attorney General pays into the consolidated revenue fund the sums allotted to government departments and any balance remaining.

**26.** The sums allotted to the different government departments under section 25 constitute, for all intents, supplementary appropriations for the fiscal year in which they are paid into the consolidated revenue fund and are to be used by the departments for the purpose of preventing, detecting or repressing unlawful activity.

**27.** The Minister reports on the proceeds and fines referred to in section 24 and on their allotment under section 25 in the annual report tabled in the

National Assembly under the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19).

The Minister also reports on the destruction of property and on the appropriation of any property alienated free of charge during the Attorney General's administration.

## **DIVISION V**

### **MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS**

**28.** The Government may amend Schedule 2 to this Act by order.

**29.** The Minister of Justice is responsible for the administration of this Act.

**30.** Section 6 of the Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1) is amended by replacing “the property referred to in section 32.17 of the Act respecting the Ministère de la Justice (chapter M-19)” at the end by “the property referred to in section 17 of the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (2007, chapter 34)”.

**31.** Section 24 of the Public Curator Act (R.S.Q., chapter C-81) is amended by replacing “Division III.2 of the Act respecting the Ministère de la Justice (chapter M-19)” at the end of subparagraph 5 of the first paragraph by “the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (2007, chapter 34)”.

**32.** Section 14 of the Act respecting the Director of Criminal and Penal Prosecutions (R.S.Q., chapter D-9.1.1) is amended by replacing “Act respecting the Ministère de la Justice (chapter M-19)” in the second and third lines of the first paragraph by “Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (2007, chapter 34)”.

**33.** Division III.2 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19), comprising sections 32.11 to 32.22, is repealed.

The administration of property seized, restrained or forfeited under that division is continued under this Act.

Order in Council 349-99 (1999, G.O. 2, 1300, in French) respecting the allotment of the proceeds of property under section 32.19 of the Act respecting the Ministère de la Justice, amended by Orders in Council 1223-2000 (2000, G.O. 2, 6864, in French), 462-2001 (2001, G.O. 2, 2990, in French) and 376-2005 (2005, G.O. 2, 1776, in French), continues to apply, with the necessary modifications, as if it were made for the allotment of the proceeds of property forfeited under the Criminal Code or the Controlled Drugs and Substances Act.

**34.** The provisions of this Act, as they come into force, apply even to unlawful activity engaged in before 18 December 2007 and to property derived from unlawful activity that was acquired before that date.

This section may not, however, operate to confer the nature of proceeds of unlawful activity to property acquired by a person in good faith before 14 June 2006.

**35.** This Act comes into force on 18 December 2007, except Division II, which comes into force on the date to be set by the Government but not later than 1 September 2008.

## SCHEDULE 1

*(Section 2)***Acts under which penal offences are unlawful activity within the meaning of this Act**

- Building Act (R.S.Q., chapter B-1.1);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1);
- Food Products Act (R.S.Q., chapter P-29);
- Consumer Protection Act (R.S.Q., chapter P-40.1), but only as regards offences relating to contracts of credit and contracts entered into by itinerant merchants;
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Securities Act (R.S.Q., chapter V-1.1);
- Radiocommunication Act (Revised Statutes of Canada, 1985, chapter R-2);
- Tobacco Act (Statutes of Canada, 1997, chapter 13).

## SCHEDULE 2

(Section 19)

**Notice to holders of rights in property for which a forfeiture application has been filed**

To: (Name)

(Address)

Take notice that, on \_\_\_\_\_, in accordance with sections (*insert the relevant sections of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19)*), the Attorney General of Québec will apply to a judge of the \_\_\_\_\_ (*name of court*), for the district of \_\_\_\_\_, for an order for the forfeiture of the following property:

— (*details of property*)

According to the (*land register or register of personal and movable real rights*), you hold the following rights in property to which the order is to apply:

— (*details of registered rights (date, registration number, etc.)*).

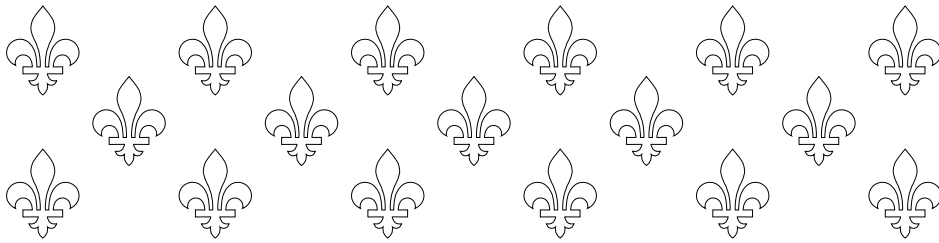
If the court orders the forfeiture of property in which you hold rights, take notice that, unless you obtain an order under the (*Criminal Code or Controlled Drugs and Substances Act*) declaring that the rights you hold are not affected by the forfeiture and declaring their nature and extent, the Attorney General will request that their registration be cancelled in accordance with section 19 of the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (2007, chapter 34).

You are advised to consult a lawyer for more information on this notice.

(*signature and identification of signatory*)







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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 16  
(2007, chapter 37)

**An Act to amend the Act respecting the  
Société du Centre des congrès de Québec  
and the Act respecting the Société du  
Palais des congrès de Montréal**

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**Introduced 17 October 2007  
Passed in principle 24 October 2007  
Passed 5 December 2007  
Assented to 21 December 2007**

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## EXPLANATORY NOTES

*The purpose of this bill is to make the Société du Centre des congrès de Québec and the Société du Palais des congrès de Montréal subject to the Act respecting the governance of state-owned enterprises, and to introduce new governance rules into the constituting acts of those enterprises.*

*The new governance rules determine the composition of the board of directors of the two enterprises and prescribe rules for appointing board members. For each enterprise the bill distinguishes between the functions of the chair of the board and those of the president and chief executive officer.*

*New rules will also apply to the operation of the board of directors, the constitution of the committees responsible to the board and the disclosure and publication of information.*

*Finally, the bill contains 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 du Centre des congrès de Québec (R.S.Q., chapter S-14.001);
- Act respecting the Société du Palais des congrès de Montréal (R.S.Q., chapter S-14.1).

## Bill 16

### AN ACT TO AMEND THE ACT RESPECTING THE SOCIÉTÉ DU CENTRE DES CONGRÈS DE QUÉBEC AND THE ACT RESPECTING THE SOCIÉTÉ DU PALAIS DES CONGRÈS DE MONTRÉAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE SOCIÉTÉ DU CENTRE DES CONGRÈS DE QUÉBEC

**1.** Section 5 of the Act respecting the Société du Centre des congrès de Québec (R.S.Q., chapter S-14.001) is replaced by the following section:

**“5.** The Société is administered by a board of directors consisting of 11 members, including the chair and the president and chief executive officer.

The Government shall appoint the members of the board, other than the chair and the president and chief executive officer, taking into consideration the expertise and experience profiles approved by the board. Members of the board are appointed for a term of up to four years, and at least three of them are appointed after consultation with bodies representative of the sector.”

**2.** Section 6 of the Act is repealed.

**3.** Section 7 of the Act is amended by replacing the first paragraph by the following paragraph:

**“7.** The Government shall appoint the chair of the board of directors for a term of up to five years.”

**4.** Section 8 of the Act is amended by replacing the first paragraph by the following paragraph:

**“8.** A vacancy on the board of directors is filled in accordance with the appointment rules set out in this Act.”

**5.** Section 9 of the Act is replaced by the following sections:

**“9.** On the recommendation of the board of directors, the Government shall appoint the president and chief executive officer taking into consideration 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 Government shall determine the remuneration, employee benefits and other conditions of employment of the president and chief executive officer.

**“9.1.** If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 9 within a reasonable time, the Government may appoint the president and chief executive officer after notifying the members of the board.

**“9.2.** 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.”

**6.** Section 10 of the Act is replaced by the following section:

**“10.** The office of president and chief executive officer is a full-time position.”

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

(1) by striking out the first paragraph;

(2) by inserting “other than the president and chief executive officer” after “directors” in the first line of the second paragraph.

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

(1) by striking out the first paragraph;

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

“Members of the personnel of the Société may not, under pain of forfeiture of office, have any direct or indirect interest in any undertaking causing their interest to conflict with that of the Société. However, forfeiture is not incurred where the interest devolves to them by succession or gift, provided they renounce or dispose of it with dispatch.”

**9.** Section 16 of the Act is amended by replacing the second paragraph by the following paragraph:

“The by-laws of the Société, except by-laws made under section 14 and internal management by-laws, come into force on the date they are approved by the Government or on any other date determined in the by-laws.”

**10.** Section 21 of the Act is amended

(1) by replacing “director general” in the second line of the first paragraph by “president and chief executive officer” and by replacing “by-law” in the third line by “the internal management by-laws”;

(2) by replacing “The Société may allow, by by-law” in the first line of the second paragraph by “In those by-laws, the Société may allow” and by replacing “by-law of the Société” in the last line of that paragraph by “those by-laws”;

(3) by replacing “president” in the second line of the first paragraph by “chair”.

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

(1) by replacing “by-law” in the third line by “the internal management by-laws”;

(2) by replacing “president” in the second line by “chair”.

ACT RESPECTING THE SOCIÉTÉ DU PALAIS DES CONGRÈS DE  
MONTRÉAL

**12.** Section 5 of the Act respecting the Société du Palais des congrès de Montréal (R.S.Q., chapter S-14.1) is replaced by the following section:

**“5.** The Société is administered by a board of directors consisting of 11 members, including the chair and the president and chief executive officer.

The Government shall appoint the members of the board, other than the chair and the president and chief executive officer, taking into consideration the expertise and experience profiles approved by the board. Members of the board are appointed for a term of up to four years, and at least three of them are appointed after consultation with bodies representative of the sector.”

**13.** Sections 6 to 11 of the Act are replaced by the following sections:

**“6.** The Government shall appoint the chair of the board of directors for a term of up to five years.

On the expiry of their term, board members remain in office until they are replaced or reappointed.

**“7.** A vacancy on the board of directors is filled in accordance with the appointment rules set out in this Act.

Non-attendance at a number of board meetings determined by the internal management by-laws of the Société constitutes a vacancy in the cases and circumstances specified in those by-laws.

**“8.** On the recommendation of the board of directors, the Government shall appoint the president and chief executive officer taking into consideration the expertise and experience profile established by the board.

The president and chief executive officer is appointed for a term of up to five years.

The Government shall determine the remuneration, employee benefits and other conditions of employment of the president and chief executive officer.

**“9.** If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 8 within a reasonable time, the Government may appoint the president and chief executive officer after notifying the board members.

**“10.** 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.

**“11.** The office of president and chief executive officer is a full-time position.

**“11.1.** Board members other than the president and chief executive officer receive no remuneration, except in the cases, on the conditions and to the extent that may be determined by the Government. They are entitled, however, to the reimbursement of expenses incurred in the exercise of their functions on the conditions and to the extent determined by the Government.”

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

(1) by striking out the first paragraph;

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

“Employees of the Société may not, under pain of forfeiture of office, have any direct or indirect interest in any undertaking causing their interest to conflict with that of the Société. However, forfeiture is not incurred where the interest devolves to them by succession or gift, provided they renounce or dispose of it with dispatch.”

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

**16.** Section 16 of the Act is amended by inserting “and those made for its internal management under section 15” after “14” in the first line.

**17.** Section 17 of the Act is amended by replacing “president” by “chair”.

**18.** Section 18 of the Act is amended by striking out paragraph 4.

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

**20.** Section 21 of the Act is amended by replacing paragraph 1 by the following paragraph:

“(1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government;”.

#### ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

**21.** Section 34 of the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02) is amended by inserting “obligation to establish such a plan under the” after “subject to the”.

**22.** Schedule 1 to the Act is amended by inserting the following in alphabetical order:

“Société du Centre des congrès de Québec

“Société du Palais des congrès de Montréal”.

#### TRANSITIONAL PROVISIONS

**23.** The vice-president appointed under section 5 of the Act respecting the Société du Centre des congrès de Québec as it read before 21 December 2007 continues in office until a person is appointed to replace the chair of the board under section 13 of the Act respecting the governance of state-owned enterprises.

**24.** The vice-president appointed under section 6 of the Act respecting the Société du Palais des congrès de Montréal as it read before 21 December 2007 continues in office until a person is appointed to replace the chair of the board under section 13 of the Act respecting the governance of state-owned enterprises.

**25.** The Société du Centre des congrès de Québec and the Société du Palais des congrès de Montréal must satisfy the requirements of section 34 of the Act respecting the governance of state-owned enterprises not later than 21 March 2009.

**26.** The requirements relating to the number of independent members of a board of directors and to the independence of the chair provided in the first paragraph of section 4 of the Act respecting the governance of state-owned enterprises, and the requirement provided in the second paragraph of section 19 of that Act, apply to the Société du Centre des congrès de Québec and the Société du Palais des congrès de Montréal as of the date set by the Government. That date must be set as soon as possible and the provisions referred to in this section are to apply not later than 14 December 2011.

The same applies to the requirement that the audit committee include a member of a professional order of accountants as set out in the second paragraph of section 23 of that Act.

**27.** 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 du Centre des congrès de Québec or the Société du Palais des congrès de Montréal in office on 20 December 2007 has the status of independent director.

**28.** A member of the board of directors of the Société du Centre des congrès de Québec or a member of the board of directors of the Société du Palais des congrès de Montréal in office on 20 December 2007 who has not obtained the status of independent director under section 27 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 that section until the number of independent directors on the board of the Société in question corresponds to two thirds of the membership.

**29.** The members of the board of directors of the Société du Centre des congrès de Québec and of the Société du Palais des congrès de Montréal in office on 20 December 2007 continue in office for the unexpired portion of their term on the same terms, until they are replaced or reappointed.

The president of the board of directors and director general of the Société du Centre des congrès de Québec continues in office, on the same terms, for the unexpired portion of the term, as president and chief executive officer. The president of the board of directors and director general exercises the functions of chair of the board of directors until that office is filled in accordance with section 7 of the Act respecting the Société du Centre des congrès de Québec, amended by section 3 of this Act.

The president and director general of the Société du Palais des congrès de Montréal continues in office, on the same terms, for the unexpired portion of the term, as president and chief executive officer. The president and director general exercises the functions of chair of the board until that office is filled in accordance with section 6 of the Act respecting the Société du Palais des congrès de Montréal, replaced by section 13 of this Act.

**30.** The Société du Centre des congrès de Québec must submit to the Government for approval the variable pay policy applicable to its officers and employees not later than 31 December 2008.

The Société may not change its variable pay policy in force on 21 December 2007 unless the change is approved by the Government.

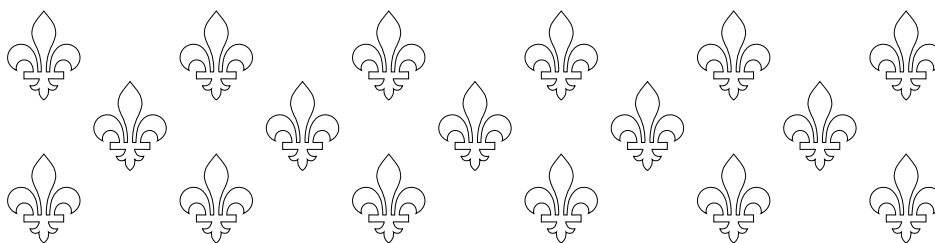
**31.** Sections 36, 38 and 39 of the Act respecting the governance of state-owned enterprises apply to the Société du Centre des congrès de Québec and the Société du Palais des congrès de Montréal as of the fiscal year of the enterprise that ends after 31 March 2008.



**32.** Paragraph 1 of section 21 of the Act respecting the Société du Palais des congrès de Montréal continues to apply until the Government determines an amount under paragraph 1 of section 21 of that Act, replaced by section 20 of this Act.

**33.** This Act comes into force on 21 December 2007.





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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 32  
(2007, chapter 38)

## **An Act to promote the maintenance and renewal of public infrastructures**

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**Introduced 30 October 2007**  
**Passed in principle 11 December 2007**  
**Passed 18 December 2007**  
**Assented to 21 December 2007**

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**Québec Official Publisher**  
**2007**

**EXPLANATORY NOTES**

*The purpose of this bill is to ensure that state investments in public infrastructures are transparent and made in accordance with best management practices, and that they are properly apportioned between infrastructure maintenance and infrastructure development. To that end, the bill provides that a capital budget is to be tabled each year in the National Assembly. The budget is to specify the amounts allocated to maintaining and developing public infrastructures and to eliminating the maintenance deficit within 15 years. The bill also provides for a rendering of accounts with respect to the use of the budget.*

## **Bill 32**

### **AN ACT TO PROMOTE THE MAINTENANCE AND RENEWAL OF PUBLIC INFRASTRUCTURES**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **OBJECT**

**1.** The purpose of this Act is to ensure that state investments in public infrastructures are transparent and made in accordance with best management practices, and that they are properly apportioned between infrastructure maintenance and infrastructure development.

#### **CHAPTER II**

##### **INVESTING IN THE MAINTENANCE AND DEVELOPMENT OF PUBLIC INFRASTRUCTURES AND IN THE ELIMINATION OF THE MAINTENANCE DEFICIT**

**2.** Not later than 1 December each fiscal year, the Conseil du trésor must submit to the Government a draft multi-year capital budget for public infrastructures.

**3.** “Infrastructure” means an immovable, a civil engineering work and any other equipment determined by the Government.

An infrastructure is considered to be a public infrastructure if the Government contributes financially, directly or indirectly, to building, acquiring, maintaining or improving it.

**4.** The capital budget must specify the amounts allocated to each of the following objectives:

(1) maintaining existing public infrastructures in keeping with the standards recognized for each type of infrastructure and identified by the Conseil du trésor;

(2) eliminating within 15 years the maintenance deficit determined on 1 April 2008; and

(3) building new public infrastructures, or improving or replacing existing public infrastructures.

If the part of the capital budget for a year that is allocated under subparagraph 2 of the first paragraph does not reach 6% of the maintenance deficit determined on 1 April 2008, the difference must be redistributed among the capital budgets for the following three years.

**5.** A body that receives a financial contribution for a public infrastructure from the Government must provide, at the request of the chair of the Conseil du trésor or of the Minister responsible for the body, the information the chair considers necessary to prepare the capital budget and a yearly report detailing how the allocated amounts have been used, in particular with respect to the objectives listed in section 4.

**6.** The capital budget and the yearly report on how it has been used are tabled in the National Assembly by the chair of the Conseil du trésor.

The documents may be examined by the appropriate committee of the National Assembly.

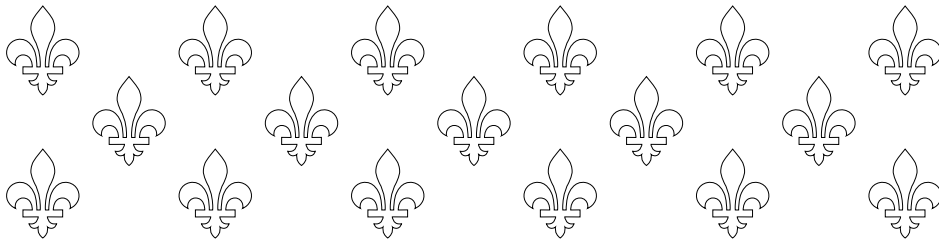
**7.** The Government may make rules on how to allocate unused amounts in the capital budget to subsequent budgets.

### CHAPTER III

#### MISCELLANEOUS PROVISIONS

**8.** The Minister who chairs the Conseil du trésor is responsible for the administration of this Act.

**9.** The provisions of this Act come into force on the date or dates to be set by the Government.



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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 39  
(2007, chapter 39)

## **An Act to amend the Forest Act and other legislative provisions**

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**Introduced 6 November 2007**  
**Passed in principle 27 November 2007**  
**Passed 19 December 2007**  
**Assented to 21 December 2007**

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**Québec Official Publisher**  
**2007**

## EXPLANATORY NOTES

*The main object of this bill is to modify certain rules governing forest management activities in the domain of the State.*

*Firstly, the bill simplifies the rules relating to forest planning by providing more leeway in the determination of the places where the forest management activities described in the five-year program may be carried out during the period covered by the general forest management plan, and allowing activities approved during the year but not carried out during that year to be carried over to the following annual management plan without being approved again.*

*Secondly, the bill adds instances where the Minister may accredit the holder of a wood processing plant operating permit so that the holder may obtain a management permit for a management unit in order to supply the processing plant. The bill also specifies the rules applicable to the exercise of that power.*

*Thirdly, concerning the monitoring and control of forest management activities, the bill provides that the annual management plan to be presented by the holders of forest management agreements or forest management contracts must be accompanied by silvicultural prescriptions approved by a forest engineer. It also provides that the agreement and contract holders must prepare and submit to the Minister a periodic progress report on silvicultural treatments they carry out in the management area, and specifies the sanctions applicable if they fail to comply with that obligation. Furthermore, the bill establishes rules for the cash reimbursement of temporary credits and subjects the right to the credit applicable to dues to the prior payment of third parties who have carried out silvicultural treatments on behalf of an agreement holder.*

*Fourthly, the bill identifies certain situations where the Minister may at any time make minor changes to the boundaries of a forest management unit, in particular to correct a clerical or technical error or to include new areas acquired by the State. The bill also adds new cases to those already set out in the Forest Act where it will be possible to revise at any time the calculation of the annual allowable cut assigned to a management unit, and to make changes to the general plan and the agreement of the holders carrying out their activities in the unit concerned.*



*The bill reduces from one and a half years to six months the time an agreement holder's processing plant must be out of operation before the Minister may send a notice to the holder stating that the agreement will be terminated. It also sets out the applicable formalities. The bill makes minor changes to the forest protection programs covering the fires that occur while work is being carried on in the forest.*

*The bill grants the Minister the power to require that persons or bodies to whom the Minister allocated volumes of round timber for the supply of wood processing plants obtain certification from an independent body that has established standards for sustainable forest management applicable to Québec forests. It also provides that the Minister may establish programs to facilitate and support the obtention of forest certification.*

*Lastly, the bill introduces a protection plan for biological refuges. For that purpose, it provides rules relating to the designation of such refuges, the changes they undergo and their protection. Consequential amendments are also introduced.*

**LEGISLATION AMENDED BY THIS BILL:**

- Forest Act (R.S.Q., chapter F-4.1);
- Mining Act (R.S.Q., chapter M-13.1);
- Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2);
- Act to amend the Forest Act and other legislative provisions (2001, chapter 6).



## Bill 39

### AN ACT TO AMEND THE FOREST ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Section 14.3 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing “according to the terms and conditions set out in section 73.1, except those set out in the sixth paragraph, and in sections 73.2 and 73.3” in the first sentence of the first paragraph by “according to the terms and conditions set out in sections 73.1 to 73.3, except those set out in the sixth paragraph of section 73.1 and the fourth paragraph of section 73.2”.
- 2.** Section 24 of the Act is amended by inserting “92.0.3.1, 92.0.3.2,” after “92.0.3,” in paragraph 3.
- 3.** The Act is amended by inserting the following division after section 24.9:

#### “DIVISION II.2

#### “PROTECTION OF BIOLOGICAL REFUGES

“**24.10.** The Minister may designate forest areas as biological refuges in order to protect certain mature or overmature forests that are representative of Québec’s forest heritage and to maintain the biological diversity of those forests.

To that end, the Minister shall establish and define the boundaries of biological refuges on all or part of the forest lands of the domain of the State and manage the biological refuges in such a way as to ensure their continued protection.

The biological refuges are entered in the land use plan provided for in the Act respecting the lands in the domain of the State (chapter T-8.1).

“**24.11.** The Minister may make any modification the Minister deems necessary to correct an error, inaccuracy or other incongruity that occurred in establishing the boundaries of a biological refuge.

The Minister may also modify the boundaries of a biological refuge or revoke its status if the area covered is no longer characterized by the biodiversity that initially warranted its preservation. If the refuge is entered in the register of protected areas kept by the Minister of Sustainable Development,

Environment and Parks, the Minister must obtain the approval of that Minister before proceeding with the modification or revocation.

**“24.12.** The Minister shall draw up and maintain a list of designated biological refuges.

The list is published on the department’s website and contains the following information:

- (1) the number assigned to the biological refuge;
- (2) the number of the forest management unit within which the biological refuge is located; and
- (3) the geographical coordinates and the area of the biological refuge.

The geographical boundaries of a biological refuge must also be shown on maps accessible on the department’s website.

**“24.13.** Forest management activities are prohibited in the area covered by a biological refuge.

However, the Minister may authorize a forest management activity, on the conditions the Minister determines, if the Minister considers it expedient and if the activity is not likely to have an adverse effect on the maintenance of biological diversity. If the refuge is entered in the register of protected areas kept by the Minister of Sustainable Development, Environment and Parks, the Minister must consult that Minister for an opinion on the impact of the proposed activity before authorizing it.”

**4.** The Act is amended by inserting the following section after section 35.14:

**“35.14.1.** Despite section 35.14, the Minister may, without being required to comply with the formalities described in the second paragraph of that section, modify the boundaries of a management unit to correct a clerical or technical error that occurred when the unit was delimited or to include within the unit forest lands acquired by the State after it was delimited.

The Minister shall make public the new delimitation for the management unit. It comes into force at that time.”

**5.** Section 35.15 of the Act is amended by inserting the following subparagraph after subparagraph 1 of the first paragraph:

“(1.1) the designation of a biological refuge or any modification concerning that designation;”.

**6.** Section 35.16 of the Act is amended

(1) by inserting “to the boundaries of a management unit or” after “following a modification” in the first sentence of the second paragraph;

(2) by adding the following at the end of the second sentence of the second paragraph: “, by reason of substantial modifications made to the standards of forest management or to forest practices that significantly affect the annual allowable cut, annual yield or objectives assigned to the management unit, or if the tools used in the calculation of the forest production assigned to the units were replaced by tools improving the precision of the calculations, and there are significant differences in the results of those calculations.”

**7.** Section 52 of the Act, replaced by section 42 of chapter 6 of the statutes of 2001 and amended by section 7 of chapter 45 of the statutes of 2006, is again amended

(1) by striking out paragraph 6;

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

“(7) a map, drawn to the scale determined by the Minister, showing the sites where the main infrastructures could be established and the programmed activities carried out during the period covered by the general plan;”.

**8.** Section 59 of the Act, replaced by section 46 of chapter 6 of the statutes of 2001 and amended by section 16 of chapter 16 of the statutes of 2003 as amended by section 8 of chapter 3 of the statutes of 2005, is again amended by inserting the following paragraph after the first paragraph:

“If unable to submit an annual plan to the Minister before the date set in the first paragraph, the agreement holder must give the Minister notice, before that date, of the date on which the plan will be submitted.”

**9.** Section 59.1 of the Act, enacted by section 46 of chapter 6 of the statutes of 2001 and amended by section 17 of chapter 16 of the statutes of 2003 and by section 9 of chapter 45 of the statutes of 2006, is again amended

(1) by replacing “a description of the forest management activities to be carried out” in the first sentence of subparagraph 1 of the first paragraph by “a description of the forest management activities for which a forest management permit may be required in order to carry them out”;

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

“The annual plan must be accompanied by silvicultural prescriptions approved by a forest engineer. The prescriptions must be supported by forest inventory data that have been compiled and analyzed or by other documents or information determined or accepted by the Minister, which may vary with the silvicultural treatments to be carried out. The forest inventory data, documents or information used in preparing the prescriptions must be forwarded to the Minister on request.”

**10.** Section 59.2 of the Act, enacted by section 46 of chapter 6 of the statutes of 2001, is amended by striking out the third paragraph.

**11.** Section 59.6 of the Act, enacted by section 46 of chapter 6 of the statutes of 2001 and amended by section 18 of chapter 16 of the statutes of 2003, is again amended by replacing “in the forest inventory data having served to validate the relevance of the silvicultural treatments included in the annual management plan” in the third paragraph by “in the silvicultural prescriptions accompanying the annual management plan or the forest inventory data, documents or information used in preparing those prescriptions”.

**12.** Section 60 of the Act, replaced by section 47 of chapter 6 of the statutes of 2001 and amended by section 19 of chapter 16 of the statutes of 2003 and by section 10 of chapter 45 of the statutes of 2006, is again amended

(1) by replacing “provided for in the annual plan approved by the Minister” in subparagraph 1 of the first paragraph by “approved in the annual plan and authorized under the management permit”;

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

“(2) to apply the corrective programs established under sections 61 and 77.3, if necessary;”;

(3) by replacing “under the annual management plan” in subparagraph 5 of the first paragraph by “approved in the annual plan and authorized under the management permit”.

**13.** Section 70 of the Act, replaced by section 52 of chapter 6 of the statutes of 2001 and amended by section 11 of chapter 45 of the statutes of 2006, is again amended by replacing “before 1 September each year” in the first paragraph by “before 1 November each year”.

**14.** Section 73.2 of the Act is replaced by the following section:

**“73.2.** An agreement holder must prepare and submit to the Minister, in the form and tenor determined by regulation of the Government, a periodic progress report on silvicultural treatments or other activities the agreement holder carries out in the management unit. The progress report must be approved by a forest engineer in the case of forest management activities or, in any other case, by a professional designated by the Minister.

The dates on which progress reports must be submitted and the periods they must cover are set by the Minister after consultation with the agreement holder.

On receipt of a progress report, the Minister may, at the request of the agreement holder, grant a provisional credit corresponding to the value of the

silvicultural treatments or other activities which have been carried out and applicable to the payment of the prescribed dues. However, an agreement holder who has treatments or activities carried out by a third party may be granted a credit only if the agreement holder has already paid to that third party the total cost of the treatments or activities that have been carried out and are the subject of the request for credit.

If the Minister deems that at the end of a given year the credits could exceed the dues the agreement holder must pay that year for the timber harvested, the Minister may, after having granted a provisional credit under this section, reimburse to the agreement holder the sum corresponding to the amount of credits that is in excess of the dues payable. However, the Minister must reduce that sum by any contributions owed to the forestry fund or assessments owed to a forest protection organization recognized by the Minister under this Act.

Following the presentation of the annual report, the credits are adjusted, if need be, to ensure that they correspond to the value of the treatments or other activities accepted by the Minister under section 73.1.

If an agreement holder fails to comply with this section, the Minister may refuse to grant a provisional credit until the agreement holder complies with this section or until a decision on the granting of the provisional credit is made following the presentation of the annual report. The Minister may also cancel 10% of the provisional credits already granted and postpone the decision on the granting of credit to the time the annual report is presented.”

**15.** Section 77.4 of the Act, enacted by section 62 of chapter 6 of the statutes of 2001, is amended

(1) by inserting “of the boundaries of the management unit or a modification” after “following a modification” in the first paragraph;

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

“The same applies if the decision to reduce the annual allowable cut assigned to a management unit is made in order to take into account substantial modifications to the standards of forest management or to forest practices or following the replacement of the tools used in the calculation of forest production.”

**16.** Section 82 of the Act, amended by section 70 of chapter 6 of the statutes of 2001, is again amended

(1) by replacing “one-and-a-half years” in subparagraph 5 of the first paragraph by “six months”;

(2) by replacing “In such cases” in the third paragraph by “In the cases referred to in the first paragraph”;

(3) by adding the following sentences at the end of the third paragraph: “In the case referred to in subparagraph 5 of the first paragraph, the prior notice must state that the agreement holder has 60 days in which to submit a business plan for resuming operations to the Minister. If the agreement holder submits a business plan within the 60-day period, the Minister may not terminate the agreement before the expiry of 30 days after the plan is submitted.”;

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

“The resumption of a wood processing plant’s operations for a continuous period of less than one month does not interrupt the six-month period referred to in subparagraph 5 of the first paragraph.”

**17.** Section 84.5 of the Act is amended by replacing “before 1 September each year” by “before 1 November each year”.

**18.** Section 85 of the Act is replaced by the following section:

**“85.** The Minister shall issue a forest management permit to the holder of a timber supply and forest management agreement or the holder of a forest management agreement if the activities for which the permit is requested have been approved in the annual management plan of the management unit concerned.

The Minister may, however, require that certain activities approved in the annual plan be part of the activities authorized under the management permit, particularly those for which schedules have been imposed on the agreement holder, in order to ensure that the forest management strategies adopted to reach the annual allowable cut, annual yield and objectives assigned to the management unit are applied.”

**19.** Section 86 of the Act, amended by section 13 of chapter 45 of the statutes of 2006, is replaced by the following sections:

**“86.** A forest management permit authorizes an agreement holder to harvest in the management unit, during the period covered by the annual plan and subject to the reductions made under this Act, a volume of timber of one or more species, up to the annual volume set in the agreement or the volume as increased under this Act, and to carry out the forest management activities under the agreement holder’s responsibility.

The permit states the authorized volume for each species or group of species and, if applicable, specifies the processing plant or plants to be supplied.

**“86.0.1.** An agreement holder may not claim the right to the total annual volume set in the agreement if all the activities approved in the annual plan and authorized under the management permit do not allow for the harvest of such a volume.



The agreement holder may not claim to be authorized, on the basis of the annual plan or the management permit, to carry out forest management activities that depart from the standards provided for in this Act or set in a regulation made under this Act unless, in accordance with the law, such a departure has been specifically authorized.

**“86.0.2.** The management permit may be modified at any time at the request of the agreement holder, in particular to withdraw from or add to the permit activities already approved in the annual plan. Before agreeing to the modifications, the Minister must ensure that the changes requested will not call into question any forest management strategies.

The permit expires at the end of the period covered by the plan.

**“86.0.3.** A forest management activity approved by the Minister for which no management permit has been issued during the period covered by the annual plan, or for which a management permit has been issued but which has not been completed during the period covered, may, at the agreement holder’s choice, be renewed in the following annual plan and be the object of a management permit without having to be approved again.”

**20.** Section 86.1 of the Act is amended by replacing “under the annual management plan” in subparagraph 2 of the second paragraph by “approved in the annual plan and authorized under the management permit”.

**21.** The Act is amended by inserting the following sections after section 92.0.3:

**“92.0.3.1.** Before the period covered by the general forest management plans expires, the Minister may also, if considered expedient by the Minister, accredit for the same purposes the holder of a wood processing plant operating permit where a volume of timber is made available following the cancellation of an agreement.

The volume of timber available corresponds to the volume of timber not harvested since the beginning of the period covered by the general forest management plans that could have been harvested annually under the agreement holder’s agreement had it not been cancelled, after deducting any volumes already accredited under subparagraph 1, 2 or 5 of the first paragraph of section 92.0.3.

**“92.0.3.2.** The Minister may also, if considered expedient by the Minister, accredit for the same purposes the holder of a wood processing plant operating permit so that degraded forest stands or stands likely to be affected by natural disasters because of their condition or their age may be harvested.

Such an accreditation may also be granted, but only before the period covered by the current general plans ends, if the volume of timber harvested in a management unit during the period covered by the previous general plans is

inferior to the estimated harvested volume used to revise the calculation of that unit's annual allowable cut.”

**22.** Section 92.0.11 of the Act is amended by replacing “in the case provided for in subparagraph 3 of the first paragraph of section 92.0.3” in the second paragraph by “in the cases set out in subparagraph 3 of the first paragraph of section 92.0.3 and the first paragraph of section 92.0.3.2 and, as concerns timber that became available during the years following the year an agreement is cancelled, in the case set out in section 92.0.3.1.”

**23.** Section 92.0.12 of the Act is amended by replacing “except as regards the sixth paragraph of section 73.1 to which” in the fourth paragraph by “except as regards the sixth paragraph of section 73.1 and the fourth paragraph of section 73.2 to which”.

**24.** Section 103 of the Act is amended by replacing the second sentence of the first paragraph by the following sentences: “The annual plan must be accompanied by silvicultural prescriptions approved by a forest engineer. The prescriptions must be supported by forest inventory data that have been compiled and analyzed or by other documents or information determined or accepted by the Minister, which may vary with the silvicultural treatments to be carried out. The forest inventory data, documents or information used in preparing the prescriptions must be forwarded to the Minister on request.”

**25.** Section 104.4 of the Act is amended by replacing “before 1 September each year” by “before 1 November each year”.

**26.** Section 124.10.1 of the Act is amended by replacing “by all the board members” in the second sentence of the second paragraph by “by the assembly of members”.

**27.** Section 143 of the Act is amended

(1) by adding “from it, if the organization deems it expedient” at the end of the first sentence of the first paragraph;

(2) by adding the following sentence at the end of the first paragraph: “If the work is to be carried on outside the intensive protection zone, the costs incurred to determine the necessity of obtaining a plan and, where applicable, those relating to the preparation of the plan are to be met by the person who carries on work in the forest or causes work to be carried on in the forest.”

**28.** Section 172 of the Act is amended by replacing “the fire protection program” in subparagraph 14 of the first paragraph by “any fire protection program”.

**29.** Section 176 of the Act, amended by section 21 of chapter 45 of the statutes of 2006, is again amended by replacing “or that exceeds the volume determined in the agreement” in the second paragraph by “or that exceeds the volume determined in the permit”.

**30.** Section 184 of the Act, amended by section 47 of chapter 16 of the statutes of 2003, is again amended

(1) by inserting “, 92.0.3.1 or 92.0.3.2” after “of an accreditation under section 92.0.3” in subparagraph 3 of the second paragraph;

(2) by replacing everything after “under section 92.0.3 or” in subparagraph 5 of the second paragraph by “92.0.3, 92.0.3.1 or 92.0.3.2, or of a management permit issued under section 92.0.11, who fails to submit to the Minister within the time set in section 70 the annual activities report referred to in that section.”

**31.** Section 186.7 of the Act is amended by replacing “accreditation under section 92.0.3 or forest management contract who submits an annual management plan or accompanying forest inventory data to the Minister which contains an entry which the holder knows to be false or misleading” in subparagraph 2 of the first paragraph by “forest management contract or accreditation under section 92.0.3, 92.0.3.1 or 92.0.3.2 who submits to the Minister an annual management plan or accompanying silvicultural prescriptions which contains an entry the holder knows to be false or misleading, or who submits to the Minister forest inventory data, documents or information used in the preparation of the prescriptions which contain such an entry”.

**32.** Section 186.10 of the Act is amended by replacing “by the Minister as an exceptional forest ecosystem” in the first paragraph by “as an exceptional forest ecosystem under section 24.4, or in a biological refuge created under section 24.10”.

## AMENDING PROVISIONS

### MINING ACT

**33.** Section 304 of the Mining Act (R.S.Q., chapter M-13.1) is amended

(1) by replacing the information following the last dash in subparagraph 1 of the first paragraph by the following information:

“— classification as an exceptional forest ecosystem under sections 24.4 to 24.9 of the Forest Act (chapter F-4.1) or designation of biological refuges under sections 24.10 to 24.13 of that Act;”;

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

“An order made by the Minister under subparagraph 1 of the first paragraph, concerning the designation of a biological refuge, must refer to the number assigned the biological refuge appearing in the list referred to in section 24.12 of the Forest Act, and is valid without further formality.

The order is published on the department's website and comes into force on the date given on that website."

ACT RESPECTING THE MINISTÈRE DES RESSOURCES  
NATURELLES ET DE LA FAUNE

**34.** The Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is amended by inserting the following sections after section 12:

**"12.0.1.** In order to encourage the recognition and development of sound forest practices in Québec, the Minister may require that persons or bodies to whom the Minister allocated volumes of round timber for the supply of wood processing plants obtain certification from an independent body that has established standards of sustainable forest management applicable to Québec forests. For that purpose, the Minister shall determine the type of certification the persons or bodies must obtain, the time within which they must obtain the certification and the cases where an exemption may be granted.

The Minister may establish programs to facilitate and support the obtaining of certification and extend them to persons or bodies wishing to obtain certification in respect of a private forest.

**"12.0.2.** The Government may determine for which programs or parts of programs certification must be obtained and maintained."

**35.** Section 17.1.2 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

"(2) preparing, publishing and updating the forest management manual referred to in section 29 of the Forest Act (chapter F-4.1);"

**36.** Section 17.1.3 of the Act is amended

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

"Such power is exercised every five years, in accordance with the first paragraph of section 35.16 of the Forest Act and, in the cases referred to in the second paragraph of that section, whenever the Minister decides, in accordance with that section, to revise the annual allowable cuts.";

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

"The chief forester shall make public the annual allowable cuts and the reasons for determining or revising them."

**37.** The Act is amended by inserting the following section after section 17.1.3:

**“17.1.3.1.** For the purposes of section 92.0.3.2 of the Forest Act (chapter F-4.1), the chief forester shall determine, for each forest management unit, the available volume of round timber that may be accredited under that section.

The chief forester must ensure, when determining the available volume referred to in the first paragraph of section 92.0.3.2 of that Act, that the harvesting of the timber will not affect the annual allowable cuts assigned to the management units and, when determining the available volume referred to in the second paragraph of that section, that the harvesting of the timber will have no significant impact on the annual yields and the objectives for forest protection or forest development assigned to a management unit.”

#### OTHER AMENDMENTS

**38.** Section 57 of the Act to amend the Forest Act and other legislative provisions (2001, chapter 6) is repealed.

**39.** Section 72 of the Act is repealed.

**40.** Section 73 of the Act, amended by section 26 of chapter 45 of the statutes of 2006, is repealed.

**41.** Section 179 of the Act is repealed.

#### TRANSITIONAL PROVISIONS

**42.** Section 16 of this Act applies to current situations, but with the six-month period running from 21 December 2007.

However, the one-and-a-half year period prescribed in subparagraph 5 of the first paragraph of section 82 of the Forest Act (R.S.Q., chapter F-4.1) as it read prior to 21 December 2007 is maintained where it would in fact be extended if the new period applied.

**43.** Sections 1, 4 to 15, 17 to 20, 23 to 25 and 36 apply to forest management activities carried out after 31 March 2008.

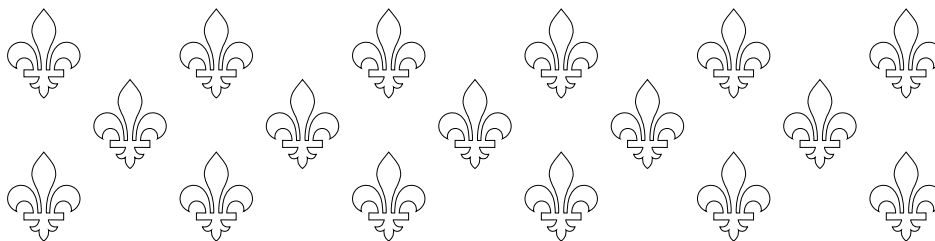
**44.** This Act comes into force on 21 December 2007, except

(1) section 1, paragraph 2 of section 6, sections 12 and 14, paragraph 2 of section 15, sections 18 to 20, 23 and 38, which come into force on 1 April 2008;

(2) sections 13, 17 and 25, which come into force on 31 August 2009;

(3) section 29, which comes into force on the date of coming into force of section 21 of chapter 45 of the statutes of 2006; and

(4) section 34, which comes into force on the date or dates to be set by the Government.



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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 44  
(2007, chapter 41)

**An Act to amend the Financial  
Administration Act and the Act  
respecting the Ministère des Finances**

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**Introduced 15 November 2007  
Passed in principle 18 December 2007  
Passed 19 December 2007  
Assented to 21 December 2007**

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**Québec Official Publisher  
2007**

## EXPLANATORY NOTES

*The purpose of this bill is to prohibit a body subject to the provisions of the Financial Administration Act regarding borrowing plans from making a borrowing or investment or a financial commitment determined by regulation unless the borrowing, investment or financial commitment is authorized by the Minister responsible for the administration of the Act governing the body and its nature, terms and conditions are authorized by the Minister of Finance. The bill further stipulates that such a body may not conclude a currency exchange or interest rate exchange agreement or a transaction involving any other financial instrument unless it has the authorization of the Minister of Finance.*

*In addition, the bill specifies when ministerial authorizations are not required, such as when the borrowing, investment, financial commitment determined by regulation or the transaction must be authorized or approved by the Government or in the cases determined by regulation.*

*Lastly, the bill amends the Act respecting the Ministère des Finances to clarify the scope of application of certain provisions with respect to university establishments.*

### LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01).



## Bill 44

### AN ACT TO AMEND THE FINANCIAL ADMINISTRATION ACT AND THE ACT RESPECTING THE MINISTÈRE DES FINANCES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The heading of Chapter VIII of the Financial Administration Act (R.S.Q., chapter A-6.001) is replaced by the following heading:

“BORROWINGS, FINANCIAL INSTRUMENTS AND CONTRACTS,  
INVESTMENTS AND FINANCIAL COMMITMENTS OF BODIES”.

**2.** The Act is amended by inserting the following sections after section 77:

**“77.1.** A body may not make a borrowing unless the borrowing is authorized by the Minister responsible for the administration of the Act governing the body and its nature, terms and conditions are authorized by the Minister of Finance.

However, the authorization of the Minister responsible for the administration of the Act governing university establishments is not required in the case of a project that is not subsidized under the University Investments Act (chapter I-17).

The first paragraph does not apply if the borrowing must, by law, be authorized or approved by the Government.

Moreover, the authorization of the Minister of Finance is not required in the cases and subject to the terms and conditions determined by the Government in a regulation. The provisions of the regulation may apply in whole or in part to one or more bodies and may specify the applicable categories of borrowings.

**“77.2.** A body may not make an investment unless the investment is authorized by the Minister responsible for the administration of the Act governing the body and its nature, terms and conditions are authorized by the Minister of Finance.

The first paragraph does not apply if the investment must, by law, be authorized or approved by the Government or if it is made as part of an economic development project or to provide financial assistance or in any other case determined by regulation.

Moreover, the authorization of the Minister of Finance or that of the Minister responsible for the administration of the Act governing the body is not required, or neither are required, as the case may be, in the cases and subject to the terms and conditions determined by the Government in a regulation for each such authorization. The provisions of the regulation may apply in whole or in part to one or more bodies and may specify the applicable categories of investments.

**“77.3.** A body may not make a financial commitment determined by government regulation unless the financial commitment is authorized by the Minister responsible for the administration of the Act governing the body and its nature, terms and conditions are authorized by the Minister of Finance.

The first paragraph does not apply when the financial commitment must, by law, be authorized or approved by the Government.

Moreover, the authorization of the Minister of Finance is not required in the cases and subject to the terms and conditions determined by the Government in a regulation. The provisions of the regulation may apply in whole or in part to one or more bodies and may specify the applicable categories of financial commitments.

**“77.4.** The Minister responsible for the administration of the Act governing a body or the Minister of Finance may, in the cases and on the conditions the Minister determines, delegate the power to give an authorization required under any of sections 77.1 to 77.3, 79 and 80 to any person the Minister designates.

**“77.5.** The Government may, by order,

(1) exempt any body from some or all of the provisions of sections 77.1 to 77.3, on the conditions and for the categories of borrowings, investments or financial commitments the Government determines; and

(2) subject a legal person established in the public interest not described in paragraph 2 of section 77 to some or all of the provisions of sections 77.1 to 77.3, 79 and 80.

**“77.6.** Sections 77.1 to 77.5, 79 and 80 do not apply to

(1) the fiduciary functions expressly conferred on a body by its governing Act;

(2) the Caisse de dépôt et placement du Québec and its subsidiaries;

(3) the Régie des rentes du Québec;

(4) a pension fund; or

(5) a foundation.

**“77.7.** When a body applies for an authorization that is required under any of sections 77.1 to 77.4, 79 and 80, the Minister of Finance rules on the application within the time limit specified by the Government after authorization is given by the Minister responsible for the administration of the Act governing the body. However, the Minister of Finance may extend the time limit if the Minister of Finance considers it necessary to do so.

The fact that an authorization is given after the time limit specified in the first paragraph does not invalidate the transaction.”

**3.** Section 79 of the Act is amended

(1) by inserting “and with the authorization of and subject to the conditions determined by the Minister of Finance” after “power” in the second line of the first paragraph;

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

“The authorization of the Minister of Finance is not required if the transaction must, by law, be authorized or approved by the Government, nor is it required in the cases and subject to the terms and conditions that may be determined by the Government in a regulation.

The provisions of a regulation under the second paragraph may apply in whole or in part to one or more bodies and specify the applicable categories of currency exchange or interest rate exchange agreements.”

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

(1) by inserting “if they deem it advisable for their financial management,” after “may” in the second line of the first paragraph;

(2) by replacing “, and if they deem it advisable for sound and efficient financial management” in the third and fourth lines of the first paragraph by “and with the authorization of and subject to the conditions determined by the Minister of Finance”;

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

“The authorization of the Minister of Finance is not required if the transaction must, by law, be authorized or approved by the Government, nor is it required in the cases and subject to the terms and conditions that may be determined by the Government in a regulation.

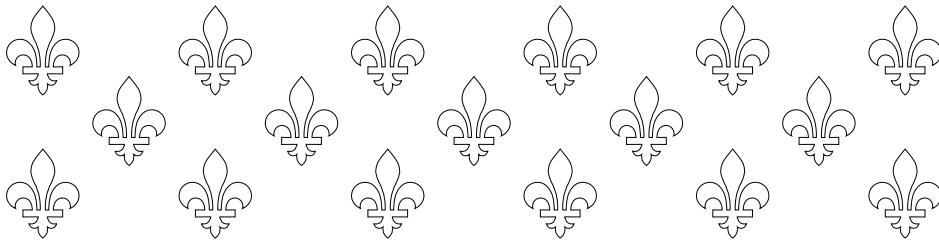
The provisions of a regulation under the second paragraph may apply in whole or in part to one or more bodies and specify the applicable categories of financial instruments or contracts.”

**5.** Section 24 of the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) a university establishment described in paragraph *a* of section 1 of the University Investments Act (chapter I-17), except a legal person not directly or indirectly controlled by that establishment whose object is to build and administer university student residences;”.

**6.** The first regulation made under sections 77.1, 77.2 and 77.3 of the Financial Administration Act, enacted by section 2, and under the provisions of sections 79 and 80 of that Act enacted by sections 3 and 4 is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

**7.** The provisions of this Act come into force on the date or dates to be set by the Government.



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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 45  
(2007, chapter 35)

**An Act to amend the Act respecting the  
Barreau du Québec and the Professional  
Code**

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**Introduced 13 November 2007  
Passed in principle 5 December 2007  
Passed 14 December 2007  
Assented to 18 December 2007**

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**Québec Official Publisher  
2007**

## EXPLANATORY NOTES

*This bill amends the Act respecting the Barreau du Québec to create a new category of member, that is, the category of retired advocate.*

*Under the new provisions, retired advocates may use the prefix “Me” or “Mtre” before their name provided it is followed by the title “retired advocate”. They may not, however, style themselves as an advocate or attorney, or practise the profession of advocate.*

*The bill prohibits anyone who is not entered on the Roll of the Bar from using the title “retired advocate”, and provides for the prosecution for illegal practice of any retired advocate who practises the profession of advocate.*

*As well, the bill introduces new disciplinary rules into the Professional Code. It provides that a disciplinary complaint against a person for acts engaged in in the exercise of a function provided for in the Professional Code or in an Act constituting a professional order is inadmissible. Furthermore, it permits the presentation of a preliminary motion requesting the dismissal of excessive, frivolous or clearly unfounded complaints, and provides for the holding of case management conferences.*

## LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Professional Code (R.S.Q., chapter C-26).

## Bill 45

### AN ACT TO AMEND THE ACT RESPECTING THE BARREAU DU QUÉBEC AND THE PROFESSIONAL CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 1 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended by adding the following paragraph at the end:

“(p) “retired advocate”: a person entered on the Roll as a retired advocate; “advocate” includes “retired advocate”, unless otherwise provided by law.”

**2.** Section 12 of the Act is amended by inserting “and retired advocates” after “solicitors” in subsection 2.

**3.** The Act is amended by inserting the following subdivision before subdivision 2 of Division V:

“§1.1 — *Retired advocates*

“**54.1.** An advocate 55 years of age or over who does not practise may be entered on the Roll as a retired advocate, on an application to the executive director.

A retired advocate may use the prefix “Me” or “Mtre” before his name provided it is followed by the title “retired advocate”; he may not, however, assume the title of advocate or attorney, verbally or otherwise, or practise the profession of advocate, in particular perform the acts described in section 128, including pleading or acting before a tribunal referred to in subparagraphs 1 to 7 of paragraph *a* of subsection 2 of that section.”

**4.** Section 56 of the Act is amended by replacing “write the French” in subsection 3 by “use the prefix”.

**5.** Section 60 of the Act is amended by replacing subsection 3 by the following subsection:

“(3) The Roll comprises three categories: practising advocates, retired advocates, and solicitors.”

**6.** Section 61 of the Act is amended by replacing “and is authorized to practise the profession within” by “, and specifying”.

**7.** Section 68 of the Act is amended

(1) by replacing “practising in” in subsection 4 by “entered on the Roll for”;

(2) by replacing “practise in” in subsection 6 by “be entered on the Roll for”.

**8.** Section 69 of the Act is amended by replacing “cease to practise his profession” by “cease to be a member in good standing of the Bar”.

**9.** Section 70 of the Act is amended

(1) by replacing “resume practice” in subsection 1 by “again become a member in good standing of the Bar”;

(2) by replacing “where he intends to practise” in subsection 2 by “for which he intends to be entered on the Roll”;

(3) by replacing “practise the profession” in subsection 4 by “be a member in good standing of the Bar”;

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

“(7) This section applies, adapted as required, to retired advocates who apply for entry on the Roll in the category of practising advocates.”

**10.** Section 71 of the Act is amended by replacing “having ceased to practise the profession without giving the notice prescribed by section 69 whose name is no longer entered on the Roll” in subsection 1 by “who did not give the notice prescribed by section 69 and is no longer entered on the Roll”.

**11.** Section 75 of the Act is amended by replacing “or re-entry” in subsection 2 by “, re-entry or a change of category”.

**12.** The Act is amended by inserting the following section after section 123:

“**123.1.** Sections 122 and 123 apply, with the necessary modifications, to retired advocates.”

**13.** Section 128 of the Act, amended by section 52 of chapter 58 of the statutes of 2006, is again amended by inserting “practising” before “advocate” in the second line of subsection 2.

**14.** Section 136 of the Act is amended

(1) by replacing “advertises himself” in paragraph *a* by “styles himself”;



(2) by replacing “causes the prefix “Me” or “Mtre” to be placed” in paragraph *b* by “uses the prefix “Me” or “Mtre””.

**15.** The Act is amended by inserting the following section after section 138:

“**138.1.** A person who assumes the title of retired advocate or any similar title, verbally or otherwise, or in any manner or by any means styles himself as such without being entered on the Roll practises the profession of advocate illegally.”

**16.** Section 139 of the Act is amended by inserting “, or a retired advocate who practises the profession of advocate, in particular who does anything described in sections 133 to 136,” after “permit”.

**17.** Section 116 of the Professional Code (R.S.Q., chapter C-26) is amended by adding the following paragraph at the end:

“A complaint made against a person who exercises a function under this Code or under an Act constituting an order, including a syndic or a member of a committee on discipline, by reason of acts engaged in in the exercise of that function is inadmissible.”

**18.** The Code is amended by inserting the following sections after section 143:

“**143.1.** The committee chairman may, on a motion, dismiss a complaint that the chairman considers excessive, frivolous or clearly unfounded or subject it to certain conditions.

“**143.2.** If warranted by the circumstances of a complaint, for instance the complexity or foreseeable duration of the hearing, the committee chairman may, on the chairman’s own initiative or at the request of one of the parties, convene them to a case management conference in order to, among other things,

(1) come to an agreement with the parties as to the trial of the complaint, specifying the undertakings of the parties and determining the timetable to be complied with;

(2) if the parties fail to agree, determine a timetable for the proceeding, which is binding on the parties; and

(3) determine how the trial of the complaint may be simplified, facilitated or accelerated and the hearing shortened, among other things by better defining the questions at issue or recording admissions concerning any fact or document.

“**143.3.** The minutes of the case management conference shall be drawn up by the secretary of the committee and signed by the chairman.

**“143.4.** If the parties fail to comply with the agreement or the timetable, the committee chairman may make the appropriate determinations, including foreclosure of a right under the agreement. The chairman may, on request, relieve a defaulting party from default, if required in the interest of justice.

**“143.5.** Once a party’s failure to participate is noted in the minutes of the case management conference, the committee may make the case management determinations it considers appropriate.”

**19.** Section 151 of the Code is amended

(1) by inserting “excessive, frivolous or” before “clearly unfounded” in the second paragraph;

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

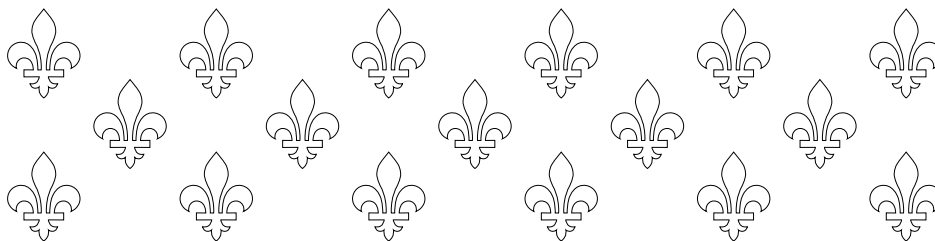
“The chairman of a committee that dismisses a complaint under section 143.1 may condemn the complainant to pay the costs.”

**20.** Section 164 of the Code is amended by inserting “or its chairman” after “discipline” in subparagraph 2 of the first paragraph.

**21.** Section 175 of the Code is amended by inserting “excessive, frivolous or” before “clearly unfounded” at the end of the second paragraph.

**22.** The new provisions of section 143.1 of the Professional Code apply to complaints already received in accordance with section 126 of the Code on the coming into force of those provisions.

**23.** This Act comes into force on 18 December 2007.



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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 46  
(2007, chapter 42)

**An Act to amend the Professional  
Code and the Chartered Accountants  
Act in respect of public accountancy**

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**Introduced 13 November 2007  
Passed in principle 28 November 2007  
Passed 18 December 2007  
Assented to 21 December 2007**

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**Québec Official Publisher  
2007**

## EXPLANATORY NOTES

*The bill amends the Professional Code to allow members of the Ordre professionnel des comptables généraux licenciés du Québec and of the Ordre professionnel des comptables en management accrédités du Québec, who hold a public accountancy permit issued by their respective professional orders, to practise public accountancy, as defined in the Chartered Accountants Act, which is amended to that end.*

*The bill provides that the Ordre professionnel des comptables généraux licenciés du Québec and the Ordre professionnel des comptables en management accrédités du Québec must each determine, by regulation, the standards for the issue and holding of public accountancy permits, and grants the orders the power to suspend or revoke a public accountancy permit. The bill also provides that the orders must each determine, by regulation, the continuing education activities in which their respective members who hold a public accountancy permit are required to take part. The same applies to the Ordre professionnel des comptables agréés du Québec in respect of its members who practise public accountancy.*

*The bill states that chartered accountants who practise public accountancy, certified general accountants and certified management accountants who hold a public accountancy permit are required to use the title “auditor”.*

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

### LEGISLATION AMENDED BY THIS BILL:

- Professional Code (R.S.Q., chapter C-26);
- Chartered Accountants Act (R.S.Q., chapter C-48).

## Bill 46

### AN ACT TO AMEND THE PROFESSIONAL CODE AND THE CHARTERED ACCOUNTANTS ACT IN RESPECT OF PUBLIC ACCOUNTANCY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 182.1 of the Professional Code (R.S.Q., chapter C-26) is amended

(1) by replacing “187.4 or” in the third line of subparagraph 1 of the first paragraph by “187.4,”;

(2) by inserting “or section 187.10.4” after “section 187.9” in the fourth line of subparagraph 1 of the first paragraph.

**2.** Section 182.2 of the Code is amended

(1) by replacing “187.4 or” in the second line of the sixth paragraph by “187.4,”;

(2) by inserting “or section 187.10.4,” after “of section 187.9” in the third line of the sixth paragraph.

**3.** The Code is amended by inserting the following chapter after Chapter VI.2:

#### “CHAPTER VI.2.1

#### “PUBLIC ACCOUNTANCY PERMITS

“**187.10.1.** No person other than a chartered accountant shall practise public accountancy within the meaning of section 19 of the Chartered Accountants Act (chapter C-48), nor use the title “auditor” or any title or abbreviation which may lead to the belief that the person is an auditor, unless the person is a member of the Ordre professionnel des comptables généraux licenciés du Québec or of the Ordre professionnel des comptables en management accrédités du Québec and holds a public accountancy permit.

Chartered accountants who practise public accountancy, as well as certified general accountants and certified management accountants who hold a public accountancy permit, shall use the title “auditor”.

This section does not apply to acts performed by persons referred to in the second paragraph of section 24 of the Chartered Accountants Act.

**“187.10.2.** The Bureau of the Ordre professionnel des comptables généraux licenciés du Québec and the Bureau of the Ordre professionnel des comptables en management accrédités du Québec shall each determine, by regulation, the standards for the issue and holding of public accountancy permits applicable to their respective members.

The Bureau of the Ordre professionnel des comptables agréés du Québec, the Bureau of the Ordre professionnel des comptables généraux licenciés du Québec and the Bureau of the Ordre professionnel des comptables en management accrédités du Québec shall each determine, by regulation, the continuing education activities in which a chartered accountant who practises public accountancy or the holder of a public accountancy permit is required to take part, the penalties for failing to take part in the activities and, where applicable, the cases in which a member may be exempted from taking part in such activities.

Before making a regulation under this section, the Bureau of the order shall consult with the other orders concerned.

**“187.10.3.** A member of the Ordre professionnel des comptables généraux licenciés du Québec or of the Ordre professionnel des comptables en management accrédités du Québec who wishes to obtain a public accountancy permit shall apply for it to the Bureau of the member’s professional order. The Bureau shall issue the permit to members who meet the standards set for that purpose.

**“187.10.4.** If the holder of a public accountancy permit fails to conform to the provisions of this chapter or to the standards for receiving or holding a permit, the Bureau of the Ordre professionnel des comptables généraux licenciés du Québec or the Bureau of the Ordre professionnel des comptables en management accrédités du Québec may suspend or revoke the permit it issued. A decision under this section may be appealed from to the Professions Tribunal in accordance with Division VIII of Chapter IV.”

**4.** Section 19 of the Chartered Accountants Act (R.S.Q., chapter C-48) is replaced by the following section:

**“19.** The practice of public accountancy consists in

(1) expressing an opinion to provide a level of assurance about a financial statement or any part of a financial statement, or about any other information related to the financial statement; this corresponds to an assurance engagement, which comprises the performance of both an audit engagement and a review engagement, as well as the issue of special reports; and

(2) issuing any form of certification, declaration or opinion in respect of information related to a financial statement or to any part of a financial statement, or in respect of the application of specified auditing procedures with respect to financial information, other than financial statements, neither being intended exclusively for internal management purposes.”

**5.** Sections 28 and 29 of the Act are repealed.

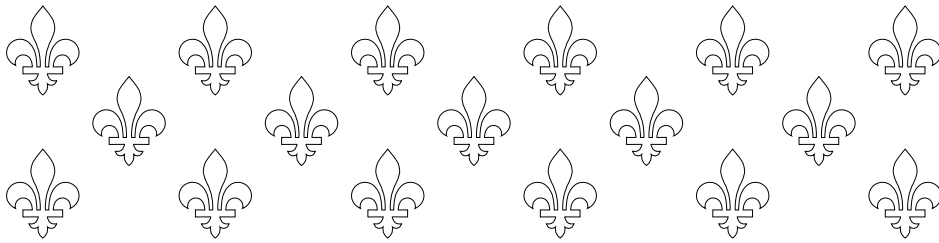
**6.** The standards to be used in making the first regulations referred to in section 187.10.2 of the Professional Code, enacted by section 3 of this Act, must be analogous to those recognized on 21 December 2007 regarding the practise of public accountancy in Québec.

**7.** Members of the Ordre professionnel des comptables généraux licenciés du Québec and of the Ordre professionnel des comptables en management accrédités du Québec may exercise the rights and privileges conferred on them by the Chartered Accountants Act, as it read on 20 December 2007, until the expiry of 5 years from 21 December 2007.

**8.** This Act comes into force on the date to be set by the Government, but not later than 15 December 2008.







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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 52  
(2007, chapter 43)

**An Act to amend various legislative  
provisions concerning pension plans  
in the public sector**

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**Introduced 13 November 2007  
Passed in principle 30 November 2007  
Passed 19 December 2007  
Assented to 21 December 2007**

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**Québec Official Publisher  
2007**

## EXPLANATORY NOTES

*This bill amends the Acts constituting public sector pension plans, mainly as a result of pension committee recommendations.*

*Thus, the bill amends the provisions of certain of these plans with regard to the return to work of a pensioner. It also amends certain plans to allow a pensioner to redeem years or parts of a year of service under certain conditions. In addition, it introduces a new method of computing interest on contributions, based on a member's actual participation in a plan in a year. The bill also standardizes both the financing period for the redemption of service in certain instances and the interest applicable.*

*The bill amends the Pension Plan of Peace Officers in Correctional Services, the Government and Public Employees Retirement Plan and the Pension Plan of Management Personnel to harmonize the pensionable salary for a year with the service credited in respect of that salary, for the purpose of computing contributions.*

*The bill also amends public sector pension plans so that the spouse of an employee who is a member of a pension plan may waive spousal rights to benefits under the plan.*

*It also regularizes the membership of certain persons in the Government and Public Employees Retirement Plan or Pension Plan of Management Personnel and provides for the transfer of certain amounts related to redemptions.*

*Lastly, the bill contains technical and consequential amendments to facilitate the administration of public sector pension plans.*

### LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1);
- Act respecting the Commission administrative des régimes de retraite et d'assurances (2006, chapter 49).



## Bill 52

### AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING PENSION PLANS IN THE PUBLIC SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

**1.** The heading of Chapter III of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by inserting “HARMONIZED SERVICE,” after “SERVICE.”

**2.** Section 8 of the Act is amended by replacing “, 29.2” in the last line of the first paragraph by “to 29.3”.

**3.** Section 9 of the Act is amended

(1) by replacing “and the years of service” in the first line by “, years of service and harmonized service”;

(2) by replacing “23” in the second line by “23.3”.

**4.** Section 17 of the Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentence: “The amount determined under section 15 or, as the case may be, under section 16 must be paid in a lump sum if the person is a pensioner and, if the person is not a pensioner, the amount may be paid by instalments over the period and at the times determined by the Commission.”;

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

“If the amount is paid by instalments, it bears interest, compounded annually, at the rate determined in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan and in force on the date on which the application is received, computed from the date on which the redemption proposal made by the Commission expires.”;

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

**5.** Section 18 of the Act is amended by adding the following paragraph at the end:

“A pensioner under this plan may be credited under this plan with any year or part of a year of service that may be credited to a pensioner under the Government and Public Employees Retirement Plan by reason of the application of section 115.11 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), provided the pensioner satisfies the conditions prescribed by that section.”

**6.** Section 22 of the Act is amended by replacing “the midpoint of the year in which” in the next to last line of the second paragraph by “the date”.

**7.** Section 31 of the Act is replaced by the following section:

**“31.** Benefits are paid to the pensioner until the first day of the month following the pensioner’s death or, in the case of the death of a person who ceased to participate in the plan and was eligible for a pension, from the date the person would have been entitled to receive the pension until the first day of the month following the person’s death.”

**8.** Section 34.16 of the Act is amended

(1) by replacing “each year” in the seventh line by “the period during which the person participated in a plan in the course of a year”;

(2) by replacing the last sentence by the following sentence: “The interest on any contribution within the meaning of section 34.6 is computed in accordance with section 219 of the Act respecting the Government and Public Employees Retirement Plan, adapted as required.”

**9.** The Act is amended by inserting the following division after section 35:

#### **“DIVISION III.1.1**

##### **“WAIVER**

**“35.0.1.** The spouse may waive the spousal benefits granted under the pension plan before the date of the death of the person who is a member of the plan, of the person who ceased to participate in the plan or of the pensioner. The spouse may also revoke the waiver before that date.

To be valid, the waiver or revocation must bear on all spousal benefits and be served on the Commission by means of a notice that must be received on a date that is prior to the date of death and contain the information determined by regulation.

The spouse’s waiver is cancelled if, on the date of the pensioner’s death, no refund of the contributions referred to in section 34.6 is payable to the pensioner’s successors. The computation is calculated at the date of death and based on the data known to the Commission on the date of its decision; that data is deemed to be accurate. When the spouse’s waiver is cancelled, the

spouse may receive the benefits the spouse is entitled to under the pension plan.

Despite the spouse's waiver, the pension plan is deemed to grant the spouse a right to death benefits for the purposes of article 415 of the Civil Code of Québec."

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

(1) by striking out "and sections 236.3 and 236.4" in the first line of the second paragraph;

(2) by striking out the third paragraph.

**11.** Section 41.8 of the Act is amended by inserting the following paragraph after paragraph 1:

"(1.0.1) determine, for the purposes of section 35.0.1, the information the waiver or revocation notice must contain;".

**12.** Section 51 of the Act is amended by striking out the second sentence of the first paragraph.

**13.** Section 59.1 of the Act is amended by striking out the last sentence of the third paragraph.

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS  
IN CORRECTIONAL SERVICES

**14.** The heading of Chapter II of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is amended by inserting ", HARMONIZED SERVICE" after "SERVICE".

**15.** The Act is amended by inserting the following section after section 9:

**9.1.** When the pensionable salary of an employee who ceases to be a member of the plan at the end of a year is related to service credited for the last days of membership during that year but is paid at the beginning of the following year, it is deemed to be pensionable salary for the year in which it is paid even if no service is credited for that year."

**16.** Section 11 of the Act is amended

(1) by inserting "à un employé" after "payé" in the first line of the first paragraph in the French text;

(2) by adding the following at the end of the first paragraph: "even if no service is credited for that year. The same applies for a lump sum paid to a pensioner or a person who ceased to be a member of the plan if the lump sum

is paid as an increase or adjustment of the salary for a period prior to the pensioner's or person's membership in the plan";

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

**17.** Section 13 of the Act is amended by replacing "second" in the fourth line by "third".

**18.** Section 14 of the Act is amended by striking out the last paragraph.

**19.** Section 14.1 of the Act is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

"For the purposes of the first paragraph, the pensionable salary of an employee who is credited with less than one year of service for service accumulated in a calendar year must not exceed

(1) the amount obtained by multiplying the salary required to reach the limit referred to in the first paragraph by the service credited to the employee during a year, if the basis of remuneration is 200 days; or

(2) the amount obtained by multiplying the salary required to reach the limit referred to in the first paragraph by the harmonized service for the year, if the basis of remuneration is 260 days.

This section does not apply to the pensionable salary for a year during which the employee, pensioner or person referred to in section 11 receives pensionable salary but is not credited with any service."

**20.** Section 15 of the Act is amended by replacing the last two sentences of the second paragraph by the following sentence: "The days and parts of a day are rounded to the fourth decimal."

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

(1) by inserting "with the same employer" after "employment" in the second line of the first paragraph;

(2) by replacing "Despite the first paragraph" in the first line of the second paragraph by "However" and by striking out the last sentence of that paragraph;

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

"As a result of the application of the first two paragraphs, an employee is deemed to hold only one pensionable employment with the same employer.

If an employee simultaneously holds more than one pensionable employment with different employers under this plan, the first two paragraphs apply, once



the first three paragraphs have been applied, if necessary, in respect of the service accumulated with each employer.”

**22.** The Act is amended by inserting the following division after section 27:

**“DIVISION II.1**

**“HARMONIZED SERVICE OF EMPLOYEES WHOSE BASIS OF REMUNERATION IS 260 DAYS**

**“27.1.** Harmonized service is computed for an employee whose basis of remuneration is 260 days in order to reconcile the pensionable salary for a calendar year with the number of days and parts of a day credited to the employee for that year and for the last days of the previous year or the first days of the following year, as the case may be.

The harmonized service is established by dividing the number of days and parts of a day for which the employee paid or was exempt from contributions and the number of days and parts of a day otherwise credited to the employee, included in the pensionable salary reference period for the year and related to the employee’s pensionable salary for that year, by the number of contributory days included in that reference period for the class of employees to which the employee belongs. The days and parts of a day are rounded to the fourth decimal.

The pensionable salary reference period for a year, for employees in the same class, begins on the date of the first day covered by the first pay of the year and ends on the date of the last day covered by the last pay of that year.

Harmonized service is also computed for a person referred to in section 9.1 for the pensionable salary of the year for which no service is credited.

**“27.2.** The harmonized service of an employee who simultaneously holds more than one pensionable employment under the plan in a year is the aggregate of that service computed for each employment if the total service credited to the employee in respect of such employments is less than or equal to one year.

If the total service credited in respect of the pensionable employments of the employee is reduced for the purposes of section 16, the harmonized service in respect of the employee’s employments is the aggregate of the harmonized service in respect of each employment for which service is credited in full and the harmonized service in respect of the employment for which service is credited in part. The latter harmonized service is multiplied by the service credited for the latter employment over the service accumulated in such employment.”

**23.** Section 28 of the Act is amended by striking out the second paragraph.

**24.** Section 32 of the Act is amended by replacing “, third and fifth” in the first line of the second paragraph by “and fourth”.

**25.** Section 33 of the Act is amended by replacing “from the midpoint of each year” in the fourth line of the second paragraph by “, for each year, from the midpoint of the period during which the employee would have paid contributions if the employee had been a member of the plan in the course of that year”.

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

(1) by inserting “of the Lieutenant-Governor,” after “staff” in the second line of the first paragraph;

(2) by replacing “from the midpoint of each year” in the sixth line of the second paragraph by “, for each year, from the midpoint of the period during which the employee would have paid contributions if the employee had been a member of the plan in the course of that year”.

**27.** Section 41.3 of the Act is amended by replacing “, 90 to 93, the second paragraph of section 95 and sections 96 and 97” in the first two lines by “and 90 to 93 and the second paragraph of section 95”.

**28.** Section 41.5 of the Act is amended by replacing “computed in accordance with section 96” in the fourth and fifth lines by “referred to in the second paragraph of section 95”.

**29.** Section 41.11 of the Act is amended by replacing “provided for in the third” in the second line of the second paragraph by “referred to in the second”.

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

(1) by replacing the sixth and seventh lines of the first paragraph by “in the case of a pensioner or a person who ceased to be a member of the plan, from the pensionable salary mentioned in section 9.1 or a lump sum mentioned in section 11, an amount equal to the result of applying the contribution rate established by regulation under section 128 to that”;

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

“If the basis of remuneration is 200 days, the maximum pensionable earnings is multiplied, for the purposes of the amount withheld, by the service credited to the employee, pensioner or person who ceased to be a member of the plan, selecting only the number of days and parts of a day for which the employee, pensioner or person who ceased to be a member of the plan paid or was exempt from contributions in a year. If the basis of remuneration is 260 days, the maximum pensionable earnings is multiplied, for the purposes of the amount withheld, by the harmonized service of the employee, pensioner or

person who ceased to be a member of the plan, selecting only the days for which the employee, pensioner or person who ceased to be a member of the plan paid or was exempt from contributions.”

**31.** The Act is amended by inserting the following section after section 43.2:

“**43.3.** The amount to be withheld computed under section 42 is again computed, if applicable, to take into account the pensionable salary resulting from the application of subparagraph 2 of the second paragraph of section 14.”

**32.** Section 46 of the Act is amended by adding the following sentence at the end of the third paragraph: “In addition, the pensionable salary paid during 2008 and 2009 for which no service is credited is, despite sections 9.1 and 11, part of the pensionable salary of the last year during which service is credited and which is prior to the year during which the pensionable salary is paid.”

**33.** Section 54 of the Act is amended by replacing “for life” by “until the first day of the month following the pensioner’s death or, in the case of a person who ceased to be a member of the plan and was eligible for a pension, from the date the person would have been entitled to receive the pension until the first day of the month following the person’s death”.

**34.** Section 55 of the Act is repealed.

**35.** Section 72 of the Act is amended

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

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

“For the purpose of computing the interest, the following conditions apply:

(1) the employee contributions within the meaning of section 71 and relating to a year, except those to which subparagraphs 2 to 4 apply, are deemed to have been received at the midpoint of the period during which the employee was a member of this plan during the year;

(2) in respect of the sums paid for the redemption of service credited or counted under the plan, the interest is computed from the date of their payment;

(3) in respect of the sums relating to the service of the employee while the employee was a member of a pension plan mentioned in section 143.3, the interest is computed from the date on which the employee began to pay contributions to this plan; and

(4) in respect of the sums the employee paid into a pension plan out of which service was transferred to this plan under section 41.7 or 133, the interest is computed from the date the sums concerned were transferred.

The other conditions for computing the interest on the contributions are established by regulation.”

**36.** The Act is amended by inserting the following division after section 74.0.1:

**“DIVISION IV.0.1**

**“WAIVER**

**“74.0.2.** The spouse may waive the spousal benefits granted under the pension plan before the date of the death of the employee, of the person who ceased to be a member of the plan or of the pensioner. The spouse may also revoke the waiver before that date.

To be valid, the waiver or revocation must bear on all spousal benefits and be served on the Commission by means of a notice that must be received on a date that is prior to the date of death and contain the information determined by regulation.

The spouse’s waiver is cancelled if, on the date of the pensioner’s death, no refund of the contributions referred to in section 71 is payable to the pensioner’s successors. The computation is calculated at the date of death as though there were no children entitled to a pension, and based on the data known to the Commission on the date of its decision; that data is deemed to be accurate. When the spouse’s waiver is cancelled, the spouse may receive the benefits the spouse is entitled to under the pension plan.

Despite the spouse’s waiver, the pension plan is deemed to grant the spouse a right to death benefits for the purposes of article 415 of the Civil Code of Québec.”

**37.** Section 74.7 of the Act is amended by replacing “from the midpoint of each year” in the ninth line of the first paragraph by “, for each year, from the midpoint of the period during which the employee would have paid contributions if the employee had been a member of this plan during that year”.

**38.** Section 107 of the Act is amended by replacing “who again holds pensionable employment under this plan before the age of 65, or who” in the first two lines of the first paragraph by “who, before the age of 65, again holds pensionable employment under this plan or”.

**39.** Section 130 of the Act is amended

(1) by striking out “or who may elect to be” in the second line of paragraph 0.1;

(2) by inserting the following paragraphs after paragraph 7.3:

“(7.3.1) establish, for the purposes of section 72, the other conditions for computing the interest on the contributions;

“(7.3.2) determine, for the purposes of section 74.0.2, the information the waiver or revocation notice must contain;”.

**40.** The Act is amended by inserting the following sections after section 139:

“**139.1.** Except in the case of an officer who has sent the Commission a notice under section 67.1 of the Police Act (chapter P-13.1), with respect to the years and parts of a year of service after 31 December 2006 credited to an employee under the pension plan of the Sûreté du Québec and transferred to this plan under section 41.7, the Commission must deposit in the consolidated revenue fund the actuarial value of the benefits accrued under that plan with respect to those years, without exceeding the actuarial value of the equivalent benefits to which the employee is entitled under this plan. The actuarial values are those established under section 41.7.

The sums transferred under the first paragraph bear interest, compounded annually, at the rates determined in Schedule VI from the date the application for transfer is received at the Commission in accordance with section 41.7 until the date on which the sums are deposited in the consolidated revenue fund.

“**139.2.** Except in the case of an officer who has sent the Commission a notice under section 67.1 of the Police Act (chapter P-13.1), with respect to the years and parts of a year of service after 31 December 2006 credited to an employee under this plan and transferred to the pension plan of the Sûreté du Québec in accordance with that pension plan, the Commission must transfer the actuarial value of the benefits accrued under this plan, without exceeding the actuarial value of the equivalent benefits to which the employee is entitled under the pension plan of the Sûreté du Québec. The actuarial values are those established under section 41.7.

The sums transferred under the first paragraph bear interest, compounded annually, at the rates determined in Schedule VI from the date the application for transfer is received at the Commission in accordance with the pension plan of the Sûreté du Québec until the date on which the sums are transferred.”

**41.** Section 143.20 of the Act is amended

(1) by adding “, as they read on (*insert the date preceding the date of coming into force of section 41 of this bill*),” after “Personnel” in the last line of the first paragraph;

(2) by adding “, as they read on (*insert the date preceding the date of coming into force of section 41 of this bill*),” after “Plan” in the second line of the second paragraph.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES  
RETIREMENT PLAN

**42.** Section 2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting “ of the Lieutenant-Governor,” after “staff” in the first line of paragraph 2.

**43.** Section 3 of the Act is amended by replacing “or the pension plans established pursuant to sections 9, 10 and 10.0.1” in the last two lines of the first paragraph by “, the pension plans established under sections 9, 10 and 10.0.1 or a supplemental pension plan the funds of which were transferred to the Commission under an Act”.

**44.** The heading of Chapter II of Title I of the Act is replaced by the following heading:

“PENSIONABLE SALARY, YEARS OF SERVICE, HARMONIZED  
SERVICE AND REDEMPTION”.

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

“**14.1.** When the pensionable salary of an employee who ceases to participate in the plan at the end of a year is related to service credited for the last days of membership during that year but is paid at the beginning of the following year, it is deemed to be pensionable salary for the year in which it is paid even if no service is credited for that year.”

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

(1) by inserting “to an employee” after “paid” in the first line of the first paragraph;

(2) by adding the following at the end of the first paragraph: “, even if no service is credited for that year. The same applies for a lump sum paid to a pensioner or a person who ceased to participate in the plan if the lump sum is paid as an increase or adjustment of the salary for a period prior to the pensioner’s or person’s membership in the plan”;

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

**47.** Section 17 of the Act is amended by replacing “second” in the fourth line by “third”.

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

“**18.** The pensionable salary of an employee who simultaneously holds more than one pensionable employment in a year under this plan includes the pensionable salary paid for all such employments if the total service credited in respect of such employments is less than or equal to one year.

If the total service credited in respect of the pensionable employments of that employee is reduced under section 20, the pensionable salary of the employee is equal to the total of the following amounts:

(1) the pensionable salary for each employment in respect of which service is credited in full; and

(2) the pensionable salary for the employment in respect of which service is credited in part, multiplied by the service credited in respect of that employment over the service accumulated in that employment.”

**49.** Section 18.1 of the Act is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

“For the purposes of the first paragraph, the pensionable salary of an employee who is credited with less than one year of service for service accumulated in a calendar year must not exceed

(1) the amount obtained by multiplying the salary required to reach the limit referred to in the first paragraph by the service credited to the employee during a year, if the basis of remuneration is 200 days; or

(2) the amount obtained by multiplying the salary required to reach the limit referred to in the first paragraph by the harmonized service for the year, if the basis of remuneration is 260 days.

This section does not apply to the pensionable salary for a year during which the employee, pensioner or person referred to in section 16 receives pensionable salary but is not credited with any service.”

**50.** Section 19 of the Act is amended by replacing the last sentence of the second paragraph by the following sentence: “The days and parts of a day are rounded to the fourth decimal.”

**51.** Section 20 of the Act is replaced by the following section:

**“20.** If an employee simultaneously holds more than one pensionable employment with the same employer under this plan, the service accumulated by the employee is credited up to one year of service, beginning with service in respect of the employment to which the highest annual basic salary that is paid or would have been paid to the employee under the conditions of employment applicable on the last day credited in the year is attached.

However, an employee may not, in the year in which the employee becomes a member of this plan, be credited with more service than the number of contributory days comprised between the date on which the employee becomes a member of this plan and the end of that year. During the year in which the employee retires or becomes entitled to a deferred pension, the employee may not be credited with more service than the number of contributory days

comprised between 1 January and the date the employee ceased to participate in the plan.

As a result of the application of the first two paragraphs, an employee is deemed to hold only one pensionable employment with the same employer.

If an employee simultaneously holds more than one pensionable employment with different employers under this plan, the first two paragraphs apply, once the first three paragraphs have been applied, if necessary, in respect of the service accumulated with each employer.”

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

**“DIVISION II.1**

**“HARMONIZED SERVICE OF EMPLOYEES WHOSE BASIS OF REMUNERATION IS 260 DAYS**

**“23.1.** Harmonized service is computed for an employee whose basis of remuneration is 260 days in order to reconcile the pensionable salary for a calendar year with the number of days and parts of a day credited to the employee for that year and for the last days of the previous year or the first days of the following year, as the case may be.

The harmonized service is established by dividing the number of days and parts of a day for which the employee contributed or was exempt from contributions and the number of days and parts of a day otherwise credited to the employee, included in the pensionable salary reference period for the year and related to the employee’s pensionable salary for that year, by the number of contributory days included in that reference period for the class of employees to which the employee belongs. The days and parts of a day are rounded to the fourth decimal.

The pensionable salary reference period for a year, for employees in the same class, begins on the date of the first day covered by the first pay of the year and ends on the date of the last day covered by the last pay of that year.

Harmonized service is also computed for a person referred to in section 14.1 for the pensionable salary of the year for which no service is credited.

**“23.2.** The harmonized service of an employee who simultaneously holds more than one pensionable employment under the plan in a year is the aggregate of that service computed for each employment if the total service credited to the employee in respect of such employments is less than or equal to one year.

If the total service credited in respect of the pensionable employments of that employee is reduced for the purposes of section 20, the harmonized service in respect of the employee’s employments is the aggregate of the



harmonized service in respect of each employment for which service is credited in full and the harmonized service in respect of the employment for which service is credited in part. The latter harmonized service is multiplied by the service credited for the latter employment over the service accumulated in such employment.

**“23.3.** When the first paragraph of section 20.1 applies, the harmonized service in respect of the pensionable employment under this plan is the harmonized service determined under this division multiplied by the credited service established under the first paragraph of that section over the credited service established under sections 19 and 20.

When the first or second paragraph of section 20.2 applies, the harmonized service in respect of the pensionable employment under this plan is the harmonized service determined under this division multiplied by the credited service established under the first or second paragraph of that section over the credited service established under sections 19 and 20.”

**53.** Section 24 of the Act is amended

- (1) by striking out the second paragraph;
- (2) by replacing “third” in the first line of the fourth paragraph by “second”.

**54.** Section 24.0.2 of the Act is amended

- (1) by replacing “fifth” in the first line of the second paragraph by “fourth”;
- (2) by replacing “third paragraph of that section” in the third and fourth lines of the second paragraph by “second paragraph of section 24”.

**55.** Section 29 of the Act is amended

- (1) by replacing the first nine lines of the first paragraph by

**“29.** The employer must withhold each year from the pensionable salary paid to”;

- (2) by replacing the tenth and eleventh lines of the first paragraph by “each employee and, in the case of a pensioner or person who ceased to participate in the plan, from the pensionable salary mentioned in section 14.1 or a lump sum mentioned in section 16, an amount equal to the result of applying the contribution rate determined by regulation under section 117 to that part of the pensionable salary”;

- (3) by replacing the second paragraph by the following paragraph:

“If the basis of remuneration is 200 days, the exemption of 35% is multiplied, for the purposes of the amount withheld, by the service credited to the

employee, pensioner or person who ceased to participate in the plan, selecting only the number of days and parts of a day for which the employee, pensioner or person who ceased to participate in the plan contributed or was exempt from contributions in a year. If the basis of remuneration is 260 days, the exemption of 35% is multiplied, for the purposes of the amount withheld, by the harmonized service of the employee, pensioner or person who ceased to participate in the plan, selecting only the days for which the employee, pensioner or person who ceased to participate in the plan contributed or was exempt from contributions in a year.”

**56.** The Act is amended by inserting the following section after section 29.2:

**“29.3.** The amount to be withheld computed under section 29 is again computed, if applicable, to take into account the pensionable salary resulting from the application of subparagraph 2 of the second paragraph of section 18, the second paragraph of section 20.1 or the third paragraph of section 20.2.”

**57.** Section 36 of the Act is amended by adding the following sentence at the end of the third paragraph: “In addition, the pensionable salary paid during 2008 and 2009 for which no service is credited is, despite sections 14.1 and 16, part of the pensionable salary of the last year during which service is credited and which is prior to the year during which the pensionable salary is paid.”

**58.** Section 36.2 of the Act is amended by replacing “in the first paragraph of section 137” in the fifth and sixth lines of the first paragraph by “in section 4 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49)”.

**59.** Section 41 of the Act is amended by replacing “for life” by “until the first day of the month following the pensioner’s death or, in the case of a person who ceased to participate in the plan and was eligible for a pension, from the date the person would have been entitled to receive the pension without actuarial reduction until the first day of the month following the person’s death”.

**60.** Section 42 of the Act is repealed.

**61.** Section 43 of the Act is amended

- (1) by replacing “employee” in the last paragraph by “person”;
- (2) by replacing “il” in the last line of the last paragraph in the French text by “elle”.

**62.** The Act is amended by inserting the following division after section 59:

**“DIVISION III.0.1****“WAIVER**

**“59.0.1.** The spouse may waive the spousal benefits granted under the pension plan before the date of the death of the employee, of the person who ceased to participate in the plan or of the pensioner. The spouse may also revoke the waiver before that date.

To be valid, the waiver or revocation must bear on all spousal benefits and be served on the Commission by means of a notice that must be received on a date that is prior to the date of death and contain the information determined by regulation.

The spouse’s waiver is cancelled if, on the date of the pensioner’s death, no refund of the contributions referred to in section 50 is payable to the pensioner’s successors. The computation is calculated at the date of death and based on the data known to the Commission on the date of its decision; that data is deemed to be accurate. When the spouse’s waiver is cancelled, the spouse may receive the benefits the spouse is entitled to under the pension plan.

Despite the spouse’s waiver, the pension plan is deemed to grant the spouse a right to death benefits for the purposes of article 415 of the Civil Code of Québec.”

**63.** Section 59.6 of the Act is amended by replacing “from the midpoint of each year” in the seventh line of the first paragraph by “, for each year, from the midpoint of the period during which the employee would have paid contributions if the employee had been a member of this plan in the course of that year.”

**64.** Section 59.6.0.2 of the Act is amended by replacing “from the midpoint of each year” in the eighth and ninth lines of the first paragraph by “, for each year, from the midpoint of the period during which the employee would have paid contributions if the employee had been a member of that plan in the course of that year.”

**65.** Section 60 of the Act is amended by replacing “or the pension plans established pursuant to sections 9, 10 and 10.0.1” in the third and fourth lines of subparagraph 1 of the first paragraph by “, the pension plans established under sections 9, 10 and 10.0.1 or a supplemental pension plan the funds of which were transferred under an Act;”.

**66.** Section 67 of the Act is amended by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(3.1) the pension granted under a supplemental pension plan the funds of which were transferred under an Act;”.

**67.** Section 71 of the Act is amended by inserting “, as they read on 31 December 2006,” after “122” in the second line.

**68.** Section 75 of the Act is amended by replacing “computed in accordance with section 96” in the last line of the second paragraph by “referred to in the second paragraph of section 95”.

**69.** Section 83 of the Act is repealed.

**70.** Section 85 of the Act is amended by striking out the second paragraph.

**71.** Section 85.1 of the Act is amended

(1) by replacing “contributions” in the first line of the fourth paragraph by “sums”;

(2) by striking out “the contributions or, as the case may be,” in the thirteenth line of the fourth paragraph.

**72.** Sections 85.12 and 85.16 of the Act are repealed.

**73.** Section 92 of the Act is amended by striking out “section 117 of this Act or” in the first and second lines of the second paragraph.

**74.** Section 93 of the Act is amended by replacing “unpaid pension credit, where such is the case, is increased, for its duration,” in the first line by “pension credit not paid to a pensioner under the second paragraph of section 153 or the first paragraph of section 154 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) pursuant to section 3.2 of this Act is increased for its duration, where applicable,”.

**75.** Section 95 of the Act is amended

(1) by inserting “over the period and at the times determined by the Commission” after “instalments” in the first line of the second paragraph;

(2) by adding the following sentence at the end of the second paragraph: “If the sum is paid by instalments, it bears interest, compounded annually, at the rate determined in Schedule VII and in force on the date on which the application is received, computed from the date on which the redemption proposal made by the Commission expires.”

**76.** Sections 96 and 97 of the Act are repealed.

**77.** Section 114.1 of the Act is amended

(1) by inserting “of the Lieutenant-Governor,” after “staff” in the second line of the first paragraph;

(2) by replacing “from the midpoint of each year” in the fourth and fifth lines of the second paragraph by “, for each year, from the midpoint of the period during which the employee would have paid contributions if the employee had been a member of the plan in the course of that year”.

**78.** The Act is amended by inserting the following division after section 115.10:

**“DIVISION V**

**“REDEMPTION OF SERVICE BY A PENSIONER**

**“115.11.** A pensioner for whom the number of years and parts of a year of service used for computing the pension was reduced and who, on the date the pensioner ceased to participate in this plan, was or would have been entitled to be credited with years and parts of a year of service under the provisions of the plan may, if the pensioner applies to redeem that service within 180 days of the date of the decision sent by the Commission notifying the pensioner of the reduction, take advantage of those provisions to be credited with years and parts of a year of service, up to the number by which the pensioner’s service was reduced.

The amount the pensioner must pay to cover the cost of redemption is established on the date of retirement and the provisions apply, adapted as follows:

(1) the “date of receipt of the application”, and any reference to that date, means the date of retirement;

(2) when the cost of redemption is established on the basis of the annual pensionable salary on the date of receipt of the application for redemption, the annual pensionable salary is equal to

(a) the salary that was or would have been paid under the conditions of employment that were or would have been applicable if the pensioner held or had continued to hold, until the date of retirement, the employment the pensioner held on the last day of credited service before retiring; or,

(b) if the employment held with the employer no longer exists on the date of retirement, the salary the pensioner received on the last day of credited service, increased by the percentage of increase applicable to the salary scales that apply to the same class of employment with an employer whose conditions of employment are governed by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) between the last day of credited service and the date of retirement; and

(3) when the amount required to cover the cost of redemption bears interest, no interest is computed after the date of retirement.

The amount required to cover the cost of redemption is payable in a lump sum.”

**79.** Chapter VII of the Act is replaced by the following chapter:

**“CHAPTER VII**

**“RETURN TO WORK OF A PENSIONER**

**“116.** A pensioner who again holds pensionable employment under this plan or holds pensionable employment under the Pension Plan of Management Personnel or the Pension Plan of Peace Officers in Correctional Services continues to receive the benefits referred to in the first paragraph of section 67.

**“117.** If a pensioner under this plan is covered by the provisions on the return to work of a pensioner under Chapter V of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2), only the provisions of that chapter apply.”

**80.** Section 127 of the Act is amended by replacing “contributions of funds paid” in subparagraph 2 of the first paragraph by “sums paid”.

**81.** Section 133.17 of the Act, enacted by section 136 of chapter 39 of the statutes of 2004, is amended

(1) by striking out “to the consolidated revenue fund” in the fourth and fifth lines of the first paragraph;

(2) by striking out “to the consolidated revenue fund” in the fourth and fifth lines of the second paragraph.

**82.** Section 134 of the Act is amended

(1) by replacing “164” in the second line of the first paragraph by “163”;

(2) by inserting the following subparagraph after subparagraph 9.0.1 of the first paragraph:

“(9.0.2) establish, for the purposes of section 59.0.1, the information the waiver or revocation notice must contain;”;

(3) by inserting the following subparagraph after subparagraph 16 of the first paragraph:

“(16.0.1) prescribe, for the purposes of section 147.0.1, the manner of determining the latest date on which errors or corrections may be identified or received in order for the Commission to adjust the amount of a pension downwards;”;

(4) by replacing subparagraph 24 of the first paragraph by the following subparagraph:

“(24) determine, for the purposes of section 219, the other conditions for computing the interest on contributions within the meaning of section 50;”.

**83.** Section 147.0.1 of the Act is replaced by the following section:

**“147.0.1.** The Commission may adjust downwards the amount of a pension the payment of which has begun, in order to correct an error in computation or to take into account a correction made to the data used for computing the pension if the error or correction is identified or received not later than the date determined in the manner established by regulation. The downwards adjustment may be carried out within the 12 months following that date.

Subsequently, the amount of a pension may not be adjusted downwards by reason of an error in computation or a correction made to the data used for computing the pension.”

**84.** Section 151 of the Act is amended

(1) by striking out “until the date the application is received at the Commission and at the rate determined in Schedule VII from the day following that date” in the eighth, ninth and tenth lines of the second paragraph;

(2) by striking out “until the date the application is received at the Commission and at the rate determined in Schedule VIII to that Act, in force on that date, from the day following that date” in the fourteenth, fifteenth, sixteenth and seventeenth lines of the second paragraph.

**85.** Section 191 of the Act is amended

(1) by striking out “, on the person’s application,” in the seventh and eighth lines of the second paragraph;

(2) by striking out the last paragraph.

**86.** Sections 201 and 207 of the Act are repealed.

**87.** Section 208 of the Act is amended by replacing “the person holds or again holds pensionable employment under section 207 at 65 years of age or over” in the first two lines of the first paragraph by “a person 65 years of age or over holds or again holds pensionable employment under the retirement plan established under this Act, even if, while in that employment, the person is a member of the Pension Plan of Certain Teachers, or if the person holds pensionable employment under the Pension Plan of Management Personnel or the Pension Plan of Peace Officers in Correctional Services”.

**88.** Section 214 of the Act is amended by replacing “164 and 173.1” in the second and third lines of the first paragraph by “163 of this Act and 196.2 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1)”.

**89.** Section 216.1 of the Act is amended by striking out the last sentence of the third paragraph.

**90.** Section 219 of the Act is replaced by the following section:

“**219.** For the purpose of computing the interest, the following conditions apply:

(1) the employee contributions within the meaning of section 50 and related to a year, except those to which subparagraphs 2 and 3 apply, are deemed to have been received at the midpoint of the period during which the employee was, during the year, a member of the Government and Public Employees Retirement Plan or of another plan out of which service was transferred to the Government and Public Employees Retirement Plan;

(2) in respect of the sums paid for the redemption of years or parts of a year of service credited or counted under that plan, the interest is computed from the date of their payment;

(3) in respect of the sums the employee paid into a pension plan out of which service was transferred to the Government and Public Employees Retirement Plan under section 101, 109.2, 109.8 or 158, the interest is computed from the date the sums concerned were transferred.

The other conditions for computing the interest on the contributions within the meaning of section 50 are established by regulation.”

**91.** Section 221.1 of the Act is amended by replacing “contributions” in the first line of the fifth paragraph by “sums”.

**92.** Sections 236.3 and 236.4 of the Act are repealed.

**93.** Schedule I to the Act is amended

(1) by inserting “the Société de l’assurance automobile du Québec” at the end of paragraph 5;

(2) by inserting the following paragraph after paragraph 12.1:

“12.2. THE MEMBERS OF THE STAFF OF THE LIEUTENANT-GOVERNOR, OF A MINISTER OR OF A PERSON REFERRED TO IN SECTION 124.1 OF THE ACT RESPECTING THE NATIONAL ASSEMBLY (CHAPTER A-23.1) WHO ARE ENTITLED TO REASSIGNMENT TO PENSIONABLE EMPLOYMENT UNDER THE GOVERNMENT AND



PUBLIC EMPLOYEES RETIREMENT PLAN OR THE PENSION PLAN OF MANAGEMENT PERSONNEL”.

ACT RESPECTING THE TEACHERS PENSION PLAN

**94.** Section 10.1 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by striking out the last sentence of the third paragraph.

**95.** Section 13 of the Act is amended by replacing the third paragraph by the following paragraph:

“A lump sum paid to a pensioner is included in the pensionable salary only if it is paid as an increase or adjustment of the salary for a prior period of participation in the plan.”

**96.** Section 14 of the Act is amended by replacing “second” in the fourth line by “third”.

**97.** Section 16 of the Act is amended by replacing the last sentence of the second paragraph by the following sentence: “The days and parts of a day are rounded to the fourth decimal.”

**98.** Section 21 of the Act is amended

(1) by striking out the second paragraph;

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

**99.** The Act is amended by inserting the following division after section 28:

**“DIVISION III**

**“REDEMPTION OF SERVICE BY A PENSIONER**

**“28.0.1.** A pensioner for whom the number of years and parts of a year of service used for computing the pension was reduced and who, on the date the pensioner ceased to participate in this plan, was entitled or would have been entitled to be credited with years and parts of a year of service under the provisions of the plan may, if the pensioner applies to redeem that service within 180 days of the date of the decision sent by the Commission notifying the pensioner of the reduction, take advantage of those provisions to be credited with years and parts of a year of service, up to the number by which the pensioner’s service was reduced.

The amount the pensioner must pay to cover the cost of redemption is established on the date of retirement and the provisions apply, adapted as follows:

(1) the “date of receipt of the application”, and any reference to that date, means the date of retirement;

(2) when the cost of redemption is established on the basis of the annual pensionable salary on the date of receipt of the application for redemption, the annual pensionable salary is equal to

(a) the salary that was or would have been paid under the conditions of employment that were or would have been applicable if the pensioner held or had continued to hold, until the date of retirement, the employment the pensioner held on the last day of credited service before retiring; or,

(b) if the employment held with the employer no longer exists on the date of retirement, the salary the pensioner received on the last day of credited service, increased by the percentage of increase applicable to the salary scales that apply to the same class of employment with an employer whose conditions of employment are governed by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) between the last day of credited service and the date of retirement; and

(3) when the amount required to cover the cost of redemption bears interest, no interest is computed after the date of retirement.

The amount required to cover the cost of redemption is payable in a lump sum.”

**100.** Section 28.5.8 of the Act is amended by replacing “88, 90 to 93, the second paragraph of section 95 and sections 96 and 97” in the first two lines by “88 and 90 to 93 and the second paragraph of section 95”.

**101.** Section 28.5.10 of the Act is amended by replacing “computed in accordance with section 96” in the fourth and fifth lines by “referred to in the second paragraph of section 95”.

**102.** Section 28.5.12 of the Act is amended by replacing “to 72” in the first line of the last paragraph by “, 68”.

**103.** Section 29 of the Act is amended by striking out “, except in respect of a teacher contemplated, as the case may be, in section 43.2 or 89.5 of the Act respecting the Civil Service Superannuation Plan (chapter R-12), from the date on which his election not to participate applies,” in the first four lines of the first paragraph.

**104.** Section 42 of the Act is amended by replacing “for life” by “until the first day of the month following the pensioner’s death or, in the case of a person who ceased to participate in the plan and was eligible for a pension, from the date the person would have been entitled to receive the pension without actuarial reduction until the first day of the month following the person’s death.”

**105.** Section 43 of the Act is repealed.

**106.** Section 44 of the Act is amended

(1) by replacing “teacher” in the first line of the last paragraph by “person”;

(2) by replacing “il” in the last line of the last paragraph in the French text by “elle”.

**107.** The Act is amended by inserting the following division after section 60.1:

**“DIVISION IV.1**

**“WAIVER**

**“60.2.** The spouse may waive the spousal benefits granted under the pension plan before the date of the death of the teacher, the person who ceased to participate in the plan or the pensioner. The spouse may also revoke the waiver before that date.

To be valid, the waiver or revocation must bear on all spousal benefits and be served on the Commission by means of a notice that must be received on a date that is prior to the date of death and contain the information determined by regulation.

The spouse’s waiver is cancelled if, on the date of the pensioner’s death, no refund of the contributions referred to in section 58 is payable to the pensioner’s successors. The computation is calculated at the date of death as though there were no children entitled to a pension, and based on the data known to the Commission on the date of its decision; that data is deemed to be accurate. When the spouse’s waiver is cancelled, the spouse may receive the benefits the spouse is entitled to under the pension plan.

Despite the spouse’s waiver, the pension plan is deemed to grant the spouse a right to death benefits for the purposes of article 415 of the Civil Code of Québec.”

**108.** Section 67 of the Act is replaced by the following section:

**“67.** Any benefit shall continue to be paid to a pensioner holding pensionable employment under the Civil Service Superannuation Plan, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel.”

**109.** Division II of Chapter V of the Act, comprising sections 69 to 72, is repealed.

**110.** Section 73 of the Act is amended by inserting the following paragraph after paragraph 8:

“(8.1) determine, for the purposes of section 60.2, the information the waiver or revocation notice must contain;”.

**111.** Sections 83.2 and 83.3 of the Act are repealed.

#### ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

**112.** Section 52 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing the third paragraph by the following paragraph:

“A lump sum paid to a pensioner is included in the pensionable salary only if it is paid as an increase or adjustment of the salary for a prior period of participation in the plan.”

**113.** Section 58 of the Act is amended by replacing the last sentence of the second paragraph by the following sentence: “The days and parts of a day are rounded to the fourth decimal.”

**114.** Section 61 of the Act is amended by replacing “second” in the fourth line by “third”.

**115.** Section 66.1 of the Act is amended

(1) by striking out the second paragraph;

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

**116.** The Act is amended by inserting the following section after section 66.2:

**“66.3.** A pensioner for whom the number of years and parts of a year of service used for computing the pension was reduced and who, on the date the pensioner ceased to participate in this plan, was entitled or would have been entitled to be credited with years and parts of a year of service under the provisions of the plan may, if the pensioner applies to redeem that service within 180 days of the date of the decision sent by the Commission notifying the pensioner of the reduction, take advantage of those provisions to be credited with years and parts of a year of service, up to the number by which the pensioner’s service was reduced.

The amount the pensioner must pay to cover the cost of redemption is established on the date of retirement and the provisions apply, adapted as follows:

(1) the “date of receipt of the application”, and any reference to that date, means the date of retirement;

(2) when the cost of redemption is established on the basis of the annual pensionable salary on the date of receipt of the application for redemption, the annual pensionable salary is equal to

(a) the salary that was or would have been paid under the conditions of employment that were or would have been applicable if the pensioner held or had continued to hold, until the date of retirement, the employment the pensioner held on the last day of credited service before retiring; or,

(b) if the employment held with the employer no longer exists on the date of retirement, the salary the pensioner received on the last day of credited service, increased by the percentage of increase applicable to the salary scales that apply to the same class of employment with an employer whose conditions of employment are governed by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) between the last day of credited service and the date of retirement; and

(3) when the amount required to cover the cost of redemption bears interest, no interest is computed after the date of retirement.

The amount required to cover the cost of redemption is payable in a lump sum.”

**117.** Section 68 of the Act is amended by replacing “for life” in the second line of the first paragraph by “until the first day of the month following the pensioner’s death or, in the case of a person who ceased to participate in the plan and was eligible for a pension, from the date the person would have been entitled to receive the pension without actuarial reduction until the first day of the month following the person’s death”.

**118.** Section 69 of the Act is amended by striking out “, except in respect of an officer contemplated in section 71 of the Act respecting the Teachers Pension Plan (chapter R-11), from the date on which his election not to participate applies,” in the first three lines of the first paragraph.

**119.** Section 75 of the Act is repealed.

**120.** Section 76 of the Act is amended

(1) by replacing “an officer” in the first line of the second paragraph by “a person”;

(2) by replacing “il” in the last line of the second paragraph in the French text by “elle”.

**121.** The Act is amended by inserting the following section after section 82.3:

**“82.4.** The spouse may waive the spousal benefits granted under the plan provided for in this division before the date of the death of the officer, of the person who ceased to participate in the plan or of the pensioner. The spouse may also revoke the waiver before that date.

To be valid, the waiver or revocation must bear on all spousal benefits and be served on the Commission by means of a notice that must be received on a date that is prior to the date of death and contain the information determined by regulation.

The spouse’s waiver is cancelled if, on the date of the pensioner’s death, no refund of the contributions referred to in section 82.1 is payable to the pensioner’s successors. The computation is calculated at the date of death as though there were no children entitled to a pension, and based on the data known to the Commission on the date of its decision; that data is deemed to be accurate. When the spouse’s waiver is cancelled, the spouse may receive the benefits the spouse is entitled to under the pension plan.

Despite the spouse’s waiver, the pension plan is deemed to grant the spouse a right to death benefits for the purposes of article 415 of the Civil Code of Québec.”

**122.** Section 89.2 of the Act is replaced by the following section:

**“89.2.** Any benefit shall continue to be paid to a pensioner holding pensionable employment under the Teachers Pension Plan, the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel.”

**123.** Sections 89.3 to 89.6 of the Act are repealed.

**124.** Section 99.16 of the Act is repealed.

**125.** Section 99.17.3 of the Act is amended by replacing “88, 90 to 95, the second paragraph of section 95 and sections 96 and 97” in the first two lines by “88 and 90 to 95 and the second paragraph of section 95”.

**126.** Section 99.17.5 of the Act is amended by replacing “computed in accordance with section 96” in the fourth and fifth lines by “referred to in the second paragraph of section 95”.

**127.** Section 99.17.7 of the Act is amended by replacing “to 89.6” in the first line of the last paragraph by “, 89.2”.

**128.** Section 109 of the Act is amended by inserting the following paragraph after paragraph 8:

“(8.0.1) determine, for the purposes of section 82.4, the information the waiver or revocation notice must contain;”.

**129.** Section 111.0.1 of the Act is amended by striking out the last sentence of the third paragraph.

**130.** Sections 119.2, 119.3 and 119.4 of the Act are repealed.

#### ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

**131.** Section 2 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by replacing the first three lines of paragraph 5 by the following:

“(5) a member of the staff of the Lieutenant-Governor, of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly (chapter A-23.1), who holds non-unionizable employment designated in paragraph 4 of Division I of Schedule I”.

**132.** The heading of Chapter II of the Act is replaced by the following heading:

“PENSIONABLE SALARY, YEARS OF SERVICE, HARMONIZED SERVICE AND REDEMPTION”.

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

“**25.1.** When the pensionable salary of an employee who ceases to be a member of the plan at the end of a year is related to service credited for the last days of membership during that year but is paid at the beginning of the following year, it is deemed to be pensionable salary for the year in which it is paid even if no service is credited for that year.”

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

“**26.** Despite section 25, a lump sum paid to an employee as an increase or adjustment of the pensionable salary for a previous year shall form part of the pensionable salary for the year in which it is paid, even if no service is credited for that year. The same applies for a lump sum paid to a pensioner or a person who ceased to be a member of the plan if the lump sum is paid as an increase or adjustment of the salary for a period prior to the end of the pensioner’s or person’s membership in the plan.

Any part of the lump sum that is attributable to an increase or adjustment of the salary paid to a pensioner for any period during which the pensioner is an employee for the purposes of the plan is included if the pensioner holds pensionable employment under the plan.”

**135.** Section 28 of the Act is amended by replacing “second” in the fourth line by “third”.

**136.** Section 30 of the Act is amended by replacing the second, third and fourth paragraphs by the following paragraphs:

“For the purposes of the first paragraph, the pensionable salary of an employee who is credited with less than one year of service for service accumulated in a calendar year must not exceed

(1) the amount obtained by multiplying the salary required to reach the limit referred to in the first paragraph by the service credited to the employee during a year, if the basis of remuneration is 200 days; or

(2) the amount obtained by multiplying the salary required to reach the limit referred to in the first paragraph by the harmonized service for the year, if the basis of remuneration is 260 days.

This section does not apply to the pensionable salary for a year during which the employee, pensioner or person referred to in section 26 receives pensionable salary but is not credited with any service.”

**137.** Section 31 of the Act is amended by replacing the last sentence of the second paragraph by the following sentence: “The days and parts of a day are rounded to the fourth decimal.”

**138.** Section 32 of the Act is amended

(1) by replacing “under the plan” in the second line of the first paragraph by “with the same employer under this plan”;

(2) by replacing “Notwithstanding the first paragraph” in the first line of the second paragraph by “However” and by striking out the last sentence of that paragraph;

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

“As a result of the application of the first two paragraphs, an employee is deemed to hold only one pensionable employment with the same employer.

If an employee simultaneously holds more than one pensionable employment with different employers under this plan, the first two paragraphs apply, once the first three paragraphs have been applied, if necessary, in respect of the service accumulated with each employer.”

**139.** The Act is amended by inserting the following division after section 37:



**“DIVISION III****“HARMONIZED SERVICE OF EMPLOYEES WHOSE BASIS OF REMUNERATION IS 260 DAYS**

**“37.1.** Harmonized service is computed for an employee whose basis of remuneration is 260 days in order to reconcile the pensionable salary for a calendar year with the number of days and parts of a day credited to the employee for that year and for the last days of the previous year or the first days of the following year, as the case may be.

The harmonized service is established by dividing the number of days and parts of a day for which the employee paid or was exempt from contributions and the number of days and parts of a day otherwise credited to the employee, included in the pensionable salary reference period for the year and related to the employee’s pensionable salary for that year, by the number of contributory days included in that reference period for the class of employees to which the employee belongs. The days and parts of a day are rounded to the fourth decimal.

The pensionable salary reference period for a year, for employees in the same class, begins on the date of the first day covered by the first pay of the year and ends on the date of the last day covered by the last pay of that year.

Harmonized service is also computed for a person referred to in section 25.1 for the pensionable salary of the year for which no service is credited.

**“37.2.** The harmonized service of an employee who simultaneously holds more than one pensionable employment under the plan in a year is the aggregate of that service computed for each employment if the total service credited to the employee in respect of such employments is less than or equal to one year.

If the total service credited in respect of the pensionable employments of that employee is reduced for the purposes of the first paragraph of section 32, the harmonized service in respect of the employee’s employments is the aggregate of the harmonized service in respect of each employment for which service is credited in full and the harmonized service in respect of the employment for which service is credited in part. The latter harmonized service is multiplied by the service credited for the latter employment over the service accumulated in such employment.

**“37.3.** When the first paragraph of section 33.1 applies, the harmonized service in respect of the pensionable employment under this plan is the harmonized service determined under this division multiplied by the credited service established under the first paragraph of that section over the credited service established under sections 31 and 32.

**“DIVISION IV****“REDEMPTION OF YEARS OF SERVICE”.****140.** Section 38 of the Act is amended

- (1) by striking out the second paragraph;
- (2) by replacing “third” in the first sentence of the fourth paragraph by “second”.

**141.** Section 41 of the Act is amended

- (1) by replacing the fifth to ninth lines of the first paragraph by “, withhold each year from the pensionable salary paid”;
- (2) by replacing the tenth, eleventh and twelfth lines of the first paragraph by “to each employee and, in the case of a pensioner or person who ceased to be a member of the plan, from the pensionable salary mentioned in section 25.1 or a lump sum mentioned in section 26, an amount equal to the result of applying the contribution rate determined by regulation made under section 174 to that part of the”;

- (3) by replacing the second paragraph by the following paragraph:

“If the basis of remuneration is 200 days, the exemption of 35% is multiplied, for the purposes of the amount withheld, by the service credited to the employee, pensioner or person who ceased to be a member of the plan, selecting only the number of days and parts of a day for which the employee, pensioner or person who ceased to be a member of the plan paid or was exempt from contributions in a year. If the basis of remuneration is 260 days, the exemption of 35% is multiplied, for the purposes of the amount withheld, by the harmonized service of the employee, pensioner or person who ceased to be a member of the plan, selecting only the days for which the employee, pensioner or person who ceased to be a member of the plan paid or was exempt from contributions in a year.”

**142.** The Act is amended by inserting the following section after section 43.1:

**“43.2.** The amount to be withheld computed under section 41 is again computed, if applicable, to take into account the pensionable salary resulting from the application of subparagraph 2 of the second paragraph of section 29 or the second paragraph of section 33.1.”

**143.** Section 52 of the Act is amended by adding the following sentence at the end of the third paragraph: “In addition, the pensionable salary paid during 2008 and 2009 for which no service is credited is, despite sections 25.1 and 26, part of the pensionable salary of the last year during which service is

credited and which is prior to the year during which the pensionable salary is paid.”

**144.** Section 60 of the Act is amended by replacing “for life” by “until the first day of the month following the pensioner’s death or, in the case of a person who ceased to be a member of the plan and was eligible for a pension, from the date the person would have been entitled to receive the pension without actuarial reduction until the first day of the month following the person’s death”.

**145.** Section 61 of the Act is repealed.

**146.** Section 62 of the Act is amended

- (1) by replacing “employee” in the last paragraph by “person”;
- (2) by replacing “il” in the last line of the last paragraph in the French text by “elle”.

**147.** The Act is amended by inserting the following division after section 79:

#### “DIVISION III.1

##### “WAIVER

“**79.1.** The spouse may waive the spousal benefits granted under the pension plan before the death of the employee, of the person who ceased to be a member of the plan or of the pensioner. The spouse may also revoke the waiver before that date.

To be valid, the waiver or revocation must bear on all spousal benefits and be served on the Commission by means of a notice that must be received on a date that is prior to the date of death and contain the information determined by regulation.

The spouse’s waiver is cancelled if, on the date of the pensioner’s death, no refund of the contributions referred to in section 73 is payable to the pensioner’s successors. The computation is calculated at the date of death and based on the data known to the Commission on the date of its decision; that data is deemed to be accurate. When the spouse’s waiver is cancelled, the spouse may receive the benefits the spouse is entitled to under the pension plan.

Despite the spouse’s waiver, the pension plan is deemed to grant the spouse a right to death benefits for the purposes of article 415 of the Civil Code of Québec.”

**148.** Section 85 of the Act is amended by replacing “from the midpoint of each year” in the seventh and eighth lines of the first paragraph by “, for each

year, from the midpoint of the period during which the employee would have paid contributions if the employee had been a member of this plan in the course of that year.”

**149.** Section 87 of the Act is amended by replacing “from the midpoint of each year” in the eighth and ninth lines of the first paragraph by “, for each year, from the midpoint of the period during which the employee would have paid contributions if the employee had been a member of this plan in the course of that year.”

**150.** Section 114 of the Act is amended by replacing “computed in accordance with section 96” in the next to last line of the second paragraph by “referred to in the second paragraph of section 95”.

**151.** Section 118 of the Act is amended

(1) by replacing “fifth” in the first line of the second paragraph by “fourth”;

(2) by replacing “third paragraph of that section” in the third and fourth lines of the second paragraph by “second paragraph of section 38”.

**152.** Section 125 of the Act is amended by replacing “contributions” in the first line of the fifth paragraph by “sums”.

**153.** Section 126 of the Act is amended by replacing “contributions” in the first line of the fourth paragraph by “sums”.

**154.** Section 144 of the Act is amended

(1) by inserting “of the Lieutenant-Governor,” after “staff” in the second line of the first paragraph;

(2) by replacing “from the midpoint of each year” in the seventh line of the second paragraph by “, for each year, from the midpoint of the period during which the employee would have paid contributions if the employee had been a member of this plan in the course of that year”.

**155.** Section 159 of the Act is amended by replacing the last five lines of the first paragraph by “service that would have been credited to the pensioner if the pensioner had been a member of the plan while holding such pensionable employment”.

**156.** Sections 160 and 162 of the Act are repealed.

**157.** Section 177 of the Act is amended by replacing “contributions or sums” in the first line of subparagraph 2 of the first paragraph by “sums”.

**158.** Section 195.2 of the Act, enacted by section 262 of chapter 39 of the statutes of 2004, is amended

(1) by striking out “to the consolidated revenue fund” in the fourth and fifth lines of the first paragraph;

(2) by striking out “to the consolidated revenue fund” in the fourth and fifth lines of the second paragraph.

**159.** Section 196 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 7.1 of the first paragraph:

“(7.2) determine, for the purposes of section 79.1, the information the waiver or revocation notice must contain;”;

(2) by replacing subparagraph 24 of the first paragraph by the following subparagraph:

“(24) establish, for the purposes of section 206, the other conditions for computing the interest on contributions within the meaning of section 73;”.

**160.** Section 199 of the Act is amended by striking out the last sentence of the third paragraph.

**161.** Section 206 of the Act is replaced by the following section:

“**206.** For the purpose of computing the interest, the following conditions apply:

(1) the employee contributions within the meaning of section 73 and related to a year, except those to which subparagraphs 2 and 3 apply, are deemed to have been received at the midpoint of the period during which the employee was, during the year, a member of this plan or of another plan out of which service was transferred to this plan;

(2) in respect of the sums paid for the redemption of service credited or counted under the plan, the interest is computed from the date of their payment;

(3) in respect of the sums the employee paid into a pension plan out of which service was transferred to this plan under section 138.1, 138.7 or 203, the interest is computed from the date the sums concerned were transferred.

The other conditions for computing the interest on the contributions within the meaning of section 73 are established by regulation.”

**162.** Section 408 of the Act is amended by inserting “, as it read on 31 December 2006,” after “(chapter R-10)” in the second line.

**163.** Schedule I to the Act is amended

- (1) by striking out subparagraph 4 of paragraph 2 of Division I;
- (2) by inserting “of the Lieutenant-Governor,” after “staff” in the first line of paragraph 4 of Division I;
- (3) by inserting the following paragraph at the end of Division I:

“7.1. The employment of vice-chairman of the Société de l’assurance automobile du Québec.”

**164.** Schedule II to the Act is amended

- (1) by inserting “the Société de l’assurance automobile du Québec” at the end of paragraph 6;
- (2) by inserting the following paragraph after paragraph 13.1:

“13.2. THE MEMBERS OF THE STAFF OF THE LIEUTENANT-GOVERNOR, OF A MINISTER OR OF A PERSON REFERRED TO IN SECTION 124.1 OF THE ACT RESPECTING THE NATIONAL ASSEMBLY (CHAPTER A-23.1) WHO ARE ENTITLED TO REASSIGNMENT TO PENSIONABLE EMPLOYMENT UNDER THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN OR THE PENSION PLAN OF MANAGEMENT PERSONNEL”.

**ACT RESPECTING THE COMMISSION ADMINISTRATIVE DES RÉGIMES DE RETRAITE ET D’ASSURANCES**

**165.** Section 127 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49) is amended by replacing “Schedule I” in paragraph 4 by “Schedule II”.

**TRANSITIONAL AND FINAL PROVISIONS**

**166.** The first regulations made after 21 December 2007 under section 17.2 of the Act respecting the Government and Public Employees Retirement Plan, section 14.1 of the Act respecting the Teachers Pension Plan, section 61.1 of the Act respecting the Civil Service Superannuation Plan and section 28.1 of the Act respecting the Pension Plan of Management Personnel may, if they so provide, have effect from any date not prior to 1 January 2008.

**167.** Sections 22 and 34.16 of the Act respecting the Pension Plan of Certain Teachers, section 72 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, section 219 of the Act respecting the Government and Public Employees Retirement Plan and section 206 of the Act respecting the Pension Plan of Management Personnel, as they read before (*insert the date of coming into force of this section*), continue to apply

to applications for benefits received by the Commission administrative des régimes de retraite et d'assurances before (*insert the date of coming into force of this section*).

**168.** Sections 33, 36 and 74.7 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, sections 59.6, 59.6.0.2 and 114.1 of the Act respecting the Government and Public Employees Retirement Plan and sections 85, 87 and 144 of the Act respecting the Pension Plan of Management Personnel, as they read on (*insert the date preceding the date of coming into force of this section*), continue to apply to applications for redemption received by the Commission administrative des régimes de retraite et d'assurances before (*insert the date of coming into force of this section*).

**169.** The terms of payment for the redemption of service under section 17 of the Act respecting the Pension Plan of Certain Teachers, sections 41.3 and 41.5 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, sections 75 and 95 to 97 of the Act respecting the Government and Public Employees Retirement Plan, sections 28.5.8 and 28.5.10 of the Act respecting the Teachers Pension Plan, sections 99.17.3 and 99.17.5 of the Act respecting the Civil Service Superannuation Plan and section 114 of the Act respecting the Pension Plan of Management Personnel, as they read before (*insert the date of coming into force of this section*), continue to apply to applications for redemption received by the Commission administrative des régimes de retraite et d'assurances before (*insert the date of coming into force of this section*).

**170.** Section 147.0.1 of the Act respecting the Government and Public Employees Retirement Plan, as it read on (*insert the date preceding the date of coming into force of this section*), continues to apply until (*insert the date preceding the date that is three years after the date of coming into force of this section*) in respect of pensions accrued to persons who ceased to be members of a plan before (*insert the date of coming into force of this section*), the payment of which began before (*insert the date that is 30 months after the date of coming into force of this section*).

**171.** Paragraph 5 of section 2 of the Act respecting the Government and Public Employees Retirement Plan, as it read on 1 January 1991, is deemed to have applied from that date until 31 December 2000 to the members of the staff of the Lieutenant-Governor who were not entitled to assignment or reassignment to pensionable employment under the Government and Public Employees Retirement Plan.

**172.** Section 24.1 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, as it read before 1 January 2005, is deemed to have also referred to the members of the staff of the Lieutenant-Governor from 1 January 1991 to 31 December 2004.

**173.** Paragraph III of Schedule I to the Act respecting the Pension Plan of Management Personnel, as it read on 1 January 2001, is deemed to have

also referred to the members of the staff of the Lieutenant-Governor from 1 January 2001 to 30 June 2002.

**174.** The Government and Public Employees Retirement Plan or, to the extent provided for in Chapter I of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies to a member of the staff of the Lieutenant-Governor, of a minister or of a person referred to in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) who is not entitled to assignment or reassignment to pensionable employment under one of those plans in respect of the years or parts of a year between 31 December 1989 and 14 September 2007 during which the member contributed to one of the plans, to the extent that the member could have been subject to an order made at the member's request under paragraph 2 of section 2 of the Act respecting the Government and Public Employees Retirement Plan, paragraph 5 of section 2 of the Act respecting the Pension Plan of Management Personnel or, before 1 January 2001, paragraph 5 of section 2 of the Act respecting the Government and Public Employees Retirement Plan, as it read on 1 January 1991.

**175.** An employer who, during 2007, 2008 or 2009, pays a lump sum as an increase or adjustment of the pensionable salary for a previous year to an employee to whom the Pension Plan of Certain Teachers, the Pension Plan of Peace Officers in Correctional Services, the Government and Public Employees Retirement Plan, the Teachers Pension Plan, the Civil Service Superannuation Plan or the Pension Plan of Management Personnel is applicable, must inform the Commission administrative des régimes de retraite et d'assurances of the years in respect of which the lump sum is paid and the distribution of the amount over each of those years.

**176.** Despite the time limits arising from the provisions amended by sections 5, 78, 99 and 116, the application for redemption submitted by a pensioner, for whom the number of years or parts of a year of service used to compute the pension was reduced in 2007, must be received by the Commission administrative des régimes de retraite et d'assurances before 1 July 2008.

**177.** The provisions of the Act respecting the Government and Public Employees Retirement Plan relating to the return to work of a pensioner, the deduction of contributions payable and the establishment of a pensionable salary, as they read on 31 December 2006, continue to apply in respect of a pensioner who held pensionable employment, before 1 January 1983, under the Government and Public Employees Retirement Plan, the Teachers Pension Plan or the Civil Service Superannuation Plan for which the pensioner has not received a refund of the contributions paid for the period prior to 1 January 1983, and who

(1) again held pensionable employment on 31 December 2006 and was a member of the Government and Public Employees Retirement Plan or of the Pension Plan of Certain Teachers on that date, until the time the pensioner ceases to hold pensionable employment; or



(2) again held pensionable employment and was again a member of one of those plans between 31 December 2006 and 21 December 2007, until the time the pensioner ceases to hold pensionable employment.

However, a pensioner may elect not to resume membership in the plan by sending a notice to the Commission administrative des régimes de retraite et d'assurances. The notice must be received by the Commission within 90 days following the date the Commission sent the notice informing the pensioner of that option.

If a pensioner who again held pensionable employment on 31 December 2006 elects to no longer be a member of the plan, the pensioner's membership ends on 31 December 2006 and the benefits the pensioner is entitled to are computed in accordance with sections 119 to 121 of the Act respecting the Government and Public Employees Retirement Plan, as they read on that date.

If a pensioner who again held pensionable employment and was again a member of the plan between 31 December 2006 and 21 December 2007 elects not to resume membership in the plan after 31 December 2006, membership subsequent to that date is cancelled.

Contributions paid since 1 January 2007 by a pensioner who elects not to be a member of the plan are refunded with interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan until the date the pensioner's notice is received at the Commission and at the rate determined in Schedule VII to the Act from the day following that date until the date the refund is paid.

From 1 January 2007, the provisions relating to the return to work of a pensioner enacted under section 79 of this Act apply to the pensioner referred to in the third or fourth paragraph.

The pensioner may not redeem, under section 115.11 of the Act respecting the Government and Public Employees Retirement Plan, the part of a year of service for which the contributions were refunded under this section.

**178.** If a pensioner under the Government and Public Employees Retirement Plan or the Pension Plan of Certain Teachers to whom section 177 does not apply

(1) again held pensionable employment and was again a member of one of those plans on 31 December 2006, the pensioner's membership in the plan ceases on that date. In such a case, the benefits accrued to the pensioner at that date are established in accordance with sections 119 to 121 of the Act respecting the Government and Public Employees Retirement Plan, as they read on that date, the contributions paid by the pensioner since 1 January 2007 are refunded with interest, compounded annually, at the rate determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan

until the date the refund is paid, and the sixth and seventh paragraphs of section 177 apply;

(2) again held pensionable employment and was again a member of one of the plans between 31 December 2006 and 21 December 2007, the pensioner's membership for 2007 is cancelled, the contributions paid by the pensioner since 1 January 2007 are refunded in accordance with paragraph 1, and the sixth and seventh paragraphs of section 177 apply.

**179.** The provisions of the Act respecting the Government and Public Employees Retirement Plan relating to the return to work of a pensioner, the deduction of contributions and the establishment of a pensionable salary, as they read on 31 December 2006, and the provisions of the Act respecting the Teachers Pension Plan, the Act respecting the Civil Service Superannuation Plan and the Act respecting the Pension Plan of Management Personnel relating to those same subjects, as they read on 31 December 2007, continue to apply to a pensioner under the Teachers Pension Plan or the Civil Service Superannuation Plan who, on that date, holds pensionable employment under the Government and Public Employees Retirement Plan or the Pension Plan of Management Personnel, as long as the pensioner has not ceased to hold pensionable employment.

**180.** A pensioner under a pension plan established under section 10 or 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan who held pensionable employment under the Government and Public Employees Retirement Plan on 31 December 2006 ceases to participate in the latter plan on that date.

In such a case, the pension accrued to the pensioner under the plan is established and computed in accordance with the plan on the date the pensioner's membership ends, and the pensioner is deemed to have retired on 1 January 2007. Contributions paid by the pensioner after that date are refunded with interest, compounded annually, at the rates determined in Schedule VI to that Act until the date the refund is paid. The provisions on the return to work of a pensioner enacted under section 79 of this Act apply from 1 January 2007.

If the pensioner referred to in the first paragraph held pensionable employment under the Government and Public Employees Retirement Plan between 31 December 2006 and 21 December 2007, the pensioner's membership for 2007 is cancelled and contributions paid after 1 January 2007 are refunded under the second paragraph of this section. The provisions on the return to work of a pensioner enacted under section 79 of this Act apply from 1 January 2007.

**181.** A pensioner under a supplemental pension plan the funds of which were transferred to the Commission administrative des régimes de retraite et d'assurances after 31 December 2006, who held pensionable employment under the Government and Public Employees Retirement Plan on the date of

the transfer, ceases to participate in the latter plan on the day before the transfer took place.

In such a case, the pension accrued to the pensioner under the Government and Public Employees Retirement Plan is established and computed in accordance with the provisions of the plan on the date the pensioner's membership ends, and the pensioner is deemed to have retired on the date of the transfer. Contributions paid after that date are refunded with interest, compounded annually, at the rates determined in Schedule VI to the Act respecting the Government and Public Employees Retirement Plan until the date the refund is paid. The provisions on the return to work of a pensioner enacted under section 79 of this Act apply from the date the transfer takes place.

**182.** Not later than 31 December 2008, a transfer will be made from the contribution fund of the employees of the Government and Public Employees Retirement Plan at the Caisse de dépôt et placement du Québec to the employers' contributory fund under that plan at the Caisse of an amount determined by order and intended for the financing of part of the benefits under the responsibility of the Government resulting from the redemptions referred to in paragraph 1 of Schedule 0.1 to the Regulation under the Act respecting the Government and Public Employees Retirement Plan made by Order in Council 1845-88 dated 14 December 1988 (1988, G.O. 2, 4154) and related to redemption proposals accepted between 1 June 2001 and 31 May 2004.

The amount to be transferred corresponds to the amount established at 31 December 2005 by the Commission and is increased by interest compounded annually at the rate for Government of Canada marketable bonds with a term of 3 to 5 years (Cansim Series V122485), computed from that date until the date the transfer takes place.

**183.** Paragraph 1 of section 77 and paragraph 2 of section 93 have effect from 1 January 1991.

**184.** Section 42, paragraph 1 of section 154 and paragraph 2 of section 164 have effect from 1 January 2001.

**185.** Section 131 and paragraph 2 of section 163 have effect from 1 July 2002.

**186.** Paragraph 1 of section 26 has effect from 1 January 2005.

**187.** Sections 5, 10, 12, 43, paragraph 1 of section 55, sections 65 to 67, 69, 70, 72 to 74, 78, 79, 86, 87, 92, 99, 116, 162, 176 to 178, 180 and 181 have effect from 1 January 2007.

**188.** Paragraph 1 of section 93, paragraph 3 of section 163 and paragraph 1 of section 164 have effect from 9 May 2007.

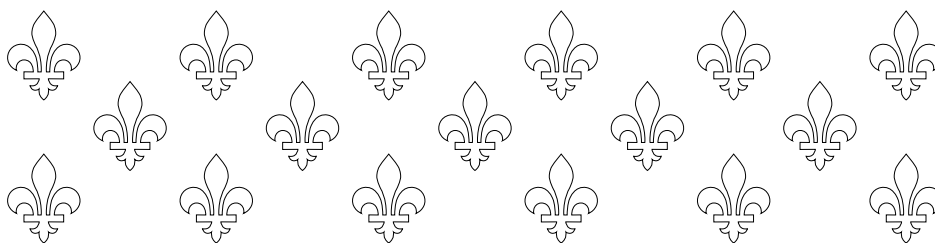
**189.** Sections 88 and 165 have effect from 1 June 2007.

**190.** This Act comes into force on 21 December 2007, except

(1) sections 1 to 3, 14 to 16, 18 to 22, 30, 31, 32, 44 to 46, 48 to 52, paragraphs 2 and 3 of section 55 and sections 56, 57, 95, 97, 102, 103, 108, 109, 111 to 113, 118, 122 to 124, 127, 130, 132 to 134, 136 to 139, 141 to 143, 155, 156 and 166, which come into force on 1 January 2008;

(2) sections 84 and 85, which come into force on 1 January 2009;

(3) sections 4, 6 to 9, 11, 13, 23 to 25, paragraph 2 of section 26, sections 27 to 29, 33 to 37, paragraph 2 of section 39, sections 40, 41, 53, 54, 59 to 64, 68, 71, 75, 76, paragraph 2 of section 77, sections 80, 81, paragraphs 2 to 4 of section 82, sections 83, 89 to 91, 94, 98, 100, 101, 104 to 107, 110, 115, 117, 119 to 121, 125, 126, 128, 129, 140, 144 to 153, paragraph 2 of section 154, and sections 157 to 161 and 167 to 170, which come into force on the date or dates to be set by the Government.



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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 58  
(2007, chapter 36)

**An Act to amend the Act respecting  
labour standards with regard  
to absences and leave**

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**Introduced 27 November 2007  
Passed in principle 6 December 2007  
Passed 14 December 2007  
Assented to 18 December 2007**

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

*This bill amends the Act respecting labour standards to introduce the right for an employee to be absent from work for up to 104 weeks if the employee or the employee's minor child suffers a serious bodily injury following a criminal offence or if the employee's child or spouse dies as a result of such an offence.*

*The bill also introduces the right for an employee to be absent from work for up to 52 weeks if the employee's child or spouse commits suicide or if the employee's minor child disappears.*

*Under the bill, these rules may also apply in other circumstances and the conditions and manner in which this right may be exercised are specified, including reinstatement of the employee in the employee's former position at the end of the period of absence and the fact that these absences are without pay.*

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

- Act respecting labour standards (R.S.Q., chapter N-1.1).

## Bill 58

### AN ACT TO AMEND THE ACT RESPECTING LABOUR STANDARDS WITH REGARD TO ABSENCES AND LEAVE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 3 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended

(1) by replacing “sections 79.7, 79.8” in paragraph 3 by “the second paragraph of section 79.1, sections 79.7 to 79.16, sections”;

(2) by replacing “sections 79.7, 79.8” in paragraph 6 by “the second paragraph of section 79.1, sections 79.7 to 79.16, sections”.

**2.** Section 70 of the Act is amended by replacing “or accident” in the third paragraph by “, accident or a criminal offence”.

**3.** Section 74 of the Act is amended by replacing “owing to sickness or accident or” in the second paragraph by “owing to sickness or accident under the first paragraph of section 79.1, or”.

**4.** The heading of Division V.0.1 of Chapter IV of the Act is amended by replacing “OR ACCIDENT” by “, ACCIDENT OR A CRIMINAL OFFENCE”.

**5.** Section 79.1 of the Act is amended

(1) by replacing “who is credited with three months of uninterrupted service may be absent from work, without pay,” in the first paragraph by “may be absent from work”;

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

“However, an employee may be absent from work for a period of not more than 104 weeks if the employee suffers serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold his regular position. In that case, the period of absence shall not begin before the date on which the criminal offence was committed, or before the expiry of the period provided for in the first paragraph, where applicable, and shall not end later than 104 weeks after the commission of the criminal offence.”

**6.** The Act is amended by inserting the following sections after section 79.1:

**“79.1.1.** The second paragraph of section 79.1 applies if it may be inferred from the circumstances of the event that the employee’s serious bodily injury is probably the result of a criminal offence.

However, an employee may not take advantage of such a period of absence if it may be inferred from the circumstances that the employee was probably a party to the criminal offence or probably contributed to the injury by a gross fault.

**“79.1.2.** The second paragraph of section 79.1 applies if the employee suffered the injury

(1) while lawfully arresting or attempting to arrest an offender or suspected offender or assisting a peace officer making an arrest; or

(2) while lawfully preventing or attempting to prevent the commission of an offence or suspected offence, or assisting a peace officer who is preventing or attempting to prevent the commission of an offence or suspected offence.”

**7.** Section 79.2 of the Act is replaced by the following section:

**“79.2.** An employee must be credited with three months of uninterrupted service to take advantage of section 79.1, and the absence shall be without pay. In addition, the employee must advise the employer as soon as possible of a period of absence from work, giving the reasons for it. If it is warranted by the duration of the absence or its repetitive nature, for instance, the employer may request that the employee furnish a document attesting to those reasons.

During a period of absence under the second paragraph of section 79.1, the employee may return to work intermittently or on a part-time basis if the employer consents to it.”

**8.** Section 79.3 of the Act is amended by replacing “an absence owing to sickness or accident” at the end of the second paragraph by “a period of absence”.

**9.** Section 79.4 of the Act is amended

(1) by replacing “the absence owing to sickness or accident” in the first paragraph by “the period of absence”;

(2) by replacing “of the sickness or accident” in the second paragraph by “of the sickness, accident or criminal offence”.

**10.** Section 79.8 of the Act is amended



(1) by replacing “who is credited with three months of uninterrupted service may be absent from work, without pay,” in the first paragraph by “may be absent from work”;

(2) by striking out the second and fourth paragraphs.

**11.** The Act is amended by inserting the following sections after section 79.8:

**“79.9.** An employee is entitled to an extension of the period of absence under the first paragraph of section 79.8, which shall end not later than 104 weeks after the beginning of that period, if the employee must stay with his minor child who suffered serious bodily injury during or resulting directly from a criminal offence that renders the child unable to carry on regular activities.

**“79.10.** An employee may be absent from work for a period of not more than 52 weeks if the employee’s minor child has disappeared. If the child is found before the expiry of the period of absence, that period shall end on the eleventh day that follows the day on which the child is found.

**“79.11.** An employee may be absent from work for a period of not more than 52 weeks if the employee’s spouse or child commits suicide.

**“79.12.** An employee may be absent from work for a period of not more than 104 weeks if the death of the employee’s spouse or child occurs during or results directly from a criminal offence.

**“79.13.** Sections 79.9 to 79.12 apply if it may be inferred from the circumstances of the event that the serious bodily injury is probably the result of a criminal offence, the death is probably the result of such an offence or of a suicide, or the person who has disappeared is probably in danger.

However, an employee may not take advantage of these provisions if it may be inferred from the circumstances that the employee or, in the case of section 79.12, the deceased person, if that person is the spouse or a child of full age, was probably a party to the criminal offence or probably contributed to the injury by a gross fault.

**“79.14.** Sections 79.9 and 79.12 apply if the injury or death occurs in one of the situations described in section 79.1.2.

**“79.15.** A period of absence under sections 79.9 to 79.12 shall not begin before the date on which the criminal offence that caused the serious bodily injury was committed or before the date of the death or disappearance and shall not end later than 52 or 104 weeks after that date. However, during the period of absence, the employee may return to work intermittently or on a part-time basis if the employer consents to it.

If, during the same 52 or 104-week period, a new event occurs, affecting the same child and giving entitlement to a new period of absence, it is the longer period that applies, from the date of the first event.

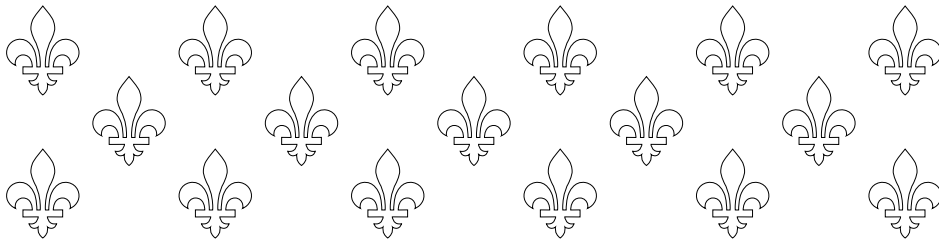
**“79.16.** Section 79.2, the first paragraph of section 79.3 and sections 79.4, 79.5 and 79.6 apply to periods of absence under sections 79.8 to 79.12, with the necessary modifications.”

**12.** Section 81.14.1 of the Act is amended by replacing “79.8” in the third line by “any of sections 79.8 to 79.12”.

**13.** Section 89 of the Act is amended by replacing “or accident,” in paragraph 6 by “, accident or a criminal offence,”.

**14.** The amendments to the Act respecting labour standards made by this Act apply from 18 December 2007 with respect to an event that occurred before that date, for the time remaining in the period of absence normally applicable.

**15.** This Act comes into force on 18 December 2007.



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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 198  
(2007, chapter 44)

**An Act to amend the Act respecting  
the Fondation Jean-Charles-Bonenfant**

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**Introduced 7 November 2007  
Passed in principle 19 December 2007  
Passed 19 December 2007  
Assented to 21 December 2007**

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**Québec Official Publisher  
2007**

**EXPLANATORY NOTES**

*This bill amends the Act respecting the Fondation Jean-Charles-Bonenfant so that each parliamentary group within the meaning of the Standing Orders of the National Assembly may designate a Member of the National Assembly to sit on the board of directors of the Fondation Jean-Charles-Bonenfant.*

*The bill also provides that, as of 30 June 2007, the foundation's financial year ends on 30 June.*

**LEGISLATION AMENDED BY THIS BILL:**

– Act respecting the Fondation Jean-Charles Bonenfant (R.S.Q., chapter F-3.2).

## Bill 198

### AN ACT TO AMEND THE ACT RESPECTING THE FONDATION JEAN-CHARLES-BONENFANT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 6 of the Act respecting the Fondation Jean-Charles-Bonenfant (R.S.Q., chapter F-3.2) is amended

(1) by replacing “of 11 other members chosen as follows:” in the first paragraph by “of”;

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

“(2) a certain number of Members of the National Assembly, one Member being designated by each parliamentary group within the meaning of the Standing Orders of the National Assembly;”.

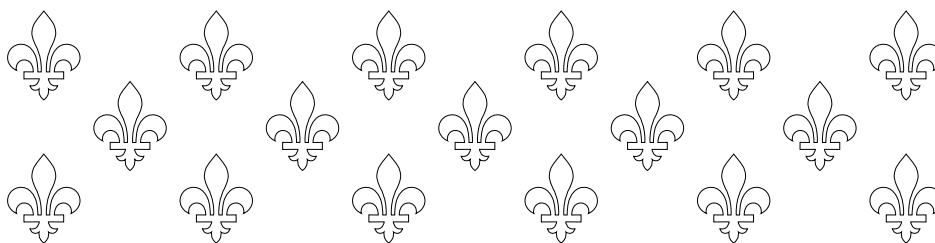
**2.** Section 20 of the Act is amended by replacing the first paragraph by the following paragraph:

“**20.** The financial year of the foundation ends on 30 June.”

**3.** Section 2 has effect from 30 June 2007.

**4.** This Act comes into force on 21 December 2007.





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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 204

(Private)

**An Act respecting Ville de Lévis**

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**Introduced 10 May 2007**

**Passed in principle 19 December 2007**

**Passed 19 December 2007**

**Assented to 21 December 2007**

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**Québec Official Publisher  
2007**





## Bill 204

(Private)

### AN ACT RESPECTING VILLE DE LÉVIS

AS Société en commandite Rabaska has made it known that it wishes to construct and operate a liquefied natural gas (LNG) terminal and pipeline in the territory of Ville de Lévis (the city);

AS the realization of that project is contingent on certain actions by the Government or one of its ministers or bodies, in particular under the Environment Quality Act (R.S.Q., chapter Q-2), the Watercourses Act (R.S.Q., chapter R-13), the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) and the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

AS Société en commandite Rabaska must acquire land and obtain servitudes in order to realize the project;

AS it is necessary, to the extent that those actions are taken and in order to allow the realization of the project, to set certain conditions and determine the municipal taxes payable on the project;

#### THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**I.** In this Act, unless the context indicates otherwise,

(1) “operations start date” means the date occurring one week before the arrival of the third LNG tanker at the LNG terminal;

(2) “construction start date” means the first of the month following the month in which the first contractor mobilizes on the project site by parking construction site trailers or otherwise;

(3) “project” means

(a) an LNG terminal and all the related equipment and facilities, including

i. marine import facilities consisting of a jetty designed to accommodate LNG tankers, unloading arms, pumps and all the ancillary infrastructures required to unload liquefied natural gas from tankers;

ii. cryogenic unloading lines for LNG transfer from the jetty to the storage tanks;

- iii. two storage tanks with an individual capacity of 160,000 m<sup>3</sup> each;
  - iv. gasification, pipeline injection and metering facilities with a design capacity of 14,158,415 m<sup>3</sup> of gas per day (500 million ft<sup>3</sup>/day);
- (b) an LNG pipeline approximately 42 kilometres long that may run from the LNG terminal located in the Desjardins borough, through the lots and watercourses mentioned in Schedule A, to the interconnection with the Trans Québec & Maritimes Pipeline Inc. pipeline located in the Chutes-de-la-Chaudière borough;
- (c) the land whose technical description is given in Schedule B; and
- (d) the rights to be obtained from the competent authority on the part of the bed and shore of the St. Lawrence River on which the works required to operate the terminal are to be constructed;

(4) “municipal taxes” means the aggregate of the municipal, property and personal taxes payable by the project owner, any tariff payable under sections 244.1 and following of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), any permit fees and any payment or transfer of land for park purposes relating to the project, and the transfer duties payable under the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) for the land acquired for the project.

**2.** Despite section 32 of the Act respecting municipal taxation, the project’s immovables are to be entered on the assessment roll of the city on the operations start date.

**3.** From the construction start date to the operations start date, the project owner is to pay the city an annual amount of \$400,000, payable in four instalments on the first day of each quarter.

**4.** As of the operations start date, the project owner is to pay the city, for each full year,

- (1) \$7,000,000 per year for the first 5 years;
- (2) \$7,500,000 per year from the 6th year to the end of the 10th year;
- (3) \$8,500,000 per year from the 11th year to the end of the 15th year;
- (4) \$10,000,000 per year from the 16th year to the end of the 20th year; and
- (5) \$11,000,000 per year from the 21st year to the end of the 50th year.

Those amounts are payable in four instalments on the first day of each quarter.

Unless the operations start date is 1 January and the first year is a full year of operations, the amount payable to the city by the project owner for the first year is the aggregate of

(1) the amount specified in section 3, adjusted in proportion to the number of days in that year before the operations start date; and

(2) the amount specified in subparagraph 1 of the first paragraph, adjusted in proportion to the number of days in that year from the operations start date to 31 December.

**5.** Section 4 ceases to have effect the day after the 35th, 40th or 45th anniversary of the operations start date if the project owner sends a notice to that effect to the clerk of the city and to the Minister of Municipal Affairs and Regions six months prior to that day, subject to any postponement that may result from the application of the second paragraph.

If project operations are interrupted at any time after the 20th full year of project operations, the special scheme established by this Act is extended for a period equivalent to the interruption. In such a case, the project owner's financial contribution under sections 4 and 8 is reduced to 75% of that payable for the first full year following the beginning of the interruption, to 50% for the second year and to 25% for the following years until the end of the interruption. Payment of the full contribution resumes at the beginning of the year following that in which the interruption ended, and the amount of that contribution, on resumption of project operations, is that paid by the project owner immediately before the interruption.

If the project owner decides to permanently terminate construction of the project or project operations, the project owner's obligation to pay the amounts specified in sections 3, 4 and 8 and in this section ceases on the later of the date on which the premises are restored to their former state in accordance with any applicable legislative provision and the date on which the city and the Minister of Municipal Affairs and Regions receive a notice to that effect. The project owner's contribution for the year in progress is computed in proportion to the number of days in that year before the later of those dates. The project hence ceases to be subject to the special scheme established by this Act.

**6.** The amounts paid by the project owner under sections 3, 4, 5 and 8 are paid as municipal taxes and the project owner may not be required to pay any other amount as municipal taxes except

(1) amounts that could be required by the city in future under a mode of tariffing within the meaning of the Act respecting municipal taxation, as it reads on 21 December 2007, to finance property or services relating to a power the city does not hold at that time;

(2) amounts the city needs in order to acquire property or services specifically required by the project owner or required by a government authority in light of the nature of the project; and

(3) a maximum amount of \$5,850,000, being the project owner's contribution toward the cost to the city of constructing an access road to the main onshore site of the LNG terminal from Lallemand road and of extending the water main along highway 132 to the easternmost point of the LNG terminal site as provided for in Schedule C.

**7.** If the LNG pipeline is not built by the LNG terminal owner or if that owner transfers the LNG pipeline to a third person, it ceases to be subject to the special scheme established by this Act, and the municipal taxes payable by the third person in respect of the LNG pipeline are deducted from the amounts otherwise payable by the project owner for the project.

**8.** As of the completion date of work to increase the LNG storage capacity or the gasification capacity of the LNG terminal, the project owner's financial contribution under section 4 is increased by an amount equal to the proportion that the amounts invested to that end are of the initial investment required for the project.

Unless the completion date is 1 January, the amount payable to the city by the project owner for the year in which the work is completed is the aggregate of

(1) the amount specified in section 4, adjusted in proportion to the number of days in that year before the completion date; and

(2) the amount determined under the first paragraph, adjusted in proportion to the number of days in that year from the completion date to 31 December.

**9.** The right to use the project's immovables and the right to use any new facilities for the purpose of operating an LNG terminal and LNG pipeline are maintained, despite any interruption in project operations, so long as the project owner pays the city the amounts payable under this Act.

The first paragraph applies to the extent that the project owner has obtained from the city any permit, authorization or certificate required under the city's planning by-laws for construction of the project.

**10.** If new facilities are required, after the operations start date, to increase the LNG storage capacity or the gasification capacity of the LNG terminal, they must be located within the area described in Schedule D and comply with the planning by-laws in force at the time the building permit for those facilities is issued.

The Minister of Sustainable Development, Environment and Parks or the Government may not issue an authorization certificate under the Environment

Quality Act (R.S.Q., chapter Q-2) for the work required to add the new facilities in the area referred to in the first paragraph without having consulted the city about security issues. If the city does not respond within 60 days, its opinion is no longer required.

**11.** This Act ceases to have effect on the date the project owner is no longer required to pay amounts under this Act.

**12.** This Act comes into force on the date to be set by the Government.

## SCHEDULE A

Lots of the cadastre of Québec, registration division of Lévis, and watercourses through which the LNG pipeline is to run:

## (1) LOTS:

3 020 276, 3 021 213, 3 020 272, 3 020 273, 3 021 214, 2 360 748, 2 360 726, 2 489 886, 2 489 887, 2 360 583, 2 359 834, 2 359 820, 2 489 889, 2 360 785, 2 359 815, 2 489 883, 2 489 884, 2 359 788, 2 359 778, 2 359 777, 2 360 700, 2 360 702, 2 359 776, 2 359 784, 2 489 817, 2 359 435, 2 489 835, 2 359 422, 2 359 419, 2 359 417, 2 359 392, 2 359 402, 2 359 385, 2 359 386, 2 489 805, 2 059 697, 2 059 696, 2 295 895, 2 059 695, 2 059 694, 2 295 914, 2 059 693, 2 059 690, 2 059 691, 2 059 675, 2 059 692, 2 295 798, 2 059 674, 2 059 682, 2 059 667, 2 059 681, 2 295 997, 2 295 998, 2 059 628, 2 059 627, 2 059 626, 2 059 629, 2 296 070, 2 059 622, 2 059 527, 2 059 526, 2 059 525, 2 059 524, 2 295 994, 2 059 546, 2 295 965, 2 295 966, 2 059 541, 2 059 545, 2 059 540, 2 059 539, 2 059 538, 2 059 537, 2 059 536, 2 059 493, 2 059 890, 2 296 069, 2 295 951, 2 059 471, 2 059 421, 2 295 945, 2 059 422, 2 296 114, 2 059 395, 2 059 387, 2 059 331, 2 059 342, 2 295 932, 2 059 303, 2 662 049, 2 059 301, 2 295 921, 2 295 922, 2 059 300, 2 059 281, 2 059 280, 2 295 856, 2 059 279, 2 059 278, 2 059 290, 2 059 289, 2 059 288, 2 059 286, 2 059 285, 2 059 287, 2 059 982, 2 059 981, 2 059 972, 2 059 975, 2 059 971, 2 059 226, 2 295 794, 2 384 201, 2 384 210, 2 384 212, 2 384 226, 2 384 233, 2 384 247, 2 384 274, 2 384 318, 2 384 351, 2 384 395, 2 384 414, 2 384 426, 2 384 425, 2 384 421, 2 384 420, 2 849 369, 2 849 365, 2 848 894, 2 848 895, 2 848 896, 2 848 897, 2 848 898, 2 848 900, 2 848 902, 2 848 903, 2 848 904, 2 848 905, 2 848 906, 2 848 871, 2 848 907, 2 848 909, 2 848 908, 2 848 815, 2 848 808, 2 848 809, 2 845 675, 2 845 673, 2 845 669, 1 963 887, 1 964 994, 1 964 990, 1 962 943, 2 059 323, 2 059 385, 2 059 386, 2 059 523, 2 295 757, 2 295 790, 2 295 806, 2 295 933, 2 360 458, 2 360 578, 2 360 763, 2 489 453, 2 489 758, 2 602 248, 2 602 346, 2 845 682, 2 848 899, 2 849 059, 2 849 368, 2 849 372, 3 167 681, 2 059 223, 2 059 299, 2 059 518, 2 059 889, 2 295 753, 2 295 758, 2 295 789, 2 295 796, 2 295 920, 2 359 404, 2 359 835, 2 360 628, 2 384 427, 3 021 268, 3 167 707, 3 644 308, 3 742 177, 3 969 524, 3 977 544, 4 030 583, 4 030 585, 4 030 587, 4 030 770, 4 030 772, 4 030 792;

## (2) WATERCOURSES:

The Chaudière, Etchemin and Beaurivage rivers.

## SCHEDULE B

An immovable known and described as comprising the following lots:

(a) lot number THREE MILLION TWENTY-ONE THOUSAND TWO HUNDRED AND FIFTEEN (3 021 215) of the cadastre of Québec, registration division of Lévis;

(b) lot number THREE MILLION EIGHTEEN THOUSAND SEVEN HUNDRED AND TEN (3 018 710) of the cadastre of Québec, registration division of Lévis;

(c) lot number THREE MILLION TWENTY THOUSAND TWO HUNDRED AND SEVENTY-FOUR (3 020 274) of the cadastre of Québec, registration division of Lévis;

(d) lot number THREE MILLION EIGHTEEN THOUSAND EIGHT HUNDRED AND TWENTY-ONE (3 018 821) of the cadastre of Québec, registration division of Lévis;

(e) lot number THREE MILLION EIGHTEEN THOUSAND NINE HUNDRED AND THIRTY-TWO (3 018 932) of the cadastre of Québec, registration division of Lévis;

(f) lot number THREE MILLION NINETEEN THOUSAND ONE HUNDRED AND FIFTY-FIVE (3 019 155) of the cadastre of Québec, registration division of Lévis;

(g) lot number THREE MILLION EIGHTEEN THOUSAND EIGHT HUNDRED AND NINETY-ONE (3 018 891) of the cadastre of Québec, registration division of Lévis;

(h) lot number THREE MILLION TWENTY THOUSAND TWO HUNDRED AND SEVENTY-FIVE (3 020 275) of the cadastre of Québec, registration division of Lévis;

(i) lot number THREE MILLION FOUR HUNDRED AND ONE THOUSAND SIX HUNDRED AND FORTY-ONE (3 401 641) of the cadastre of Québec, registration division of Lévis;

(j) lot number THREE MILLION TWENTY THOUSAND TWO HUNDRED AND SIXTY-EIGHT (3 020 268) of the cadastre of Québec, registration division of Lévis;

(k) lot number THREE MILLION TWENTY-ONE THOUSAND FOUR HUNDRED AND THIRTY-NINE (3 021 439) of the cadastre of Québec, registration division of Lévis;

(l) lot number THREE MILLION TWENTY THOUSAND TWO HUNDRED AND SIXTY-NINE (3 020 269) of the cadastre of Québec, registration division of Lévis;

(m) lot number THREE MILLION TWENTY THOUSAND THREE HUNDRED AND SEVEN (3 020 307) of the cadastre of Québec, registration division of Lévis;

(n) lot number THREE MILLION EIGHTEEN THOUSAND AND FORTY-THREE (3 018 043) of the cadastre of Québec, registration division of Lévis;

(o) lot number THREE MILLION THREE HUNDRED AND SIX THOUSAND FOUR HUNDRED AND TWENTY-FIVE (3 306 425) of the cadastre of Québec, registration division of Lévis;

(p) lot number THREE MILLION TWENTY THOUSAND THREE HUNDRED AND EIGHT (3 020 308) of the cadastre of Québec, registration division of Lévis;

(q) lot number THREE MILLION NINETEEN THOUSAND ONE HUNDRED AND FIFTY-FOUR (3 019 154) of the cadastre of Québec, registration division of Lévis;

(r) lot number THREE MILLION TWENTY-ONE THOUSAND THREE HUNDRED AND TWENTY-EIGHT (3 021 328) of the cadastre of Québec, registration division of Lévis;

(s) lot number THREE MILLION TWENTY THOUSAND TWO HUNDRED AND SIXTY-FIVE (3 020 265) of the cadastre of Québec, registration division of Lévis;

(t) lot number THREE MILLION SEVENTEEN THOUSAND FOUR HUNDRED AND EIGHTY-EIGHT (3 017 488) of the cadastre of Québec, registration division of Lévis;

(u) lot number THREE MILLION SEVENTEEN THOUSAND SEVEN HUNDRED AND TEN (3 017 710) of the cadastre of Québec, registration division of Lévis;

(v) a parcel of land known and described as being part of lot 1 964 994 of the cadastre of Québec, on the date of this description, including its successor lots, the hydrographic and topographic entities, built-up sites or parts thereof within the perimeter commencing and more specifically described as follows:

Commencing at the intersection of the southeastern limit of lot 1 961 780 with the southwestern limit of lot 1 965 005; thence southeasterly along part of the northeastern limit of lot 1 964 994 on a bearing of 135°11'36" for a distance of twenty-two metres (22.00 m); thence southwesterly in a straight line through lot 1 964 994 on a bearing of 206°14'13" for a distance of one



hundred and fourteen metres and twenty-five hundredths (114.25 m); thence northwesterly in a straight line through lot 1 964 994 on a bearing of 315°40'39" for a distance of sixty metres (60.00 m) to the southern corner of lot 1 961 779; thence northeasterly along the southeastern limit of lot 1 961 779 on a bearing of 46°11'33" for a distance of fifty-seven metres (57.00 m) to the eastern corner of lot 1 961 779; thence northwesterly along part of the northeastern limit of lot 1 961 779 on a bearing of 315°29'18" for a distance of forty-nine hundredths of a metre (0.49 m) to the southern corner of lot 1 961 780; thence northeasterly along the southeastern limit of lot 1 961 780 on a bearing of 45°37'23" for a distance of fifty metres and fifty-six hundredths (50.56 m) to the point of commencement.

The said parcel of land so described contains four thousand three hundred and ninety-nine square metres and two tenths (4,399.2 m<sup>2</sup>).

The parcel of land described in this schedule is shown on the plan prepared at Lévis by Alain Carrier, land surveyor, on 27 November 2006 under number 2 741 of his minutes.

All bearings and coordinates shown on the plan mentioned in this technical description are in reference to the official plane coordinate system of Québec (SCOPQ), NAD 83, central meridian 70°30' west, Zone 7. All measures are expressed in SI (International System) units.

## SCHEDULE C

The access road to the main onshore site of the LNG terminal from Lallemand road is to be a lit road designed for heavy vehicle traffic whose paved portion is at least seven metres wide. The road is to start at Lallemand road north of autoroute 20, in the vicinity of the Lallemand interchange, and run eastward along autoroute 20 to the LNG terminal site for a distance of about 2.5 kilometres. So long as the road construction work is not completed, the project owner is to use a temporary access road to the LNG terminal construction site.

Work to extend the water main must be completed not later than one year after the project construction start date. The extension is to include a chlorination unit and a 300-millimetre water main as well as a pressure booster pump capable of maintaining a pressure of 414 kPa for an output of 2.273 cubic metres per minute at the interconnection with the conduit to be installed by the project owner at the easternmost point of the LNG terminal site (services corridor).

The project owner's contribution toward the cost of the road construction and water supply work is to be no greater than \$5,850,000, with the understanding that the project owner may review the detailed cost of the work.

Subject to the required authorizations, the city is to make a by-law to finance the work over 10 years. The project owner is to pay the principal of the loan up to \$5,850,000 and pay interest on that amount at a maximum annual rate of 5.5%.

## SCHEDULE D

CANADA  
PROVINCE OF QUÉBEC  
REGISTRATION DIVISION OF LÉVIS

DESCRIPTION concerning parts of lots 3 018 710, 3 018 821, 3 018 891, 3 018 932, 3 019 155, 3 020 274, 3 020 275, 3 021 215 and 3 401 641 of the cadastre of Québec, Ville de Lévis.

A parcel of land known and described as being part of lots 3 018 710, 3 018 821, 3 018 891, 3 018 932, 3 019 155, 3 020 274, 3 020 275, 3 021 215 and 3 401 641 of the cadastre of Québec, on the date of this description, including their successor lots, the hydrographic and topographic entities, built-up sites or parts thereof within the perimeter and more specifically described as follows:

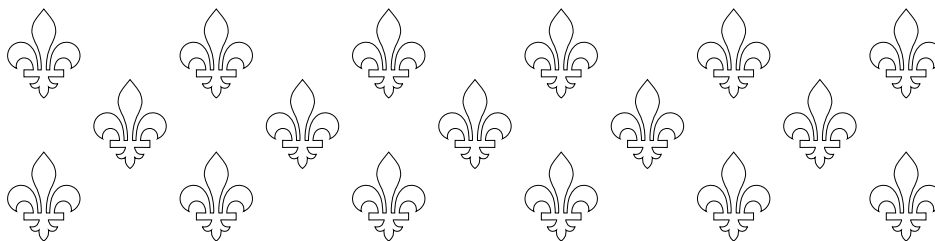
Commencing at the point of intersection of the southwestern limit of lot 3 401 641 with the northern limit of lot 3 021 268, being the northern side of the right of way of Autoroute Jean-Lesage; thence northwesterly along the southwestern limit of lot 3 401 641, on a bearing of 316°01'29" for a distance of six hundred and sixty-two metres and nine hundredths (662.09 m) to the site of the servitude in favour of Hydro-Québec; thence, being the southeastern side of the said site of servitude, northeasterly on a bearing of 59°14'40" for a distance of one thousand three hundred and sixty-five metres and eighty-three hundredths (1,365.83 m) to the northeastern limit of lot 3 021 215; thence, being the northeastern limit of lot 3 021 215, southeasterly on a bearing of 135°54'44" for a distance of one thousand one hundred and eighty-four metres and seventy-nine hundredths (1,184.79 m) to the northwestern side of the right of way of Autoroute Jean-Lesage; thence southwesterly along the northwestern side of the said right of way, on a bearing of 254°58'19" for a distance of one thousand one hundred and ninety-five metres and twenty-six hundredths (1,195.26 m); thence, along the said right of way, an arc of circle of three hundred and twenty metres and twenty-seven hundredths (320.27 m) having a radius of eight hundred and twenty-seven metres and fifty-one hundredths (827.51 m) subtended by a chord of three hundred and eighteen metres and twenty-seven hundredths (318.27 m), westerly on a bearing of 266°03'34"; then westerly on a bearing of 276°45'44" for a distance of sixty-six metres and ninety hundredths (66.90 m) to the point of commencement.

The said parcel of land so described contains one million two hundred and eighty-four thousand nine hundred and twenty square metres and five tenths (1,284,920.5 m<sup>2</sup>), or 128.49 hectares.

The parcel of land described in this schedule is shown on the plan prepared at Lévis by Alain Carrier, land surveyor, on 27 November 2006 under number 2 740 of his minutes.

All bearings and coordinates shown on the plan mentioned in this technical description are in reference to the official plane coordinate system of Québec (SCOPQ), NAD 83, central meridian 70°30' west, Zone 7. All measures are expressed in SI (International System) units.

Prepared by Alain Carrier, land surveyor, Lévis, 27 November 2006, Minute 2 740, Record 14.



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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 206

(Private)

**An Act respecting Ville de Saint-Jérôme**

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**Introduced 10 May 2007**

**Passed in principle 19 December 2007**

**Passed 19 December 2007**

**Assented to 21 December 2007**

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**Québec Official Publisher  
2007**



**Bill 206**

(Private)

**AN ACT RESPECTING VILLE DE SAINT-JÉRÔME**

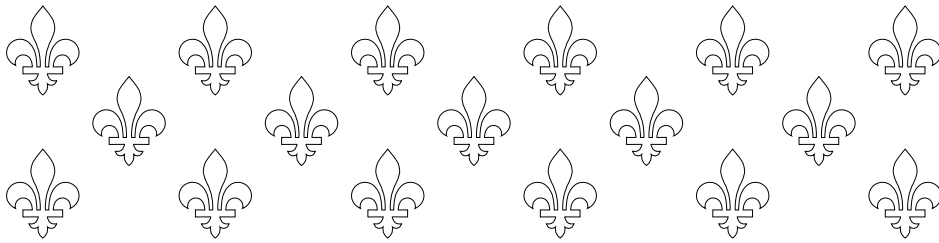
AS it is in the interest of Ville de Saint-Jérôme to clarify the rules relating to its status as a core city;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Ville de Saint-Jérôme is a core city within the meaning of paragraph 9.1 of section 1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).
- 2.** This Act comes into force on 21 December 2007.







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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 207

(Private)

## **An Act to amend the Act respecting Boucherville Golf Club**

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**Introduced 31 October 2007**

**Passed in principle 19 December 2007**

**Passed 19 December 2007**

**Assented to 21 December 2007**

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**Québec Official Publisher  
2007**



## Bill 207

(Private)

### AN ACT TO AMEND THE ACT RESPECTING BOUCHERVILLE GOLF CLUB

AS Club de Golf Boucherville (“the Club”) is a legal person governed by the Act respecting Boucherville Golf Club (1968, chapter 119), as amended by the Act to amend the Act respecting Boucherville Golf Club (1995, chapter 90), and Part II of the Companies Act (R.S.Q., chapter C-38);

AS the provisions applicable to the Club must be updated to reflect the current situation;

AS it is in the interest of the Club, for the proper administration of its affairs, that the Act respecting Boucherville Golf Club be amended;

AS the shareholders were informed of the Club’s intention to amend its constituting Act at the general meeting held on 15 January 2007;

AS, on 22 May 2007, the Club’s board of directors unanimously passed a resolution authorizing the introduction of a bill to that effect;

#### THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The title of the Act respecting Boucherville Golf Club (1968, chapter 119) is amended

(1) by replacing “Le” in the French text by “le”;

(2) by replacing “Boucherville Golf Club” by “the Club de Golf Boucherville”.

**2.** Section 5 of the Act, amended by section 3 of chapter 90 of the statutes of 1995, is again amended

(1) by replacing “Québec Liquor Board” in the second line of subparagraph *d* of the first paragraph by “Société des alcools du Québec”;

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

“Except in an emergency, any construction expenditure, capital expenditure or purchase beyond the amount authorized by by-law must be pre-approved by the shareholders.”

**3.** Section 6 of the Act, amended by section 4 of chapter 90 of the statutes of 1995, is again amended by replacing “\$10,000,000” in the third line by “\$50,000,000”.

**4.** Section 10 of the Act, amended by section 7 of chapter 90 of the statutes of 1995, is again amended

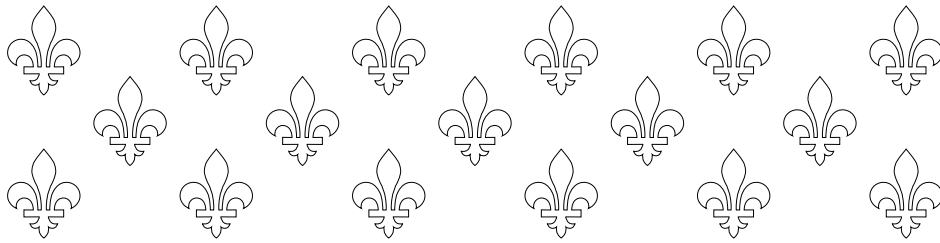
(1) by replacing “action, la” in the fifteenth line in the French text by “action et la”;

(2) by striking out the following at the end: “, and pay to the resigning or expelled member or to the heirs of the deceased members, as the case may be, the amount, which shall not be less than \$300, established according to the basis of valuation fixed by the by-laws; the board of directors may then, if it sees fit, reissue such share”.

**5.** Section 17 of the Act, replaced by section 11 of chapter 90 of the statutes of 1995, is again replaced by the following section:

**“17.** The corporation shall be administered by a board consisting of a minimum of seven and a maximum of eleven directors, pre-approved by the shareholders.”

**6.** This Act comes into force on 21 December 2007.



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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 208

(Private)

**An Act to amend the Act respecting  
*L'Union des municipalités de la  
province de Québec* (Union of  
Municipalities of the Province of Québec)**

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**Introduced 31 October 2007**

**Passed in principle 19 December 2007**

**Passed 19 December 2007**

**Assented to 21 December 2007**

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**Québec Official Publisher  
2007**



## Bill 208

(Private)

### **AN ACT TO AMEND THE ACT RESPECTING *L'UNION DES MUNICIPALITÉS DE LA PROVINCE DE QUÉBEC* (UNION OF MUNICIPALITIES OF THE PROVINCE OF QUÉBEC)**

AS *L'Union des municipalités du Québec* (Union of Municipalities of Québec) (“the Union”) is a legal person governed by Part III of the Companies Act (R.S.Q., chapter C-38) and constituted by letters patent issued on 14 June 1924, and as it obtained supplementary letters patent dated 4 February 1980;

AS the Union is also governed by the Act respecting *L'Union des municipalités de la province de Québec* (Union of Municipalities of the Province of Québec) (1974, chapter 87);

AS section 2 of that Act contains special provisions governing the Union’s internal organization, namely, the composition of its board of directors, the election and taking of office of directors, and the procedure for filling a vacancy on the board of directors;

AS those special provisions are no longer adapted to the Union’s structure;

AS it is expedient that the Union’s internal organization be instead determined by a by-law adopted by its members, as allowed by the Companies Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The title of the Act respecting *L'Union des municipalités de la province de Québec* (Union of Municipalities of the Province of Québec) (1974, chapter 87) is replaced by the following title:

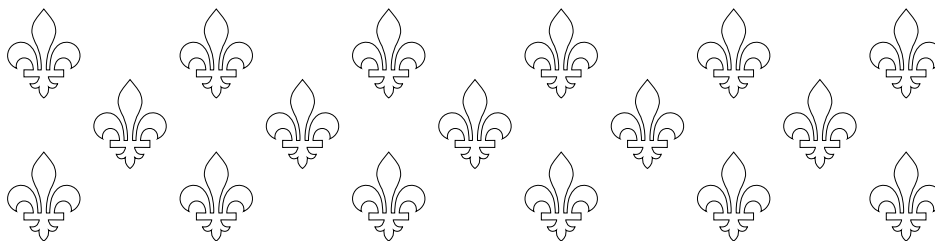
“Act respecting *L'Union des municipalités du Québec* (Union of Municipalities of Québec)”.

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

**3.** This Act comes into force on 21 December 2007.







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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 209

(Private)

## **An Act respecting Marie Francine Sonia Sophie Bisson**

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**Introduced 15 November 2007**

**Passed in principle 19 December 2007**

**Passed 19 December 2007**

**Assented to 21 December 2007**

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**Québec Official Publisher  
2007**



## **Bill 209**

(Private)

### **AN ACT RESPECTING MARIE FRANCINE SONIA SOPHIE BISSON**

AS Marie Francine Sonia Sophie Bisson, born on 28 August 1974 in Montréal, is the daughter of François Bisson and Madeleine Corbeil;

AS an adoption judgment was rendered on 13 November 1985 under which Marie Francine Sonia Sophie's paternal filiation was replaced by a paternal filiation with Marc Benjamin and her surname changed accordingly;

AS the adoption judgment was not in the interest of Marie Francine Sonia Sophie Bisson, although no adoption may take place except in the interest of the child;

AS from 1986, Marie Francine Sonia Sophie had no further contact with Marc Benjamin, but resumed contact with François Bisson, who she continued to see regularly until his death on 11 August 1987;

AS an application for a change of name to allow Marie Francine Sonia Sophie to again take her original surname, Bisson, was granted on 12 January 1995;

AS the latter judgment did not affect the paternal filiation entered in the register of civil status;

AS Marie Francine Sonia Sophie Bisson considers that it is in her interest to be entered as the daughter of François Bisson rather than the daughter of Marc Benjamin in the register of civil status;

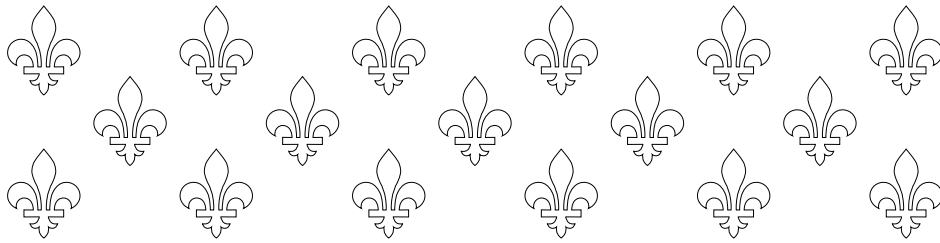
AS Marie Francine Sonia Sophie Bisson agrees that such a change is not to affect the succession of François Bisson or of his ascendants and descendants;

#### **THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:**

**1.** The adoption judgment rendered on 13 November 1985 by the Youth Court, district of Longueuil, in record 505-43-000016-855 is annulled.

**2.** The bond of paternal filiation between Marc Benjamin and Marie Francine Sonia Sophie Bisson is dissolved and the bond of paternal filiation between the latter and François Bisson is re-established.

- 3.** As of the coming into force of this Act, Marie Francine Sonia Sophie Bisson, born on 28 August 1974 in Montréal, is again to be known as the daughter of François Bisson.
- 4.** The bond of paternal filiation re-established by this Act has the same effects as a judgment of the Court of Québec.
- 5.** This Act does not dissolve the bond of filiation between Marie Francine Sonia Sophie Bisson and her mother, Madeleine Corbeil.
- 6.** This Act does not affect the succession of François Bisson or of his ascendants and descendants.
- 7.** On receiving this Act and in accordance with its provisions, the registrar of civil status is to draw up the act of birth of Marie Francine Sonia Sophie Bisson under article 132 of the Civil Code of Québec and alter any existing acts of civil status to bring them into conformity with this Act.
- 8.** In accordance with article 136 of the Civil Code of Québec, the registrar of civil status is to include a reference to this Act in the acts of civil status so drawn up or altered.
- 9.** This Act comes into force on 21 December 2007.



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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 210

(Private)

## **An Act to establish the Société du chemin de fer de la Gaspésie**

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**Introduced 14 November 2007**

**Passed in principle 19 December 2007**

**Passed 19 December 2007**

**Assented to 21 December 2007**

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**Québec Official Publisher  
2007**



## Bill 210

(Private)

### AN ACT TO ESTABLISH THE SOCIÉTÉ DU CHEMIN DE FER DE LA GASPÉSIE

AS the Corporation du chemin de fer de la Gaspésie (C.C.F.G.) inc. was established under Part III of the Companies Act (R.S.Q., chapter C-38) by letters patent dated 21 October 1996, as amended by supplementary letters patent dated 27 May 1997 and 10 June 1997;

AS the Corporation du chemin de fer de la Gaspésie (C.C.F.G.) inc. currently owns the railway line between Matapédia and Gaspé;

AS it is expedient to establish a new legal person to operate the railway line between Matapédia and Gaspé;

AS it is expedient that municipal institutions play a leading role in the new legal person;

AS the Corporation du chemin de fer de la Gaspésie (C.C.F.G.) inc. is requesting that a new legal person be established to that end, and as it is preferable to establish such a legal person by law;

#### THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** A non-profit legal person is established under the name “Société du chemin de fer de la Gaspésie” (“the Société”).

**2.** The Société’s head office is to be at a location in Québec determined by the board of directors.

**3.** The Société’s objects are

(1) to bring together persons with an interest in the maintenance, operation and development of the Gaspésie region railway network;

(2) to promote the economic and social development of the Gaspésie region through the railway network;

(3) to operate the railway line between Matapédia and Gaspé;

(4) to promote any other mode of transport in the Gaspésie region or to promote tourist and recreational activities in the region if the Société ceases to operate the railway network; and

(5) incidentally, to receive and manage funds of any kind,

all with no intention of pecuniary gain to its members.

**4.** The Société may

(1) acquire movable and immovable property without limit as to its value;

(2) lease, sublease, lend or trade all or part of the movable and immovable property so acquired, allow all or part of such property to be operated by a third party, or grant a contract or subcontract with regard to all or part of such property;

(3) enter into any type of agreement for the operation and maintenance of the movable and immovable property so acquired;

(4) acquire and hold shares, bonds or other securities of companies, partnerships or other legal persons, and sell or otherwise dispose of them;

(5) borrow on the credit of the Société;

(6) issue bonds or other securities of the Société, and pledge or sell bonds or other securities for such sums and at such prices as are deemed appropriate;

(7) hypothecate its movable or immovable property or otherwise encumber it; and

(8) despite the provisions of the Civil Code of Québec, grant a hypothec, even a floating hypothec, on a universality of its present or future, corporeal or incorporeal, movable or immovable property, in accordance with section 34 of the Act respecting the special powers of legal persons (R.S.Q., chapter P-16).

**5.** Part III of the Companies Act (R.S.Q., chapter C-38) applies to the Société, subject to the provisions of this Act.

**6.** The persons acting as directors of the Corporation du chemin de fer de la Gaspésie (C.C.F.G.) inc. become the provisional directors of the Société.

They remain in office until all the directors are appointed under section 7, and are deemed to be the founding members of the Société.

**7.** The Société is administered by a board consisting of nine directors appointed as follows during pleasure:



(1) two appointed by the Municipalité régionale de comté de La Côte-de-Gaspé;

(2) two appointed by the Municipalité régionale de comté du Rocher-Percé;

(3) two appointed by the Municipalité régionale de comté d'Avignon;

(4) two appointed by the Municipalité régionale de comté de Bonaventure; and

(5) one appointed by the Conférence régionale des élu(e)s de la Gaspésie et des Îles-de-la-Madeleine.

Appointments are to be made every two years in January, with the first appointments being made not later than 31 January 2008. The term of a director must not end later than the end of the calendar year following that in which the director was appointed.

**8.** If a position on the board of directors becomes vacant in the course of a calendar year, a new appointment must be made for the remainder of the unexpired term. The new appointment must be made by the person that appointed the director whose position became vacant.

**9.** The board of directors may create an executive committee consisting of at least three but not more than five directors. The executive committee has all the powers delegated to it by the board.

**10.** The board of directors may also create any other committee, delegate powers to it, and determine its composition.

**11.** The Société has two categories of members. The category A members are

(1) the Municipalité régionale de comté de La Côte-de-Gaspé;

(2) the Municipalité régionale de comté du Rocher-Percé;

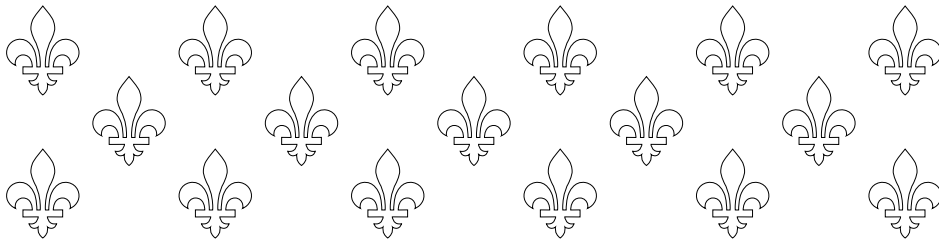
(3) the Municipalité régionale de comté d'Avignon;

(4) the Municipalité régionale de comté de Bonaventure; and

(5) the Conférence régionale des élu(e)s de la Gaspésie et des Îles-de-la-Madeleine.

Category B members are appointed under the Société's by-laws.

- 12.** The dissolution of the Société, the disposition of all or part of the railway line between Matapédia and Gaspé, or the cessation of its operation as a railway has effect only if authorized by a resolution and all the directors of the Société vote in favour of it.
- 13.** The Corporation du chemin de fer de la Gaspésie (C.C.F.G.) inc. is dissolved and all its rights, property and obligations are transferred to the Société.
- 14.** Property transfers under section 13 are not deemed to be transfers under the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1).
- 15.** The validity of the acts performed by the member municipalities of the Corporation du chemin de fer de la Gaspésie (C.C.F.G.) inc. in the course of their participation in the Société's activities, including their standing surety for the Société, cannot be contested on the grounds that the municipalities did not have the powers required by law when the acts were performed, or on the grounds that they failed to obtain the required authorizations.
- 16.** This Act comes into force on 21 December 2007.



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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 211

(Private)

**An Act to amend the Act respecting  
Ville de Varennes**

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**Introduced 14 November 2007**

**Passed in principle 19 December 2007**

**Passed 19 December 2007**

**Assented to 21 December 2007**

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**Québec Official Publisher  
2007**



## **Bill 211**

(Private)

### **AN ACT TO AMEND THE ACT RESPECTING VILLE DE VARENNES**

AS it is in the interest of Ville de Varennes that the Act respecting Ville de Varennes (1997, chapter 106) be amended;

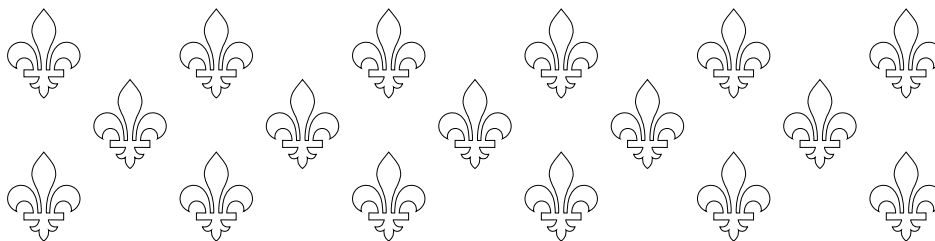
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 27 of the Act respecting Ville de Varennes (1997, chapter 106) is amended by replacing the first paragraph by the following paragraph:

**“27.** Within two years after the authorization required under section 26, the city must offer for sale, at its actual value, the lot concerned by the cadastral amendment so that it may be used for agricultural purposes, and must so advise the Minister of Agriculture, Fisheries and Food and the Fédération régionale de l’Union des producteurs agricoles.”

**2.** This Act comes into force on 21 December 2007.





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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 212

(Private)

**An Act respecting Ville de Matane**

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**Introduced 15 November 2007**

**Passed in principle 19 December 2007**

**Passed 19 December 2007**

**Assented to 21 December 2007**

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**Québec Official Publisher  
2007**





## **Bill 212**

(Private)

### **AN ACT RESPECTING VILLE DE MATANE**

AS it is in the interest of Ville de Matane that Order in Council 1045-2001 dated 12 September 2001 concerning the amalgamation of Ville de Matane, the municipalities of Petit-Matane and Saint-Luc-de-Matane and Paroisse de Saint-Jérôme-de-Matane, amended by Orders in Council 1536-2001 dated 19 December 2001 and 1078-2002 dated 18 September 2002, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Section 32 of Order in Council 1045-2001 dated 12 September 2001 is amended by replacing “shall be charged or credited to all the taxable immovables in the sector formed of the territory of that former municipality” by “shall be charged or credited to all the taxable immovables in the territory of the new city”.
- 2.** Section 52 of the Order in Council is amended by replacing “shall be credited to the ratepayers of the sector formed of the territory of the former Ville de Matane for the first eight fiscal years of the new city” by “shall be credited to the ratepayers of the new city”.
- 3.** Section 54 of the Order in Council is amended by replacing “used in the sector formed of the territory of the former owner municipality” by “paid into the general fund of the new city”.
- 4.** Section 56 of the Order in Council is amended by replacing “shall continue to burden the taxable immovables of the sector formed of the territory of that former municipality” wherever it occurs in the first paragraph by “shall be charged to all the taxable immovables in the territory of the new city”.
- 5.** Section 57 of the Order in Council is amended by replacing “shall continue to be credited to or to burden all or part of the taxable immovables of the sector formed of the territory of that former municipality” by “shall be credited or charged to all the taxable immovables in the territory of the new city”.
- 6.** Section 2 has effect from 26 September 2001.
- 7.** This Act comes into force on 21 December 2007.



## Regulations and other acts

Gouvernement du Québec

### **O.C. 12-2008**, 15 January 2008

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

#### **Waste water disposal systems for isolated dwellings — Amendments**

Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings

WHEREAS subparagraph *c* of the first paragraph of section 31, paragraphs *g* and *i* of section 46 and paragraph *c* of section 87 of the Environment Quality Act (R.S.Q., c. Q-2) empower the Government to make regulations on the matters set forth therein;

WHEREAS Division XV.5 of the Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r.8) sets out the conditions on which the effluent of a tertiary waste water treatment system with disinfection or phosphorous removal and disinfection may be discharged into the environment;

WHEREAS, after consideration of the public health concerns expressed because of various problems associated with the maintenance of those treatment systems, the Government, by Orders in Council 853-2006 dated 20 September 2006, 193-2007 dated 21 February 2007 and 540-2007 dated 27 June 2007, amended the Regulation respecting waste water disposal systems for isolated dwellings to prohibit, from 4 October 2006 to 30 January 2008, the installation of tertiary treatment systems with disinfection or phosphorous removal and disinfection if the disinfection system is ultraviolet radiation and the system's effluent is directly or indirectly discharged into ditches or certain watercourses;

WHEREAS a working group composed of representatives of the Fédération québécoise des municipalités, the Union des municipalités du Québec, the Ministère des Affaires municipales et des Régions, the Ministère de la Santé et des Services sociaux and the Ministère du Développement durable, de l'Environnement et des Parcs recommended maintaining the prohibition except if the maintenance of those systems is taken in charge by a municipality;

WHEREAS, by chapter 10 of the Statutes of 2007, the Parliament of Québec enacted section 25.1 of the Municipal Powers Act (R.S.Q., c. C-47.1) to allow a municipality to maintain a private waste water treatment system and that section came into force on 25 October 2007;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published, as provided for in section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force between the date of its publication in the *Gazette officielle du Québec* and the date applicable under section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and a coming into force date that is different from the date applicable under section 17 of that Act must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication of the Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings, attached to this Order in Council, and its coming into force on 31 January 2008:

— the prohibition on the installation of tertiary treatment systems with disinfection or with phosphorous removal and disinfection using a disinfection system with ultraviolet radiation, the effluents of which are discharged directly or indirectly in ditches or in certain watercourses, will cease to have effect on 31 January 2008;

— it is necessary for reasons of public health and environment quality preservation to maintain that prohibition except where the maintenance of the systems is provided by the municipality in whose territory the systems are installed;

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

THAT the Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings\*

Environment Quality Act  
(R.S.Q., c. Q-2, s. 31, 1st par., subpar. c, s. 46, pars. g and i and s. 87, par. c)

**1.** The Regulation respecting waste water disposal systems for isolated dwellings is amended by replacing the last sentence of the third paragraph of section 3.3 by the following sentence and paragraph:

“The person must also, before 31 December each year, send the report to the municipality in whose territory the system is situated and make the report available to the Minister of Sustainable Development, Environment and Parks.

The preceding paragraphs do not apply to an owner of a treatment system maintained by the municipality pursuant to section 25.1 of the Municipal Powers Act (R.S.Q., c. C-47.1). The municipality must, however, at the owner’s request, supply a copy of the maintenance report to the owner and make the report available to the Minister.”.

**2.** Section 3.4 is replaced by the following:

**“3.4. Information on the siting of treatment systems:** The manufacturer of a treatment system referred to in the first paragraph of section 3.3 must, within 30 days after its installation, send the information concerning its siting to the municipality in whose territory the manufacturer installed the system. The manufacturer must also provide the Minister with that information at the Minister’s request.”.

**3.** Section 13 is amended by replacing “when a by-law governing the emptying of septic tanks has been adopted by a municipality pursuant to paragraph 11.1 of section 413 of the Cities and Towns Act (R.S.Q., c. C-19) or section 550 of the Municipal Code of Québec (R.S.Q., c. C-27.1)” in the third paragraph by “where pursuant to section 25.1 of the Municipal Powers Act (R.S.Q., c. C-47.1), a municipality provides for the emptying of septic tanks”.

**4.** The following is inserted after section 87.14:

**“87.14.1. Prohibition concerning tertiary treatment systems with disinfection using ultraviolet radiation:** If disinfection is achieved by ultraviolet radiation, the installation of a tertiary treatment system with disinfection or a tertiary treatment system with phosphorous removal and disinfection is prohibited.

That prohibition is lifted, however, if the municipality in whose territory the system is installed carries out the maintenance of the systems referred to in the first paragraph pursuant to section 25.1 of the Municipal Powers Act (R.S.Q., c. C-47.1).

The first paragraph does not apply to persons to whom a permit was issued under section 4 by a municipality before 4 October 2006.”.

**5.** Section 87.30.1 is amended by replacing the second paragraph by the following:

“The owner must send the analysis reports within 30 days of their receipt to the municipality in whose territory the treatment system is situated. In addition, the owner must keep the reports for 5 years and make them available to the Minister at the Minister’s request.”.

**6.** Section 96 is revoked.

**7.** This Regulation comes into force on 31 January 2008.

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\* The Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r.8) was last amended by the regulation made by Order in Council 540-2007 dated 27 June 2007 (2007, G.O. 2, 1581A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

**M.O., 2007****Order number AM 2007-037 of the Minister of Natural Resources and Wildlife dated 20 December 2007**

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

CONCERNING the Regulation to amend the Regulation respecting hunting

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING sections 54.1 and 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C61.1) which provide that the Minister may make regulations on the matters mentioned therein;

CONSIDERING section 164 of the Act which provides that a regulation made under sections 54.1 and 56 of the Act is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

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

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

ORDERS AS FOLLOWS:

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

Québec, 20 December 2007

CLAUDE BÉCHARD,  
*Minister of Natural Resources  
and Wildlife*

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

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, ss. 54.1 and 56)

**1.** Section 2 of the Regulation respecting hunting is amended

(1) by inserting the following before paragraph 1:

“(0.1) “moose without antlers” means moose with antlers less than ten (10) centimetres;”;

(2) by inserting the following after paragraph 1:

“(1.1) “moose calf” means a male or female moose that is less than one year old;”.

**2.** Section 14 is amended

(1) by replacing “Type 2, 6, 9” wherever it appears in the second paragraph by “Type 2, 9”;

(2) by replacing the fourth and fifth paragraphs by the following:

“Subject to section 17, in the territories shown on the plans in Schedules CIX, CX, CXVIII, CXXX, CXXXI, CXXXVII and CXLV for moose hunting, the Type 6 implement provided for in Schedule III for hunting that species is replaced by a Type 11 implement.

In the territory shown on the plan in Schedule XIX, for small game and black bear, only hunting with a bow or crossbow is permitted; in the case of snowshoe hare and Eastern cottontail rabbit, hunting with a Type 7 implement is also permitted. For white-tailed deer and, subject to section 17, for moose, only hunting with a Type 11 implement is permitted during the periods for Area 2 provided for in Schedule III for a Type 11 implement.”;

(3) by striking out the sixth paragraph.

\* The Regulation respecting hunting, made by Minister's Order 99021 dated 27 July 1999 (1999, *G.O.* 2, 2451), was last amended by the regulations made by Minister's Order 2007-017 dated 14 June 2007 (2007, *G.O.* 2, 1585). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

**3.** Section 15 is amended

(1) by striking out “Matane” in subparagraph 2 of the second paragraph;

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

“In addition to the second paragraph, in the Matane and Dunière wildlife sanctuaries, a group may also be a party of 6 or 8 hunters who each hold a right of access pass and who hunt together; the bag limit being established as follows:

- 1 moose/group of 3 or 4 hunters, or
- 2 moose, one of which must be without antlers/group of 6 or 8 hunters, the bag limit being 1 moose per 3 or 4 hunters, or
- 3 moose/group of 6 hunters, 2 of which must be moose without antlers, the bag limit being 1 moose per 2 hunters, or
- 1 moose without antlers/group of 2 hunters, or
- 1 moose without antlers/youth group (1), or
- 2 moose without antlers/conservation group (2).

In addition to the second paragraph, in the La Vérendrye and Portneuf wildlife sanctuaries, a group may also be a party of 6 or 8 hunters who each hold a right of access pass and who hunt together; the bag limit being established as follows:

- 1 moose/group of 3 or 4 hunters, or
- 2 moose/group of 6 or 8 hunters.

- (1) youth group: a group of 3 or 4 hunters at least 1 of whom is under 18 years of age
- (2) conservation group a group of 4 hunters.”.

**4.** Section 17 is replaced by the following:

“17. In areas 2, 3, 4, 6, 7, 10 to 16, 18, 22 and 26 to 28, moose hunting is permitted in 2007 and 2009; in the Jaro, Lavigne and Mitchinamecus controlled zones, only moose with antlers not less than 10 cm and female moose more than one year old may be hunted.

In the areas referred to in the first paragraph, moose with antlers or moose calves may be hunted in 2008 and 2010; in the Anse-Saint-Jean, Bas-Saint-Laurent, Bras-Coupé-Désert, Chapais, Chapeau-de-Paille, la Croche, Gros-Brochet, Jaro, Jeannotte, Labrieville, Lac-Brébeuf, Lac-de-la-Boiteuse, Lavigne, la Lièvre, Lesueur, Mars-Moulin, Martin-Valin, Mazana, Mitchinamecus, des Nymphes, Nordique, Normandie, Onatchiway, Owen, des Passes, Pontiac, Rapides-des-Joachims, Rivière-aux-Rats, Saint-Patrice, Tawachiche, Forestville, D’Iberville

and Menokeosawin controlled zones, only moose with antlers not less than 10 cm may be hunted. In areas 13 and 16, the hunting of female moose more than one year old with a Type 6 or 11 implement is also permitted. In addition, in the territory of the outfitting operations in section 1 of Schedule V, female moose may be hunted provided that those outfitting operations apply that option for each year of a three-year moose management plan.

The provisions of the first and second paragraphs do not apply to the Batiscan-Neilson, Petawaga, Rivière-Blanche and Wessonneau controlled zones, or to the part of the territory shown on the plan in Schedule XLV. In the Wessonneau and Baillargeon controlled zones, only moose with antlers not less than 10 cm and female moose more than one year old may be hunted.

In areas 9, 17 and in the part of Area 22 shown on the plan in Schedule CXCVI and in the Maison-de-Pierre Controlled Zone, only moose with antlers not less than 10 cm may be hunted.”.

**5.** Section 18 is replaced by the following:

“18. A resident who holds each licence provided for in paragraphs *a* and *c* of section 2 of Schedule I may hunt white-tailed deer, female or male, with antlers less than 7 cm, during a hunting season provided for in section 4 of Schedule III, in a wildlife sanctuary, a controlled zone, an area or part of an area.

Where a licence referred to in paragraph *c* of section 2 of Schedule I is prescribed for a wildlife sanctuary or a controlled zone referred to respectively in paragraph *ii* or *iii* of section 1 of Schedule II, the licence issued for the area is not valid therein, except in the case of the Rouge-Matawin Wildlife Sanctuary where the number of licences is 0.

Subject to sections 7.1, 7.2 and 7.2.1 of the Regulation respecting hunting activities, a non-resident may hunt white-tailed deer, female or male, with antlers less than 7 cm, during a hunting season when a resident may hunt such deer without holding the licence provided for in paragraph *c* of section 2 of Schedule I.”.

**6.** Section 19 is amended

- (1) by inserting “by a resident” after “may be hunted”;
- (2) by replacing “if the hunter” by “if the resident”.

**7.** Section 23 is amended by replacing “Schedule VIII” in paragraph 2 by “Schedule XVIII”.

**8.** Section 25 is amended by inserting “Bras-Coupé-Désert,” in paragraph 2 after “Bas-Saint-Laurent,” and “Pontiac,” after “Chapais,”.

**9.** Section 30 is amended by replacing the second paragraph by the following:

“Food may not be used to bait black bear during the period from 1 July to 15 August regarding areas 16, 17, 19 south, 23, 24 and 29 and during the period from 1 July to 31 August regarding areas 1 to 15, 18 and 26 to 28.”.

**10.** Section 33 is amended by replacing “4.5 volts” by “6 volts”.

**11.** Schedule II is amended

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

“i. in area

Area	Number of licences
1	400
2 except the western part shown on the plan in Schedule IX	60
the western part of Area 2 shown on the plan in Schedule IX	190
3 except the western part shown on the plan in Schedule X	1 700
the western part of Area 3 shown on the plan in Schedule X	1 100
4	2 200
5 except the western part shown on the plan in Schedule XXXVIII	0
the western part of Area 5 shown on the plan in Schedule XXXVIII	0
6 except the northern part shown on the plan in Schedule XXXIX	200
the northern part of Area 6 shown on the plan in Schedule XXXIX	3 200
7 except the southern part shown on the plan in Schedule CXXXIV	1 800
the southern part of Area 7 shown on the plan in Schedule CXXXIV	4 100
the southern part of Area 8 shown on the plan in Schedule XIII	0
9 except the western part shown on the plan in Schedule CXXXII	0
the western part of Area 9 shown on the plan in Schedule CXXXII	150
10 except the western part shown on the plan in Schedule XVI	2 750
the western part of Area 10 shown on the plan in Schedule XVI and 12	5 750
11 and the western part of Area 15 shown on the plan in Schedule CXXXIII	1 400
the part of Area 13 shown on the plan in Schedule CXC	50
the eastern part of Area 26 shown on the plan in Schedule CXCIII	0
the part of Area 27, sector white-tailed deer, shown on the plan in Schedule CLXXXVIII except Île d'Orléans and Île au Rneau	650”;

(2) by adding the following at the end of paragraph *ii* of section 1:

“Port-Daniel  
Rouge-Matawin 4  
0”;

(3) by inserting the following in paragraph *iii* of section 1 before the Casault Controlled Zone:

“Bras-Coupé-Désert 50”;

(4) by inserting the following after the Jaro Controlled Zone in paragraph *iii* of section 1:

“Maganasipi 50”;

(5) by inserting the following after the Rapide-des-Joachims Controlled Zone in paragraph *iii* of section 1:

“Restigo 50”;

(6) by striking out the following in paragraph *ii* of section 3:

“Duchénier 36”;

(7) by replacing the number of licences in paragraph *ii* of section 3 respectively as regards the “Ashuapmushuan”, “Port-Daniel” and “Saint-Maurice” wildlife sanctuaries by the following:

“34”, “8” and “62”;

(8) by inserting the following after the Jaro Controlled Zone in paragraph *iii* of section 3:

“Lavigne 50”.

## 12. Schedule III is amended

(1) by replacing “13 except the parts of the territories shown on the plan in Schedule XXXII” and “13 except the part of the territory shown on the plan in Schedule XXXII” by “13 except the parts of the territories shown on the plans in Schedules XXXII and CLXXXVII”;

(2) by replacing sections 1, 3, 4, 5 and 6 by the following:

### 1. Moose

(1)	6	(a)	13 except the part of the territory shown on the plan in Schedule XXXII	(a)	from the Saturday on or closest to 13 September to the Sunday on or closest to 28 September
		(b)	15	(b)	from the Saturday on or closest to 18 September to the Sunday on or closest to 3 October
		(c)	16 and 17	(c)	from the Saturday on or closest to 4 September to the Sunday on or closest to 19 September
		(d)	22 except the parts of the territories shown on the plans in Schedules CXCVI and CXCVII	(d)	from the Saturday on or closest to 4 September to the Sunday on or closest to 12 September
(2)	10	(a)	1	(a)	from the Tuesday on or closest to 25 October to the Friday on or closest to 28 October
		(b)	10 except the western part shown on the plan in Schedule XVI	(b)	from the Saturday on or closest to 25 October to the Wednesday on or closest to 29 October



(3)	11	(a) 1, 2 except the parts of the territories shown on the plans in Schedules XXIV to XXVI, 5 and the western part of Area 11 shown on the plan in Schedule XV	(a) from the Saturday on or closest to 27 September to the Sunday on or closest to 5 October
		(b) 3	(b) from the Saturday on or closest to 1 October to the Wednesday on or closest to 5 October
		(c) 4, 6	(c) from the Saturday on or closest to 1 October to the Friday on or closest to 7 October
		(d) 7 except the part of the territory shown on the plan in Schedule XXVII	(d) from the Saturday on or closest to 1 October to the Sunday on or closest to 16 October
		(e) 8 except the part of the territory shown on the plan in Schedule XX and the eastern part of Area 11 shown on the plan in Schedule XIV	(e) from the Saturday on or closest to 27 September to the Sunday on or closest to 19 October
		(f) 9 except the part of the territory shown on the plan in Schedule XXI	(f) from the Saturday on or closest to 4 October to the Sunday on or closest to 12 October
		(g) 10 except the part of the territory shown on the plan in Schedule XXII	(g) from the Saturday on or closest to 22 September to the Sunday on or closest to 30 September
		(h) 12 and 26	(h) from the Saturday on or closest to 18 September to the Sunday on or closest to 3 October
		(i) 14 and 18 except the part of the territory shown on the plan in Schedule XXXI	(i) from the Saturday on or closest to 4 September to the Sunday on or closest to 19 September
		(j) the southern part of Area 19 except the parts of the territories shown on the plans in Schedules XXX and CXCIV and 29	(j) from the Saturday on or closest to 28 August to the Sunday on or closest to 12 September
(k) the northwestern part of the southern part of Area 19 on the plan in Schedule CXCIV	(k) from the Saturday on or closest to 28 August to the Wednesday on or closest to 8 September		

	(l)	27 except the eastern part shown on the plan in Schedule XI and the parts of the territories shown on the plans in Schedules XXIII and XXVIII	(l)	from the Saturday on or closest to 11 September to the Sunday on or closest to 26 September	
	(m)	the eastern part of Area 27 shown on the plan in Schedule XI and 28	(m)	from the Saturday on or closest to 4 September to the Sunday on or closest to 19 September	
(4)	13	(a)	1, 2 except the parts of the territories shown on the plans in Schedules XIX, XXIV to XXVI, 3 and 4	(a)	from the Saturday on or closest to 15 October to the Sunday on or closest to 23 October
		(b)	the western part of Area 10 shown on the plan in Schedule XVI and the western part of Area 11 shown on the plan in Schedule XV	(b)	from the Saturday on or closest to 9 October to the Sunday on or closest to 17 October
		(c)	12, 15 and 26	(c)	from the Saturday on or closest to 9 October to the Sunday on or closest to 24 October
		(d)	13 except the part of the territory shown on the plan in Schedule XXXII	(d)	from the Saturday on or closest to 4 October to the Sunday on or closest to 19 October
		(e)	14, 16 and 28	(e)	from the Saturday on or closest to 25 September to the Sunday on or closest to 17 October
		(f)	17	(f)	from the Saturday on or closest to 2 October to the Sunday on or closest to 17 October
		(g)	18 except the part of the territory shown on the plan in Schedule XXXI and the part of Area 22 shown on the plan in Schedule CXCVI	(g)	from the Saturday on or closest to 25 September to the Monday on or closest to 11 October
		(h)	the southern part of Area 19 except the parts of the territories shown on the plans in Schedules XXX and CXCIV, and 29	(h)	from the Saturday on or closest to 18 September to the Sunday on or closest to 17 October
		(i)	the northwestern part of the southern part of Area 19 shown on the plan in Schedule CXCIV	(i)	from the Saturday on or closest to 11 September to the Monday on or closest to 11 October

(j)	20 except the part of the territory shown on the plan in Schedule XXXIV	(j)	from 1 September to 1 December
(k)	22 except the parts of the territories shown on the plans in Schedules CXCVI and CXCVII	(k)	from the Saturday on or closest to 18 September to the Monday on or closest to 11 October
(l)	27 except the eastern part shown on the plan in Schedule XI and the parts of the territories shown on the plans in Schedules XXIII and XXVIII	(l)	from the Saturday on or closest to 2 October to the Sunday on or closest to 17 October
(m)	the eastern part of Area 27 shown on the plan in Schedule XI	(m)	from the Saturday on or closest to 25 September to the Sunday on or closest to 10 October

## 3. White-tailed deer

(1)	2	(a)	20 except the part of the territory shown on the plan in Schedule XXXIV	(a)	from 1 September to 24 December
		(b)	Île au Ruau situated in Area 27 the Friday on or closest to	(b)	from the Saturday on or closest to 27 September to 31 October
(2)	9	(a)	Île d'Orléans situated in Area 27	(a)	from the Friday on or closest to 7 November to the Wednesday on or closest to 12 November
		(b)	8 except the parts of the territories shown on the plans in Schedules XIII, XX and XXIX	(b)	from the Saturday on or closest to 8 November to the Sunday on or closest to 23 November
(3)	11	(a)	the western part of Area 3 shown on the plan in Schedule X	(a)	from the Saturday on or closest to 27 September to the Friday on or closest to 10 October
		(b)	4 and 5	(b)	from the Saturday on or closest to 20 September to the Friday on or closest to 10 October
		(c)	6	(c)	from the Saturday on or closest to 27 September to the Friday on or closest to 17 October
		(d)	7 except the part of the territory shown on the plan in Schedule XXVII and the southern part of Area 8 shown on the plan in Schedule XIII	(d)	from the Saturday on or closest to 27 September to the Sunday on or closest to 19 October

(e)	8 except the parts of the territories shown on the plans in Schedules XIII and XX	(e)	from the Saturday on or closest to 27 September to the Sunday on or closest to 26 October
(f)	10 except the parts of the territories shown on the plans in Schedules XVI and XXII	(f)	from the Saturday on or closest to 22 September to the Sunday on or closest to 7 October
(g)	the western part of Area 10 shown on the plan in Schedule XVI and 12	(g)	from the Saturday on or closest to 22 September to the Friday on or closest to 5 October
(h)	the part of Area 13 shown on the plan in Schedule CXC	(h)	from the Saturday on or closest to 25 October to the Friday on or closest to 31 October
(i)	Île d'Orléans situated in Area 27	(i)	from the Saturday on or closest to 1 November to the Thursday on or closest to 6 November

#### 4. White-tailed deer with antlers 7 cm or more

(1)	2	(a)	1 and the part of Area 13 shown on the plan in Schedule CXC	(a)	from the Saturday on or closest to 1 November to the Sunday on or closest to 9 November
		(b)	2 except the parts of the territories shown on the plans in Schedules XIX, XXIV to XXVI, 3, 4, 6, the southern part of Area 8 shown on the plan in Schedule XIII, 9 except the part of the territory shown on the plan in Schedule XXI, 10 except the part of the territory shown on the plan in Schedule XXII and 12	(b)	from the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
		(c)	5	(c)	from the Saturday on or closest to 1 November to the Friday on or closest to 14 November
		(d)	11 and the western part of Area 15 shown on the plan in Schedule CXXXIII	(d)	from the Saturday on or closest to 1 November to the Sunday on or closest to 23 November
		(e)	20 except the part of the territory shown on the plan in Schedule XXXIV	(e)	from 1 August to 31 August

(2)	9	(a) the western part of Area 3 shown on the plan in Schedule X	(a) from the Saturday on or closest to 22 November to the Friday on or closest to 28 November
		(b) 10 except the part of the territory shown on the plan in Schedule XXII	(b) from the Saturday on or closest to 25 October to the Wednesday on or closest to 29 October
		(c) the eastern part of Area 26 shown on the plan in Schedule CXCIII and the part of Area 27, sector white-tailed deer, shown on the plan in Schedule CLXXXVIII except Île au Ruau and Île d'Orléans	(c) from the Friday on or closest to 7 November to the Sunday on or closest to 9 November
(3)	11	(a) 1	(a) from the Saturday on or closest to 27 September to the Sunday on or closest to 5 October
		(b) 2 except the parts of the territories shown on the plans in Schedules XXIV to XXVI, 3 except the western part shown on the plan in Schedule X	(b) from the Saturday on or closest to 27 September to the Friday on or closest to 10 October
		(c) the western part of Area 11 shown on the plan in Schedule XV	(c) from the Saturday on or closest to 25 September to the Friday on or closest to 8 October
		(d) 7 except the part of the territory shown on the plan in Schedule XXVII	(d) from the Saturday on or closest to 1 November to the Friday on or closest to 7 November
		(e) 9 except the part of the territory shown on the plan in Schedule XXI	(e) from the Saturday on or closest to 27 September to the Sunday on or closest to 19 October
		(f) the eastern part of Area 11 shown on the plan in Schedule XIV	(f) from the Saturday on or closest to 27 September to the Sunday on or closest to 12 October
		(g) the western part of Area 15 shown on the plan in Schedule CXXXIII	(g) from the Saturday on or closest to 18 September to the Sunday on or closest to 3 October
		(h) the eastern part of Area 26 shown on the plan in Schedule CXCIII and the part of Area 27, sector white-tailed deer, shown on the plan in Schedule CLXXXVIII except Île au Ruau and Île d'Orléans	(h) from the Saturday on or closest to 1 November to the Thursday on or closest to 6 November

(4)	12	7 except the part of the territory shown on the plan in Schedule XXVII closest to 16 November	from the Saturday on or closest to 8 November to the Sunday on or
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5. White-tailed deer, female or male, with antlers less than 7 cm

(1)	9	(a) 4 and 6 except the part of the territory shown on the plan in Schedule XXXIX	(a) from the Tuesday on or closest to 25 November to the Saturday on or closest to 29 November
		(b) the western part of Area 5 shown on the plan in Schedule XXXVIII and the northern part of Area 6 shown on the plan in Schedule XXXIX	(b) from the Saturday on or closest to 22 November to the Sunday on or closest to 30 November
		(c) 5 except the western part shown on the plan in Schedule XXXVIII	(c) from the Saturday on or closest to 22 November to the Friday on or closest to 28 November
		(d) the southern part of Area 8 shown on the plan in Schedule XIII	(d) from the Wednesday on or closest to 19 November to the Sunday on or closest to 23 November
		(e) the eastern part of Area 8 shown on the plan in Schedule CXXXV	(e) from the Wednesday on or closest to 26 November to the Sunday on or closest to 30 November

6. Black bear

(1)	2	(a) 1, 2 except the parts of the territories shown on the plans in Schedules XXIV to XXVI, 3, 5, 7 except the part of the territory shown on the plan in Schedule XXVII, 8 except the part of the territory shown on the plan in Schedule XX, 9 except the part of the territory shown on the plan in Schedule XXI, 11, 12, 13 except the part of the territory shown on the plan in Schedule XXXII, 14, 15 16, 18 except the part of the territory shown on the plan in Schedule XXXI, 21, 26, 27 except the parts of the territories shown on the plans in Schedules XXIII and XXVIII and 28	(a) from 15 May to 30 June
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		(b) 4, 6 and the southeastern part of Area 10 shown on the plan in Schedule XXXVII except the part of the territory shown on the plan in Schedule XXII	(b) from 15 May to 30 June from the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
		(c) 10 except the southeastern part shown on the plan in Schedule XXXVII	(c) from 15 May to 10 June from the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
		(d) 17 and the southern part of Area 19 except the parts of the territories shown on the plans in Schedules XXX and CXCIV and 29	(d) from 15 May to 30 June from the Saturday on or closest to 18 September to the Sunday on or closest to 17 October
		(e) the northwestern part of the southern part of Area 19 shown on the plan in Schedule CXCIV	(e) from 15 May to 30 June from the Saturday on or closest to 11 September to the Monday on or closest to 11 October
		(f) 23	(f) from 15 May to 30 June from 25 August to 31 October
		(g) 24	(g) from 15 May to 30 June from 25 August to 30 September
		(h) 26	(h) from the Saturday on or closest to 9 October to the Sunday on or closest to 24 October
(2)	9	10 except the part of the territory shown on the plan in Schedule XXII	from the Saturday on or closest to 25 October to the Wednesday on or closest to 29 October
(3)	11	(a) 4	(a) from the Saturday on or closest to 20 September to the Friday on or closest to 10 October
		(b) 6	(b) from the Saturday on or closest to 27 September to the Friday on or closest to 17 October
		(c) 9	(c) from the Saturday on or closest to 27 September to the Sunday on or closest to 19 October
		(d) 10 except the parts of the territories shown on the plans in Schedules XVI and XXII	(d) from the Saturday on or closest to 22 September to the Sunday on or closest to 7 October

(e) the western part of Area 10 shown on the plan in Schedule XVI	(e) from the Saturday on or closest to 22 September to the Friday on or closest to 5 October
(f) 26	(f) from the Saturday on or closest to 18 September to the Sunday on or closest to 3 October
(g) 27 except the eastern part shown on the plan in Schedule XI	(g) from the Saturday on or closest to 11 September to the Sunday on or closest to 26 September
(h) the eastern part of Area 27 shown on the plan in Schedule XI and 28	(h) from the Saturday on or closest to 4 September to the Sunday on or closest to 19 September

;”

(3) by replacing “Schedule VIII” in paragraph *b* of section 2 by “Schedule XVIII”;

(4) by replacing section 9 by the following:

“9. Raccoon 3 4, 5, 6, 7 except the part from 25 October  
of the territory shown on to 1 March  
the plan in Schedule XXVII  
and 8 except the part of the  
territory shown on the plan  
in Schedule XX  
”;

(5) by replacing section 11 by the following:

“11. Raccoon 5 4, 5, 6, 7 except the part from 25 October  
night of the territory shown on to 15 December  
hunting the plan in Schedule XXVII  
with a dog and 8 except the part of the  
territory shown on the plan  
in Schedule XX  
”.

**13.** Schedule IV is replaced by the following:

**“SCHEDULE IV  
HUNTING SEASON FOR MOOSE AND WHITE-TAILED DEER IN ZECs**

	Column I	Column II	Column III	Column IV
Section	Animal	Type of implement	Zec	Hunting season
1	Moose	10	Dumoine	from the Monday on or closest to 13 October to the Sunday on or closest to 19 October



Section	Column I Animal	Column II Type of implement	Column III Zec	Column IV Hunting season
			Kipawa	from the Tuesday on or closest to 14 October to the Sunday on or closest to 19 October
			Maganasipi	from the Monday on or closest to 13 October to the Sunday on or closest to 19 October
			Restigo	from the Tuesday on or closest to 14 October to the Sunday on or closest to 19 October
		11	Boullé	from the Saturday on or closest to 18 September to the Sunday on or closest to 3 October
			Collin	from the Saturday on or closest to 18 September to the Sunday on or closest to 3 October
			Dumoine	from the Saturday on or closest to 13 September to the Sunday on or closest to 28 September
			Festubert	from the Saturday on or closest to 13 September to the Sunday on or closest to 28 September
			Kipawa	from the Saturday on or closest to 13 September to the Sunday on or closest to 28 September
			Lavigne	from the Saturday on or closest to 18 September to the Sunday on or closest to 3 October
			Maganasipi	from the Saturday on or closest to 13 September to the Sunday on or closest to 28 September
			Mazana	from the Saturday on or closest to 18 September to the Sunday on or closest to 3 October

Section	Column I Animal	Column II Type of implement	Column III Zec	Column IV Hunting season
			Restigo	from the Saturday on or closest to 13 September to the Sunday on or closest to 28 September
		13	Baillargeon	from the Saturday on or closest to 15 October to the Wednesday on or closest to 19 October
			Batiscan-	from the Saturday on or
			Neilson	closest to 9 October to the Sunday on or closest to 17 October
			des Nymphes	from the Saturday on or closest to 9 October to the Sunday on or closest to 17 October
			Dumoine	from the Saturday on or closest to 4 October to the Sunday on or closest to 12 October
			Forestville	from the Saturday on or closest to 25 September to the Sunday on or closest to 11 October
			Jeannotte	from the Saturday on or closest to 9 October to the Sunday on or closest to 17 October
			Kipawa	from the Saturday on or closest to 4 October to the Monday on or closest to 13 October
			Lavigne	from the Saturday on or closest to 9 October to the Sunday on or closest to 17 October
			Lesueur	from the Saturday on or closest to 9 October to the Sunday on or closest to 17 October
			Maganasipi	from the Saturday on or closest to 4 October to the Sunday on or closest to 12 October

	<b>Column I</b>	<b>Column II</b>	<b>Column III</b>	<b>Column IV</b>
<b>Section</b>	<b>Animal</b>	<b>Type of implement</b>	<b>Zec</b>	<b>Hunting season</b>
			Maison-de-Pierre	from the Saturday on or closest to 9 October to the Sunday on or closest to 17 October
			Mitchinamecus	from the Saturday on or closest to 9 October to the Sunday on or closest to 17 October
			Restigo	from the Saturday on or closest to 4 October to the Monday on or closest to 13 October
			Rivière-Blanche	from the Saturday on or closest to 9 October to the Sunday on or closest to 17 October
2	White-tailed deer	11	Bras-Coupé-Désert	from the Monday on or closest to 18 October to the Friday on or closest to 22 October
			Dumoine	from the Saturday on or closest to 13 September to the Sunday on or closest to 28 September
			Maganasipi	from the Saturday on or closest to 13 September to the Sunday on or closest to 28 September
			Pontiac	from the Monday on or closest to 18 October to the Friday on or closest to 22 October
			Rapides-des-Joachims	from the Monday on or closest to 18 October to the Friday on or closest to 22 October
			Restigo	from the Saturday on or closest to 13 September to the Sunday on or closest to 28 September
			Saint-Patrice	from the Monday on or closest to 7 November to the Friday on or closest to 11 November

	Column I	Column II	Column III	Column IV
Section	Animal	Type of implement	Zec	Hunting season
2.1	White-tailed deer with antlers 7 cm or more	2	Bras-Coupé-Désert	from the Thursday on or closest to 28 October to the Sunday on or closest to 14 November
			Dumoine	from the Saturday on or closest to 1 November to the Sunday on or closest to 9 November
			Maganasipi	from the Saturday on or closest to 1 November to the Sunday on or closest to 9 November
			Maison-de-Pierre	from the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
			Pontiac	from the Thursday on or closest to 28 October to the Sunday on or closest to 14 November
			Rapides-des-Joachims	from the Monday on or closest to 25 October to the Sunday on or closest to 14 November
			Restigo	from the Saturday on or closest to 1 November to the Sunday on or closest to 9 November
			Saint-Patrice	from the Saturday on or closest to 23 October to the Sunday on or closest to 6 November
9			Bras-Coupé-Désert	from the Saturday on or closest to 23 October to the Wednesday on or closest to 27 October
			Dumoine	from the Monday on or closest to 13 October to the Sunday on or closest to 19 October
			Maganasipi	from the Monday on or closest to 13 October to the Sunday on or closest to 19 October

Section	Column I Animal	Column II Type of implement	Column III Zec	Column IV Hunting season
			Pontiac	from the Saturday on or closest to 23 October to the Wednesday on or closest to 27 October
			Rapides-des-Joachims	from the Saturday on or closest to 23 November to the Sunday on or closest to 24 November
			Restigo	from the Monday on or closest to 13 October to the Sunday on or closest to 19 October
			Saint-Patrice	from the Saturday on or closest to 12 November to the Sunday on or closest to 13 November

#### 14. Schedule V is amended

(1) by replacing “CXIV to CXVII” in Column II of section 1 by “CXIV, CXVI, CXVII” and by replacing “CLVII to CLXV” by “CLVII to CLXI, CLXIII to CLXV”;

(2) by striking out “LXXIX, CXXII, CLV” in Column II of section 2;

(3) by replacing “, CLV and CLXXXIX” in Column II of section 2 as regards the season “From the Saturday on or closest to 13 October to the Sunday on or closest to 16 November” by “and CLV”;

(4) by replacing “and CLVI” in Column II of section 2 as regards the season “From the Saturday on or closest to 6 October to the Sunday on or closest to 16 November” by “, CLVI and CLXXXIX”.

#### 15. Schedule VI is amended

(1) by replacing “/group of 6 hunters” as regards the ChicChocs Wildlife Sanctuary, within the bag limit of moose by “/group of 6 or 8 hunters” and by replacing the moose hunting season by the following:

“From the Tuesday on or closest to 5 September to the Friday on or closest to 27 October”;

(2) by replacing the bag limit of moose as regards the Dunière and Matane wildlife sanctuaries by the following:

“— 1/group of 3 or 4 hunters,  
— 2/group of 6 or 8 hunters, one of which must be a moose without antlers,  
— 3/group of 6 hunters, two of which must be moose without antlers,  
— 1 moose without antlers/group of 2 hunters,  
— 1 moose without antlers/youth group (1),  
— 2 moose without antlers/conservation group (2);”;

(3) by replacing the moose hunting season as regards the Dunière Wildlife Sanctuary by the following:

“From the Tuesday on or closest to 5 September to the Wednesday on or closest to 8 November”;

(4) by replacing the bag limit of moose as regards the La Vérendrye Wildlife Sanctuary by the following:

“— 1/group of 3 or 4 hunters, or  
— 2/group of 6 or 8 hunters”;

(5) by replacing the moose hunting season as regards the Matane Wildlife Sanctuary by the following:

“From the Tuesday on or closest to 5 September to the Monday on or closest to 20 December”;

(6) by adding the following after each of the hunting seasons for moose, white-tailed deer, ruffed grouse, spruce grouse and snowshoe hare as regards the Papineau-Labelle Wildlife Sanctuary:

“From the Monday on or closest to 13 November to the Saturday on or closest to 18 November”;

(7) by replacing the moose hunting season as regards the Port-Daniel Wildlife Sanctuary by “From the Tuesday on or closest to 5 September to the Wednesday on or closest to 27 September” and the hunting season for each of the other species by “From the Friday on or closest to 29 September to the Tuesday on or closest to 3 October”;

(8) by replacing the moose hunting season as regards the Portneuf Wildlife Sanctuary by “From the Thursday on or closest to 7 September to the Friday on or closest to 6 October” and by replacing the bag limit by “1/group of 3 or 4 hunters or 2/group of 6 or 8 hunters”;

(9) by replacing, as regards the Rimouski Wildlife Sanctuary,

i. the hunting season for moose and white-tailed deer (implement 2) “From the Tuesday on or closest to 28 October to the Saturday on or closest to 1 November” by “From the Tuesday on or closest to 28 October to the Thursday on or closest to 6 November”;

ii. the hunting season for white-tailed deer (implement 2), ruffed grouse, spruce grouse and snowshoe hare “From the Sunday on or closest to 2 November to the Sunday on or closest to 16 November by “From the Friday on or closest to 7 November to the Sunday on or closest to 16 November”;

iii. by replacing “/group of 6 hunters” in the bag limit of moose by “/group of 6 or 8 hunters”;

(10) by replacing each of the hunting seasons for white-tailed deer, ruffed grouse, spruce grouse and snowshoe hare by the following as regards the Rouge-Matawin Wildlife Sanctuary:

“From the Sunday on or closest to 15 October to the Sunday on or closest to 12 November”.

## **16.** Schedule VII is amended

(1) by replacing, as regards the Chic-Chocs Wildlife Sanctuary,

i. the hunting season for ruffed grouse, spruce grouse and snowshoe hare (implement 3) by the following:

“From the Saturday on or closest to 28 October to the Sunday on or closest to 5 November”;

ii. the snowshoe hare hunting season (implement 7) by the following:

“From the Saturday on or closest to 28 October to 31 March”;

(2) by adding the following hunting season as regards the Duchénier Wildlife Sanctuary and concerning ruffed grouse, spruce grouse and snowshoe hare (implement 3):

“From the Monday on or closest to 17 November to the Sunday on or closest to 30 November”;

(3) by replacing, as regards the Dunière Wildlife Sanctuary,

i. the hunting season for ruffed grouse, spruce grouse and snowshoe hare (implement 3) by the following:

“From the Thursday on or closest to 9 November to the Sunday on or closest to 15 November”;

ii. the snowshoe hare hunting season (implement 7) by the following:

“From the Thursday on or closest to 9 November to 31 March”;

(4) by replacing, as regards the Papineau-Labelle Wildlife Sanctuary,

i. the hunting season for ruffed grouse, spruce grouse and snowshoe hare (implement 3) “From the Sunday on or closest to 12 November to 15 January” by “From the Sunday on or closest to 19 November to 15 January”;

ii. the snowshoe hare hunting season (implement 7) by the following:

“From the Sunday on or closest to 19 November to 31 March”;

(5) by replacing, as regards the Portneuf Wildlife Sanctuary,

i. the hunting season for ruffed grouse, spruce grouse and snowshoe hare (implement 3), by the following:

“From the Saturday on or closest to 7 October to the Sunday on or closest to 17 December”;

ii. by replacing the snowshoe hare hunting season (implement 7) by the following:

“From the Saturday on or closest to 7 October to 31 March”;

(6) by replacing, as regards the Rimouski Wildlife Sanctuary,

i. the hunting season for ruffed grouse, spruce grouse and snowshoe hare (implement 3) by the following:

“From the Wednesday on or closest to 11 October to the Monday on or closest to 27 October”;

ii. by adding the following hunting season for each of the species referred to in subparagraph *i*:

“From the Friday on or closest to 7 November to the Sunday on or closest to 16 November”;

iii. by replacing the white-tailed deer hunting season by the following:

“From the Friday on or closest to 7 November to the Sunday on or closest to 16 November”;

(7) by replacing the hunting season for ruffed grouse, spruce grouse and snowshoe hare (implement 3) in the Rouge-Matawin Wildlife Sanctuary by the following:

“From the Friday on or closest to 8 September to the Sunday on or closest to 12 November”;

ii. by replacing the snowshoe hare hunting season (implement 7), by the following:

“From the Monday on or closest to 13 November to 31 March”;

(8) by replacing the hunting season for ruffed grouse, spruce grouse and snowshoe hare (implement 3), as regards the Saint-Maurice Wildlife Sanctuary, by the following:

“From the Friday on or closest to 6 October to the Sunday on or closest to 26 November”.

**17.** Schedule X is replaced by the Schedule attached hereto.

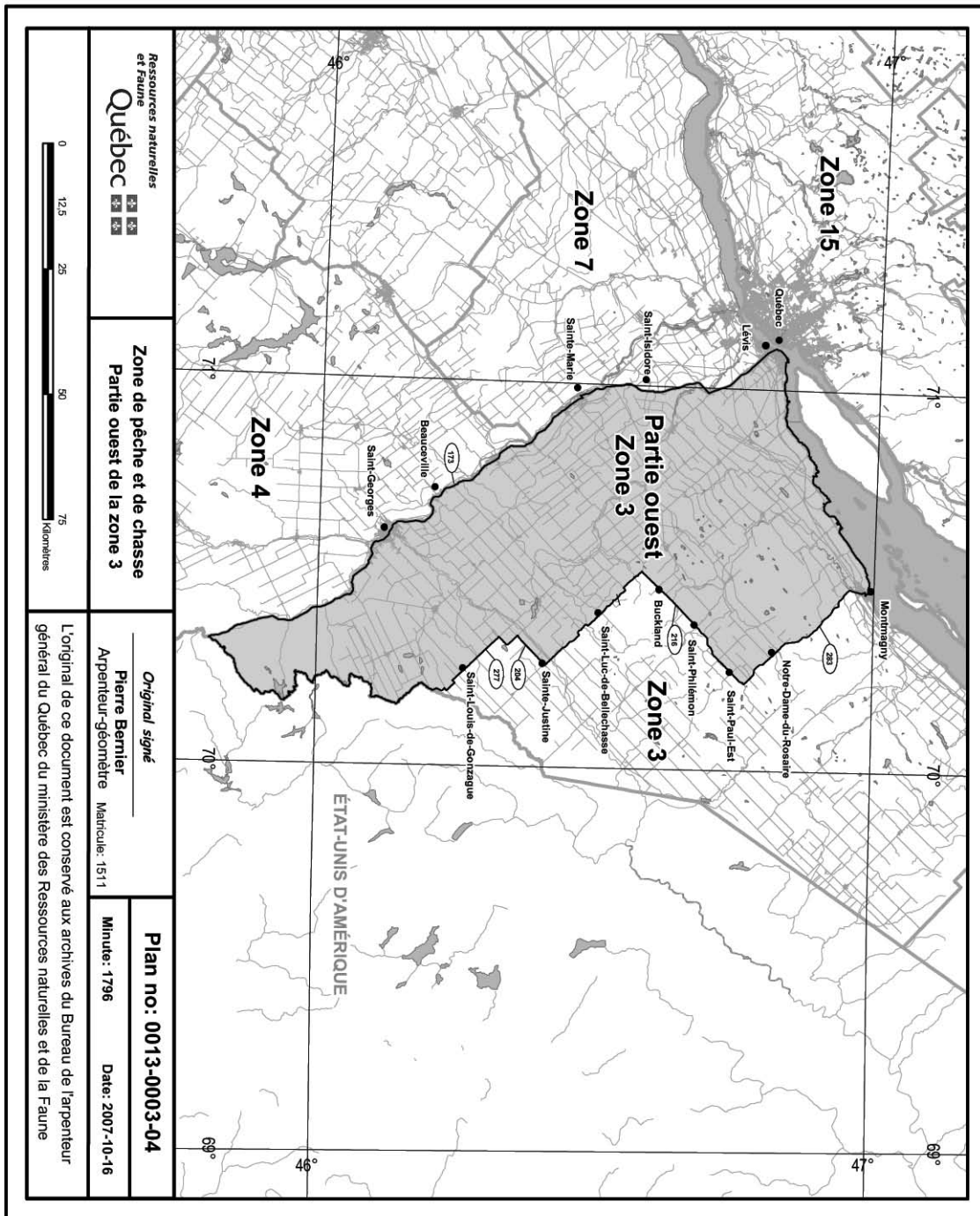
**18.** Schedule CXCVI is replaced by the Schedule attached hereto.

**19.** Schedule CLXXXVII is replaced by the Schedule attached hereto.

**20.** Schedules LXXIX, CXXII and CLV are revoked.

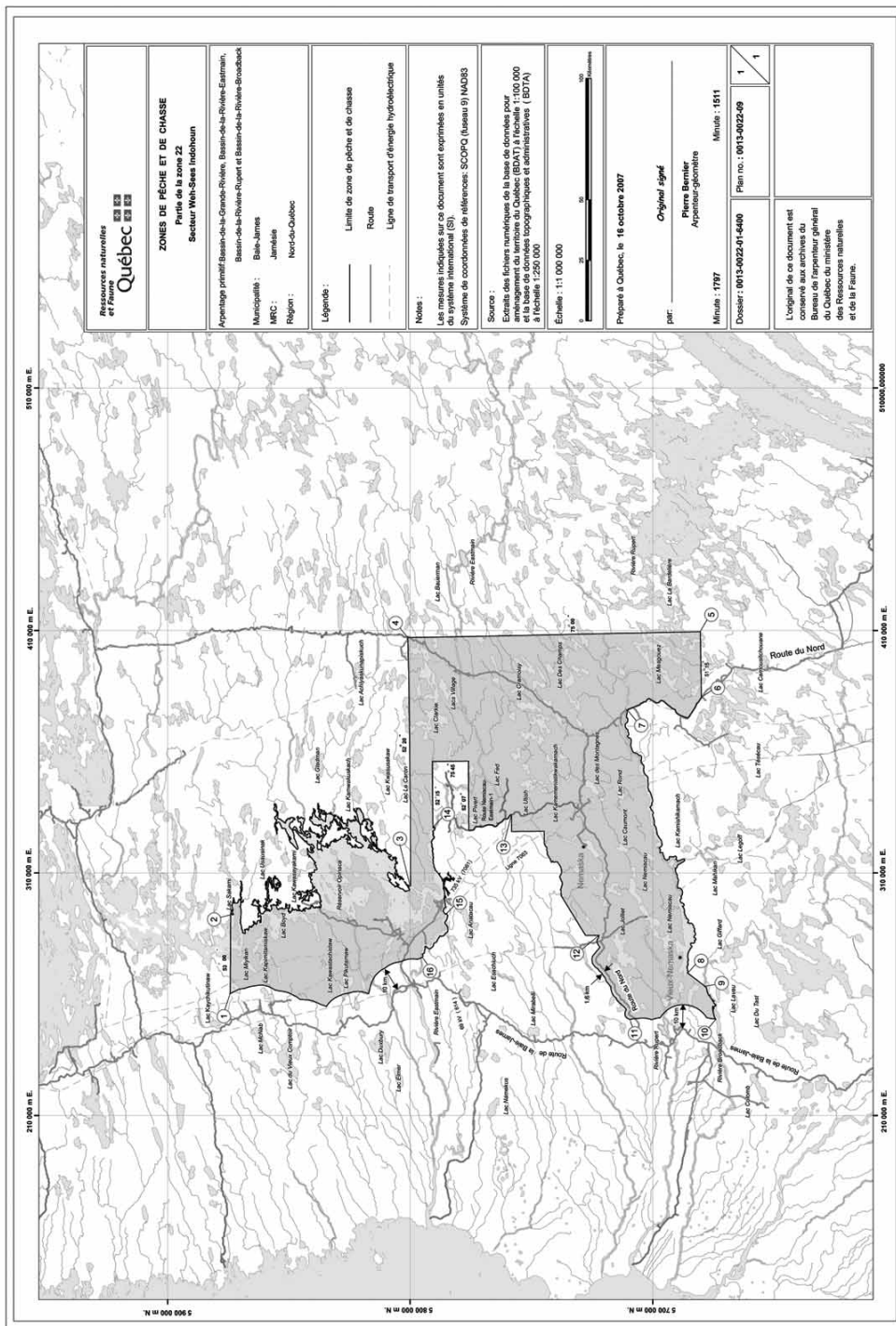
**21.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE X

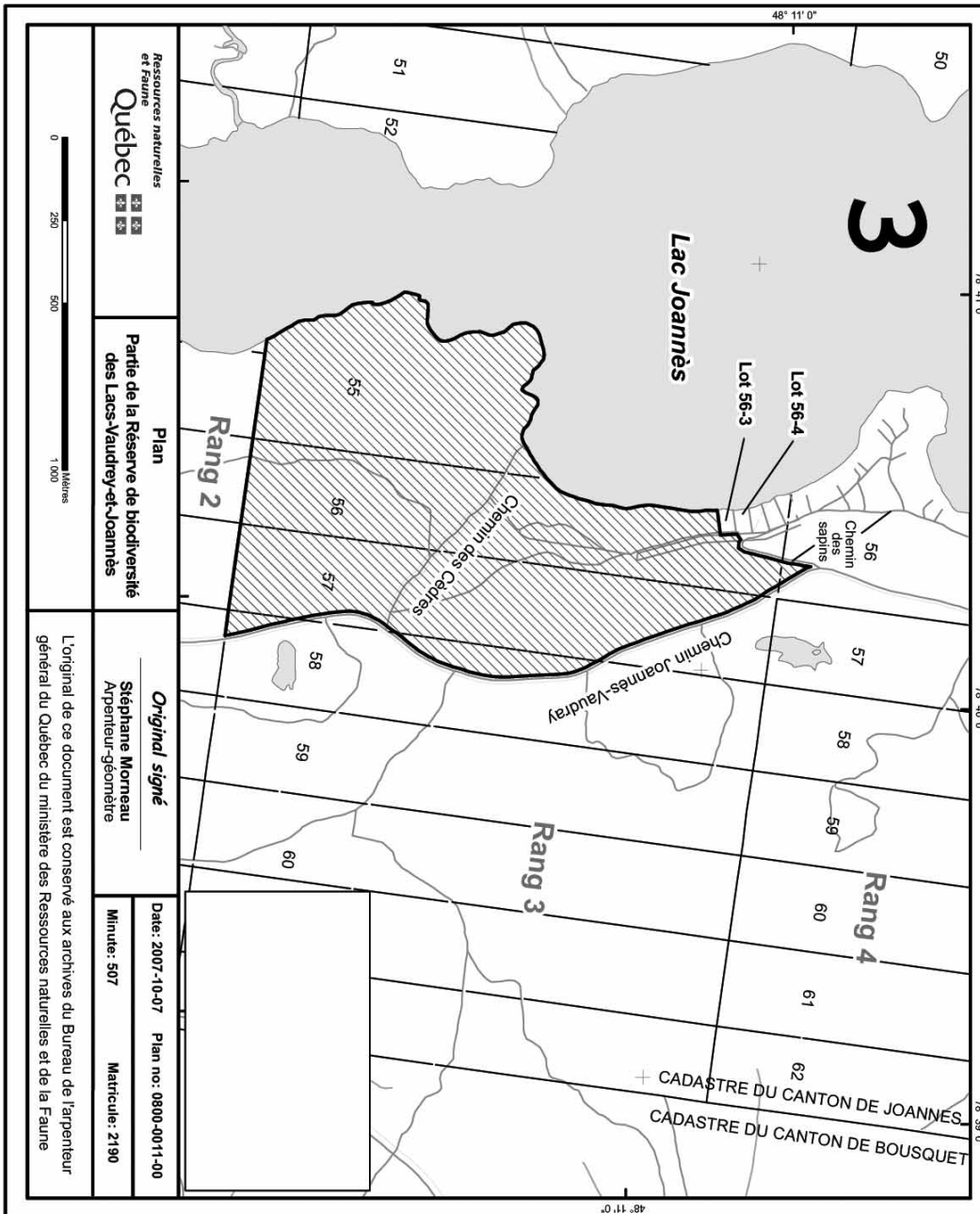




SCHEDULE CXCVI



SCHEDULE CLXXXVII



## Draft Regulations

### Draft Regulation

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

#### Non-watertight secondary treatment system

Notice is hereby given, 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 (R.S.Q., c. Q-2), that the Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation is to introduce into the regulation the technical adjustments required to permit the installation of non-watertight secondary treatment systems directly above a soil absorption system and to provide for the installation of a non-watertight advanced secondary treatment system directly above a polishing leaching field.

The draft Regulation sets location standards based on the watertightness of the treatment system and standards for the installation of a non-watertight secondary treatment system directly above a soil absorption field, a seepage bed, an above-ground sand-filter bed and a standard sand-filter bed.

The amendment entails no economic impact associated with the coming into force of the Regulation. Rather, the amendment will facilitate the use of non-watertight secondary treatment systems and consequently reduce installation costs.

Further information on the draft Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings may be obtained by contacting Didier Bicchi, Head, Service des eaux municipales, telephone: 418 521-3885, extension 4852; fax: 418 528-0990

or e-mail: didier.bicchi@mddep.gouv.qc.ca. Information may also be obtained by writing to Mr. Bicchi at the Ministère du Développement durable, de l'Environnement et des Parcs, édifice Marie-Guyart, Direction des politiques de l'eau, 675, boulevard René-Levesque Est, 8<sup>e</sup> étage, boîte 42, Québec (Québec) G1R 5V7.

Any person wishing to comment on the draft Regulation may submit written comments to Didier Bicchi at the above address within the 60-day period.

LINE BEAUCHAMP,  
*Minister of Sustainable Development,  
Environment and Parks*

### Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings\*

Environment Quality Act  
(R.S.Q., c. Q-2, s. 31, 1st par., subpar. c, s. 46, pars. g, i and l and s. 87, par. c)

**1.** Section 16.3 of the Regulation respecting waste water disposal systems for isolated dwellings is replaced by the following:

**“16.3. Watertightness and location:** Every secondary treatment system must be located in accordance with section 7.1 if it is watertight or section 7.2 if it is not watertight.”.

**2.** The following is inserted before section 17:

**“§1. General”.**

**3.** Subparagraph c of the first paragraph of section 21 is amended by adding the following at the end: “and allow for the hydraulic barrier separating two consecutive absorption trenches to be at least 1.2 metres wide”.

\* The Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r.8) was last amended by the regulation made by Order in Council 540-2007 dated 27 June 2007 (2007, G.O. 2, 1581A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

**4.** The following is inserted after section 25:

“§2. *Provisions specific to soil absorption fields under a non-watertight secondary treatment system*

**25.1. Construction standards:** A gravity feed soil absorption field built under a non-watertight secondary treatment system must comply with subparagraphs *c* and *h.1* of the first paragraph of section 21 and with the following requirements:

(a) the secondary treatment system must be able to cover and uniformly distribute water over the entire seepage surface of the soil absorption field;

(b) the length of an absorption trench must not exceed the maximum length of the secondary treatment distribution system in accordance with the manufacturer’s manual;

(c) if the width of the treatment system units is greater or lesser than 60 centimetres without exceeding 1.2 metres, the total length of the absorption trenches required by section 22 must be rectified according to the width of the secondary treatment system so as to cover the same absorption area, considering that the length is valid for a trench 60 centimetres wide. If the absorption trenches are wider than the units of the secondary treatment system, a minimum 15-centimetre layer of gravel or crushed stone complying with subparagraph *f* of the first paragraph of section 21 must be spread over the entire absorption trench; and

(d) the bottom of the treatment system or the layer of crushed stone must be at least 60 centimetres above bedrock, impermeable or low permeability soil or underground water.

**25.2. Covering:** Despite section 24, the parts of a soil absorption field that are not situated directly under the non-watertight secondary treatment system must be covered with an anti-contaminant material and a layer of soil permeable to air as prescribed by subparagraph *g* of the first paragraph of section 21 and be stabilized with grass-type vegetation. The soil must be sloped to facilitate the drainage of run-off water.”.

**5.** The following is inserted before section 26:

“§1. *General*”.

**6.** The following is inserted after section 31:

“§2. *Provisions specific to seepage beds under a non-watertight secondary treatment system*

**31.1. Construction standards:** A gravity feed seepage bed built under a non-watertight secondary treatment system must comply with subparagraph *h.1* of the first paragraph of section 21 and with the following requirements:

(a) the secondary treatment system must be able to cover and uniformly distribute water over the entire absorption area required by section 28;

(b) the maximum length of the seepage bed must not exceed the maximum length of the secondary treatment distribution system in accordance with the manufacturer’s manual;

(c) if the base of the non-watertight secondary treatment system is less than the area referred to in the table in section 28, without the absorption area exceeding the base of the treatment system by more than 60 centimetres, a minimum 15-centimetre layer of gravel or crushed stone complying with subparagraph *f* of the first paragraph of section 21 must be spread over the entire seepage surface. If the seepage bed is built in sections, this requirement applies with the necessary modifications; and

(d) the bottom of the treatment system or the layer of crushed stone must be at least 60 centimetres above bedrock, impermeable or low permeability soil or underground water.

**31.2. Other standards:** Sections 7.2, 25 and 25.2 apply, with the necessary modifications, to a seepage bed built under a secondary treatment system.”.

**7.** The following is inserted before section 36:

“§1. *General*”.

**8.** Section 37 is amended by replacing “*f, g and h*” in the last paragraph by “*and f to i*”.

**9.** The following is inserted after section 39.1:

“§2. *Provisions specific to above-ground sand-filter beds under a non-watertight secondary treatment system*

**39.2.** A gravity feed above-ground sand-filter bed built under a non-watertight secondary treatment system

must comply with subparagraph *h.1* of the first paragraph of section 21, subparagraphs *f*, *g* and *h* of the first paragraph of section 37 and with the following requirements:

(*a*) the bottom of the non-watertight secondary treatment system or the layer of crushed stone must be at least 60 centimetres above bedrock, impermeable soil or low permeability soil;

(*b*) despite subparagraph *a* of the first paragraph of section 37, the 30-centimetre sand layer is not required if the effluent of the non-watertight secondary treatment system is uniformly distributed over the entire seepage surface of the disposal site. The distribution is calculated using the maximum hydraulic loading rate established pursuant to paragraph *f* of this section according to the permeability of the disposal site;

(*c*) despite subparagraph *d* of the first paragraph of section 37 and in the case of a non-watertight secondary treatment system installed above an above-ground sand-filter bed, the maximum width of the non-watertight secondary treatment system or of a section of such a system must be determined using a maximum linear hydraulic loading rate, pursuant to the following table, according to the permeability of the disposal site:

Permeability of the disposal site	Maximum linear hydraulic loading rate (litre/linear metre)
High permeability soil	150
Permeable soil	90
Low permeability soil	60

(*d*) for the purposes of section 38, the areas referred to apply to the minimum area that a non-watertight secondary treatment system installed on the surface of the disposal site of the above-ground sand-filter bed must cover;

(*e*) if the area of the base of the non-watertight secondary treatment system is less than the area in the table in section 38, without the absorption area exceeding the base of the treatment system by more than 60 centimetres, a minimum 15-centimetre layer of gravel or crushed stone complying with subparagraph *f* of the first paragraph of section 21 must be spread over the entire seepage area. If the above-ground sand filter is built in sections, this requirement applies with the necessary modifications; and

(*f*) despite the second paragraph of section 39.1 and in the case of a non-watertight secondary treatment system installed above an above-ground sand-filter bed, the minimum distance between the sections of the non-watertight secondary treatment system must be determined on the basis of the quantity of effluent carried towards that section of the treatment system and the maximum hydraulic loading rate at the natural land level pursuant to the following table according to the permeability of the disposal site:

Permeability of the disposal site	Maximum hydraulic loading rate (litre/ metre <sup>2</sup> /day)
High permeability soil	36
Permeable soil	24
Low permeability soil	12

**39.3. Location and backfill:** Sections 7.2 and 25.2 apply, with the necessary modifications, to an above-ground sand-filter bed, except for the location standards respecting embankments, trees and shrubs.

The distances referred to in section 7.2 are measured from the edge of the earth backfill surrounding the sand-filter bed.”.

**10.** The following is inserted before section 40:

“§1. *General*”.

**11.** The second paragraph of section 41 is amended

(1) by striking out “*d, e,*”;

(2) by replacing “and with subparagraphs *a* and *c* of the first paragraph of section 27” by “; with subparagraphs *a* and *c* of the first paragraph of section 27 and with subparagraph *b* of the first paragraph of section 37”.

**12.** The following is inserted after section 46.1:

“§2. *Provisions specific to standard sand-filter beds under a non-watertight secondary treatment system*

**46.2. Standard sand-filter beds built under a non-watertight secondary treatment system:** A gravity feed standard sand-filter bed built under a non-watertight secondary treatment system must comply with subparagraphs *f*, *h* and *h.1* of the first paragraph of section 21, section 25.2, subparagraph *a* of the first paragraph of section 27, paragraphs *a*, *b* and *c* of section 31.1 with the reference to section 28 in the latter section replaced by a reference to section 44, subparagraph *b* of the first paragraph

of section 37, with the necessary modifications, and subparagraphs *a, f, g, h, j* and *k* of the first paragraph of section 41.”

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

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## Decisions

### Decision MPTC07-00398, 8 January 2008

An Act respecting transportation services by taxi  
(R.S.Q., c. S-6.01)

#### Commission des transports du Québec — General fixation of rates for private transportation by taxi

Please note that the Commission des transports du Québec, by its decision MPTC07-00398 of January 8, 2008 and in accordance with section 60 of the Act respecting transportation services by taxi (R.S.Q., c. S-6.01), has fixed the rates for private transportation services by taxi and their conditions of application, in force on January 26, 2008, as contained in the Compendium of tariffs of private transportation by taxi the text of which follows.

Please note that the Compendium of tariffs of private transportation by taxi established by this decision replaces Tariffs of private transportation by taxi established by decision MPTC06-00419 rendered by the Commission on August 3, 2006.

LISE LAMBERT,  
*Chair of the Commission  
des transports du Québec*

#### Compendium of tariffs of private transportation by taxi

An Act respecting transportation services by taxi  
(R.S.Q., c. S-6.01)

##### DIVISION I GENERAL PROVISIONS

**1.** This tariff is applicable to private transportation by taxi except for transportation provided under a specialized taxi permit.

**2.** When the vehicle used by the holder of a taxi permit is not equipped with a taximeter, the distance covered with a customer is measured with an odometer.

**3.** A taxi driver cannot claim for the price of a trip a price higher than the one calculated in accordance with this tariff.

**4.** For the purpose of this tariff, the term “hour or fractions of an hour wait” designates the time during which the taxi is not running or is running at less than 22.759 km per hour during a trip.

The number 22.759 is calculated from the hourly tariff divided by the tariff per km specified in section 6.

##### DIVISION II GENERAL TARIFFS

**5.** General tariffs are applicable to private transportation provided by holders of taxi owner’s permits throughout Québec, subject to the application of special tariffs.

**6.** The price of a trip calculated by the taximeter is as follows:

	Drop rate	Per kilometre covered with a customer	Per hour or fraction of an hour wait
Basic price	\$2.66	\$1.29	\$29.24
5% GST	\$0.13	\$0.06	\$1.46
Price including GST	\$2.79	\$1.35	\$30.70
7.5% QST	\$0.21	\$0.10	\$2.30
Taximeter rate	\$3.00	\$1.45	\$33.00

**7.** The price of a trip calculated by the odometer is as follows:

	Drop rate	Per kilometre covered with a customer	Per hour or fraction of an hour wait
Basic price	\$0.00	\$1.29	\$29.24
5% GST	\$0.00	\$0.06	\$1.46
Price including GST	\$0.00	\$1.35	\$30.70
7.5% QST	\$0.00	\$0.10	\$2.30
Odometer rate	\$0.00	\$1.45	\$33.00

### DIVISION III SPECIAL TARIFFS

**§1.** *Tariffs applicable to transportation for which the starting point or destination is Montréal Trudeau Airport*

**8.** The price of a trip between the airport and downtown Montréal, whatever the number of passengers, is as follows:

Basic flat rate	\$30.79
5% GST	\$1.54
Rate including GST	\$32.33
7.5% QST	\$2.42
Total flat rate	\$34.75

This price applies when the trip has only one pick-up point and one drop-off point.

For the purpose of this section, downtown Montréal is bounded as follows:

— westward: Avenue Atwater to the Lachine Canal; the Lachine Canal to the foot of Rue de Condé; Rue de Condé to Rue St-Patrick; Rue St-Patrick eastward to Rue Bridge; Rue Bridge to the Victoria Bridge;

— eastward: Avenue Papineau;

— southward: the Saint Lawrence River;

— northward: Avenue des Pins; Rue St-Denis, from Avenue des Pins to Rue Cherrier; Rue Cherrier, from Rue St-Denis to Rue Sherbrooke; Rue Sherbrooke, from Rue Cherrier to Avenue Papineau.

Houses and buildings on either side of bordering streets are part of downtown Montréal.

**9.** When picking up customers at more than one location, and after having stopped a first time to drop off a customer, a taxi driver must calculate the price of a trip with the taximeter.

**10.** The minimum price for a trip starting at Montréal Trudeau Airport is \$14.85, including GST and QST.

Any lower taximeter reading is assumed to be \$14.85.

### **§2.** *Tariffs applicable to Québec Jean-Lesage Airport*

**11.** The price of a trip between the main terminal of Jean-Lesage Airport and downtown Québec, whatever the number of passengers, is as follows:

Basic flat rate	\$26.35
5% GST	\$1.32
Rate including GST	\$27.67
7.5% QST	\$2.08
Total flat rate	\$29.75

For the purpose of this section, downtown Québec is bounded as follows:

— northward: Autoroute de la Capitale;

— eastward: Avenue d'Estimauville and its extension to the Saint Lawrence River;

— southward: Saint Lawrence River;

— westward: Autoroute Laurentienne; Rue Saint-Anselme to Rue des Commissaires; Rue des Commissaires; Boulevard Langelier; Côte-de-Salaberry; Avenue de Salaberry and its extension to the Saint Lawrence River.

Houses and buildings on either side of bordering streets are part of downtown Québec.

**12.** The price of a trip from the main terminal of Jean-Lesage Airport to the Ste-Foy area, whatever the number of passengers, is as follows:

Basic flat rate	\$11.43
5% GST	\$0.57
Rate including GST	\$12.00
7.5% QST	\$0.90
Total flat rate	\$12.90

These tariffs are applicable when there are only one pick-up point and one drop-off point.

For the purpose of this section, the Ste-Foy area is bounded as follows:

— northward: Rang Sainte-Anne; Route de l'Aéroport; Avenue Sainte-Geneviève;

— eastward: Autoroute Henri IV;

— southward: Autoroute Charest;



— westward: Avenue Jean-Gauvin; Boulevard Wilfrid-Hamel; Rue de Jouvence and Rue des Champs-Élysés and their extension between Boulevard Wilfrid-Hamel and Autoroute Charest.

Houses and buildings on either side of bordering streets are part of the Ste-Foy area.

**13.** When picking up customers at several locations, and after having stopped a first time to drop off a customer, a taxi driver must calculate the price of the trip with the taximeter.

*§3. Tariffs applicable to the Fermont 297201 and James Bay (Radisson) 299101 servicing areas*

**14.** The price of a trip calculated by the odometer is as follows:

	Drop rate	Per kilometre covered with a customer	Per hour or fraction of an hour wait
Basic price	\$0.00	\$1.82	\$29.24
5% GST	\$0.00	\$0.09	\$1.46
Rate including GST	\$0.00	\$1.91	\$30.70
7.5% QST	\$0.00	\$0.14	\$2.30
Odometer rate	\$0.00	\$2.05	\$33.00

**15.** The minimum price of a trip with an origin or destination in one of these servicing areas is \$5.55, including GST and QST.

Any lower reading is assumed to be \$5.55.

*§4. Tariffs applicable to the Saint-Augustin 298206 (Lower North Shore) servicing area*

**16.** The price of a trip between Saint-Augustin Airport or pier and the Saint-Augustin servicing area as well as between Saint-Augustin Airport and Pakuashipi Reservation is \$6.95, including GST and QST, per customer per trip.

#### DIVISION IV FINAL PROVISIONS

**17.** This tariff replaces Tariffs of private transportation by taxi set by decision MPTC06-00419 rendered by the Commission on August 3, 2006, considering decision MPTC07-00398 rendered by the Commission on January 8, 2008.

### Decision MPTC07-00398, 8 January 2008

An Act respecting transportation services by taxi (R.S.Q., c. S-6.01)

#### Commission des transports du Québec — General fixing of limousine rates – service from Montréal-Pierre Elliott Trudeau International Airport

Please note that, in accordance with Section 60 of the Act respecting transportation services by taxi (R.S.Q., c. S-6.01), the Commission des transports du Québec, by its decision MPTC07-00398 rendered January 8, 2008, has fixed the zone and destination rates for transportation without departure reservation from Montréal Pierre Elliott Trudeau International Airport by holders of taxi owner's permits providing specialized limousine services, whose rates are \$49.50 to \$104 for the Metropolitan Montréal rate zones and vary depending on the municipality for other destinations in Québec.

Also please note that this decision and the appended directory of limousine rates for transportation without departure reservation from Montréal-Pierre Elliott Trudeau International Airport – Répertoire des tarifs de limousine pour le transport sans réservation au départ de l'Aéroport international Pierre-Elliott-Trudeau de Montréal, Volume 3 – covering all destinations in Québec, can be consulted on the Web site of the Commission des transports du Québec, at the following address: <http://www.ctq.gouv.qc.ca>

Finally, please note that this decision was made following a public hearing after a public notice had been published in the newspaper *Le Devoir*, *Le Journal de Montréal* and *Le Journal de Québec* inviting interested persons to participate.

LISE LAMBERT,  
*Chair of the Commission  
des transports du Québec*

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

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