Gazette officielle du Québec

Part 2

No. 25
18 June 2008

Laws and Regulations

Volume 140

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PROVINCE OF QUÉBEC

1ST SESSION

38TH LEGISLATURE

QUÉBEC, 5 JUNE 2008

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 5 June 2008

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

60 An Act to amend the Police Act

75 An Act to amend the Professional Code and other legislative provisions

80 An Act to amend the Financial Administration Act

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

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 60
(2008, chapter 10)

An Act to amend the Police Act

Introduced 7 December 2007
Passed in principle 14 December 2007
Passed 3 June 2008
Assented to 5 June 2008

Québec Official Publisher
2008

EXPLANATORY NOTES

This Act enables municipalities to conclude agreements among themselves, with the approval of the Minister of Public Security, on the provision of detention or transportation services for accused persons and on the joint use of equipment, premises or space by their respective police forces. It also stipulates that the municipalities may conclude such agreements with the Minister, to be applicable to the Sûreté du Québec.

The Act authorizes the Minister to determine the manner in which a municipality that is part of a metropolitan community or a metropolitan census area will be served by a municipal police force if the municipality fails to do so. It also provides that municipalities must update their police service organization plan whenever necessary or at the Minister's request. In addition, it completes the list of provisions that must be included in the agreement under which the Sûreté du Québec provides its services to a municipality.

The Act stipulates that the function of police officer is incompatible with the exercise of an activity related to the administration of justice but is no longer incompatible with the exercise of an activity requiring that a restaurant sales or service permit be issued by the Régie des alcools, des courses et des jeux.

The Act also makes wildlife protection officers and any person having authority over them subject to the rules of ethics governing police officers. It removes the obligation for a police officer to report the conduct of another police officer that may constitute a breach of discipline. In addition, the Act states that a police officer interviewed as a witness in connection with a complaint against another officer may, if that first police officer wishes, be assisted by an advocate.

The Act stipulates that any allegation against a police officer concerning a criminal offence must first be submitted to the director of police and the Director of Criminal and Penal Prosecutions, who will determine whether the allegation is frivolous or unfounded. If the allegation is founded, the director of police must inform the Minister immediately.

Lastly, the Act confirms the creation of the Québec Police Services Council, made up, among others, of municipal representatives. The Council's mission is to give its opinion to the Minister on any matter relating to police services provided in Québec.

LEGISLATION AMENDED BY THIS ACT:

– Police Act (R.S.Q., chapter P-13.1);

– Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14).

Bill 60

AN ACT TO AMEND THE POLICE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

POLICE ACT

1. Section 15 of the Police Act (R.S.Q., chapter P-13.1) is amended by adding the following paragraph:

"The school may also, in pursuit of its mission, develop training programs and activities and offer them to any person or group that so requests."

2. Section 16 of the Act is amended

(1) by replacing "élèves" in the first paragraph in the French text by "étudiants";

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

(3) by replacing "élèves" in the second paragraph in the French text by "étudiants".

3. Section 17 of the Act is amended by replacing "élèves" in the French text by "étudiants".

4. Section 29 of the Act is amended by replacing "élèves" in paragraph 1 in the French text by "étudiants".

5. Section 37 of the Act is replaced by the following section:

"**37.** The school shall make a by-law for the internal management of the Commission de formation et de recherche."

6. Section 51 of the Act is amended by adding "or the person designated by the Minister" at the end of the second paragraph.

7. Section 56 of the Act is amended by striking out "with the approval of the Minister" in the fourth paragraph.

8. Section 70 of the Act is amended by adding the following paragraphs after the fifth paragraph:

"Without prejudice to that obligation, the municipalities may conclude agreements among themselves on the provision of detention or transportation services for accused persons and on the joint use of equipment, premises or space. The agreements and their termination before their expiry date must be approved by the Minister.

The municipalities may also conclude such agreements with the Minister of Public Security, to be applicable to the Sûreté du Québec."

9. The Act is amended by inserting the following section after section 72:

"**72.1.** If a municipality that is to be served by a municipal police force fails to comply with the first paragraph of section 71, the Minister may determine which procedure set out in that paragraph will be followed by the municipality."

10. Section 76 of the Act is amended

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

"(2) the nature and scope of the police services that will be provided and the other conditions applicable to those services;";

(2) by adding the following paragraphs after paragraph 8:

"(9) the territory to be served;

"(10) the responsibilities of the public security committee, other than those set out in section 78;

"(11) the procedure for issuing statements of offence under the legislation on road safety or under municipal by-laws; and

"(12) the measures to be implemented in emergency situations."

11. Section 78 of the Act is amended by replacing "more particularly" in the portion before subparagraph 1 of the fifth paragraph by "in addition to the responsibilities entrusted to it under the agreement".

12. The Act is amended by inserting the following section after section 81:

"**81.1.** Whenever necessary or at the Minister's request, municipalities must update their police service organization plan stating, in particular, that the municipal police force serving them provides the services of the required level. At the Minister's request, the plan is submitted to the Minister for approval."

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

"**117.** The function of police officer is incompatible with the functions of bailiff, investigation agent, security guard, collection agent or representative of a collection agent, and private detective.

The function of police officer is also incompatible with the holding of a direct or indirect interest in any business that pursues an activity mentioned in the first paragraph, an activity related to the administration of justice or an activity for which a permit issued by the Régie des alcools, des courses et des jeux for the consumption of alcohol on the premises is required, with the exception of a restaurant sales permit or a restaurant service permit described in section 28 or 28.1 of the Act respecting liquor permits (chapter P-9.1).

Any contravention of the first paragraph of this section shall entail the immediate suspension without pay of the police officer concerned. If the second paragraph of this section is contravened, and the situation is such that the impartiality or integrity of the police officer concerned may be compromised, the director of police must immediately take whatever steps are necessary with respect to that officer.

In all cases, the police officer's situation must be regularized within six months, on pain of dismissal. If the interest devolves by succession or gift, the officer must renounce or dispose of it with dispatch."

14. Section 126 of the Act is replaced by the following section:

"**126.** This chapter applies to police officers, to peace officers within the meaning of section 6 of the Act respecting the conservation and development of wildlife (chapter C-61.1), to special constables and to highway controllers, as well as to any person having authority over highway controllers, with the necessary modifications.

The provisions concerning the director of a police force apply in the same manner to the immediate superior of a wildlife protection officer, to the employer of a special constable or a highway controller and to any person having authority over a highway controller, with the necessary modifications."

15. Section 143 of the Act is amended

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

"(2) the municipal council, when the complaint is lodged against the director of the police force.";

(2) by striking out the third paragraph.

16. Section 230 of the Act is amended by adding the following at the end of the first paragraph: ", except if a sanction of dismissal under the first paragraph of section 119 is imposed on the police officer".

17. Section 260 of the Act is amended by replacing the first paragraph by the following paragraph:

"**260.** Every police officer is required to inform the director of police of conduct by another police officer that may constitute a criminal offence. The police officer is also required to inform the director of police of conduct by another police officer that may constitute a breach of professional ethics affecting the enforcement of rights or the safety of the public, if the police officer has a personal knowledge of that conduct. The requirements do not apply to a police officer who is informed of such conduct when acting in the capacity of a union representative."

18. Section 261 of the Act is amended

(1) by replacing "du comportement" in subparagraph 1 of the first paragraph in the French text by "d'un comportement";

(2) by replacing "au comportement" in subparagraph 2 of the first paragraph in the French text by "à un comportement".

19. Section 262 of the Act is amended by adding the following sentence at the end of the first paragraph: "The police officer may be assisted by an advocate if the officer wishes."

20. Section 286 of the Act is amended by adding the following at the end of the first paragraph: ", unless the director considers, after consulting the Director of Criminal and Penal Prosecutions, that the allegation is frivolous or unfounded".

21. The Act is amended by inserting the following Title before Title VI:

"**TITLE V.1**

"QUÉBEC POLICE SERVICES COUNCIL

"**CHAPTER I**

"ESTABLISHMENT

"**303.1.** A Québec Police Services Council is established under the Minister's authority.

"**CHAPTER II**

"RESPONSIBILITIES

"**303.2.** The Council shall give its opinion on any matter relating to police services provided in Québec, and more particularly on

(1) the needs of the general public;

(2) the policy directions of police services given the priorities of each area of police work and the development, organization, distribution and harmonization of those services;

(3) the costs of police services; and

(4) the adaptation of police services to emerging needs, new realities and standards of quality.

The Council shall also give its opinion on any matter submitted to it by the Minister, within the time specified by the Minister.

"**303.3.** The Council may also make recommendations within the framework of the responsibilities entrusted to it.

"**303.4.** The Council shall send its opinions and recommendations to the Minister.

"**CHAPTER III**

"COMPOSITION AND OPERATION

"**303.5.** The Council is composed of 21 members, including a chair and vice-chair.

On the recommendation of the organizations that are representative of the sector, the Minister appoints

(1) two representatives of the Fédération québécoise des municipalités (FQM);

(2) two representatives of the Union des municipalités du Québec;

(3) one representative of Ville de Montréal;

(4) one representative of the aboriginal nations of Québec;

(5) one representative of the management of the Sûreté du Québec;

(6) one representative of the management of the service de police de la Ville de Montréal;

(7) one representative of the management of the police department of Ville de Québec;

(8) two representatives of the management of municipal police forces offering level 1, 2 or 3 services;

(9) one representative of the First Nations Chiefs of Police Association of Quebec;

(10) one representative of the Association des directeurs de police du Québec;

(11) one representative of the École nationale de police du Québec;

(12) one representative of the Association des policières et policiers provinciaux du Québec;

(13) one representative of the Fraternité des policiers et policières de Montréal (F.P.P.M.);

(14) one representative of the Fédération des policiers et policières municipaux du Québec (FPMQ); and

(15) one representative of the International Centre for the Prevention of Crime.

Three other members are chosen from among the personnel of the Ministère de la Sécurité publique. Those members do not have the right to vote.

"**303.6.** The Minister shall designate the chair, alternating every two years between a member of the Fédération québécoise des municipalités (FQM) and a member of the Union des municipalités du Québec.

The Minister shall also designate the vice-chair, alternating every two years among the members of the management of the various police forces.

"**303.7.** The chair shall preside at Council meetings and see to their smooth operation. The chair shall act as liaison between the Council and the Minister.

If the chair is absent or unable to act, the vice-chair shall assume the functions of the chair.

The secretariat of the Council is the responsibility of the Ministère de la Sécurité publique.

"**303.8.** The term of office of Council members must not exceed two years. Their term may be renewed.

At the end of their term, the members shall remain in office until they are replaced or reappointed.

"**303.9.** Any vacancy occurring during a term of office must be filled for the remainder of the term in keeping with section 303.6.

A member's absence from three consecutive meetings of the Council entails a vacancy in the office of that member.

"**303.10.** The Council shall hold its meetings anywhere in Québec, at least three times a year.

"**303.11.** The quorum for the entire duration of a Council meeting is a majority of the Council members, including the chair or vice-chair.

Decisions of the Council are made by a majority of the voting members present. In the event of a tie, the chair has a casting vote. Dissent is recorded.

"**303.12.** The Council may make internal by-laws.

"**303.13.** Council members receive no remuneration. Each organization represented on the Council shall defray the costs related to the participation of its representative in Council meetings."

22. Section 304 of the Act is amended by adding the following paragraph at the end:

"The Minister shall produce a guide to police practices and make it available to police organizations."

23. Section 353.12 of the Act is amended by adding the following paragraph:

"Within one year from the coming into force of the regulation, the municipalities shall submit to the Minister for approval a police service organization plan stating, in particular, that the services of the required level are provided."

ACT RESPECTING THE SYNDICAL PLAN OF THE SÛRETÉ DU QUÉBEC

24. Section 1 of the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14) is amended by inserting "subparagraph 2 of" after "and in" in paragraph *b*.

FINAL PROVISION

25. This Act comes into force on 5 June 2008, except section 14 which comes into force on 1 January 2009. However, section 24 has effect from 16 June 2000.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 64
(2008, chapter 7)

An Act to amend the Act respecting the Autorité des marchés financiers and other legislative provisions

Introduced 14 December 2007
Passed in principle 30 April 2008
Passed 22 May 2008
Assented to 28 May 2008

Québec Official Publisher
2008

EXPLANATORY NOTES

The purpose of this Act is first of all to harmonize the different control measures that may be used by the Autorité des marchés financiers. To that end, the Act respecting the Autorité des marchés financiers is amended to consolidate the provisions concerning receivership that are necessary for the purposes of the different Acts administered by the Authority. Second, this Act introduces new investigation powers, and allows the communication of information by auditors.

This Act further amends the Act respecting the Autorité des marchés financiers to provide for the establishment of the Education and Good Governance Fund, into which part of the proceeds of fines will be paid. The Fund will be dedicated to, among other things, educating consumers of financial products and services, protecting the public and promoting good governance.

This Act also amends different Acts governing the financial sector in order to harmonize the sanction system, in particular as regards fines, administrative penalties and prescription periods.

As well, the Act respecting insurance is amended so that the Authority may exempt a foreign insurer from provisions of that Act if the insurer is not governed by any other insurance legislation in Canada and is issued a licence to act exclusively in surety insurance in Québec.

In addition, the Securities Act is amended to enable the Bureau de décision et de révision en valeurs mobilières to issue orders to rectify a situation, require defaulting persons to comply with the law or deprive such persons of the profit realized as a result of their non-compliance.

This Act also contains consequential amendments to several Acts as well as transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

– Automobile Insurance Act (R.S.Q., chapter A-25);

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

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

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

– Cities and Towns Act (R.S.Q., chapter C-19);

– Professional Code (R.S.Q., chapter C-26);

_ Municipal Code of Québec (R.S.Q., chapter C-27.1);

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

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

– Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45);

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

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

Bill 64

AN ACT TO AMEND THE ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 12 of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2) is amended by adding the following paragraph:

"The investigation is held *in camera*."

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

"**14.1.** The Authority may prohibit a person from communicating information related to an investigation to anyone except the person's lawyer.

"**14.2.** A person called on to testify during an investigation or an examination may be assisted by a lawyer of the person's choice."

3. The Act is amended by inserting the following sections after section 15:

"**15.1.** No chartered accountant, certified management accountant or certified general accountant may refuse to communicate to the Authority or to a person authorized by the Authority any information or document relating to a legal person, partnership or other entity that is under an investigation conducted under section 12 of this Act, section 15 of the Act respecting insurance (chapter A-32), section 312 of the Act respecting trust companies and savings companies (chapter S-29.01) or section 239 of the Securities Act (chapter V-1.1) that was obtained or prepared by the accountant for the purposes of an audit or for the purposes of the examination of interim financial statements of the legal person, partnership or entity, on the grounds that the communication would result in the disclosure of information protected by professional secrecy.

Nor may such an accountant refuse to allow a document described in the first paragraph to be examined, copied or seized by the Authority, or a person authorized to investigate by the Authority, in the course of a search under the Code of Penal Procedure (chapter C-25.1).

This section shall not operate to allow the communication, examination, copying or seizure of a document or information protected by the professional secrecy binding a member of a professional order other than a chartered accountant, a certified management accountant or a certified general accountant.

"**15.2.** Despite any other provision of this Act or of an Act referred to in section 7, information or a document obtained under section 15.1 is confidential and may not be used or communicated otherwise than in accordance with sections 15.3 to 15.7.

The disclosure of such information or such a document, and its use or communication pursuant to any of sections 15.3 to 15.7, may not operate to otherwise affect the right to professional secrecy.

"**15.3.** Information or a document obtained under section 15.1 may only be used within the Authority for the purposes of the investigation or the search.

It may be accessed by persons whose functions within the Authority require that they be informed of the substance of the investigation or the search.

"**15.4.** The Authority may communicate information or a document obtained under section 15.1 to a person authorized to exercise all or part of its powers of investigation or to a person providing expert support in the course of the investigation or the search, but solely for such purposes and only insofar as the Authority has obtained the person's undertaking to uphold the same confidentiality obligations as are incumbent on the Authority and the persons referred to in section 15.3.

"**15.5.** The president and director general of the Authority, a member of the personnel of the Authority, a person authorized to investigate by the Authority or a person providing expert support may not testify in relation to or produce information or a document obtained under section 15.1 except insofar as the disclosure is necessary for the purposes of a proceeding to which the Authority is a party following the investigation or the search.

Information or a document obtained under section 15.1 may not be used or communicated for the purposes of a civil suit.

It may be used or communicated for the purposes of section 19.1.

The first paragraph also applies to persons who no longer exercise the functions described in that paragraph.

"**15.6.** Information or a document obtained under section 15.1 may be communicated by the Authority

(1) to a police force having jurisdiction in Québec, if there are reasonable grounds to believe that the legal person, partnership or other entity has committed or is about to commit a criminal or penal offence against the Authority or one of its employees or under this Act, an Act referred to in section 7 or another securities provision, and the communication is necessary for the investigation of that offence or any prosecution resulting from the investigation;

(2) to a Canadian securities authority, if the communication is needed by that authority in the exercise of its powers of investigation or necessary for any prosecution resulting from the investigation;

(3) to a regulatory body, other than an authority referred to in paragraph 2, which, at the time of the communication, is a signatory to the Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information published in the Authority's bulletin, if the communication is needed by that regulatory body in the exercise of its powers of investigation or necessary for any prosecution resulting from the investigation; or

(4) to the Ordre des comptables agréés du Québec, within the scope of an agreement under section 22.1 of the Chartered Accountants Act (chapter C-48) or to the Ordre des comptables généraux licenciés du Québec or the Ordre des comptables en management accrédités du Québec, within the scope of an agreement under section 187.10.5 of the Professional Code (chapter C-26).

"**15.7.** Before communicating information or a document in accordance with paragraph 2 or 3 of section 15.6, the Authority must obtain an undertaking from the recipient that it will use the information or document solely for the purposes stated in that paragraph and that it will uphold the same confidentiality obligations with respect to the information or document as are incumbent on the Authority under this section and sections 15.2 to 15.6.

If the Authority is of the opinion that the information or document will not, with a recipient referred to in paragraph 3 of section 15.6, benefit from the same level of protection as is provided by this section and sections 15.2 to 15.6, it must refuse to communicate the information or document."

4. The Act is amended by inserting the following section after section 16:

"**16.1.** The president and director general of the Authority, a member of the personnel of the Authority or any other person who exercised functions in the course of an investigation under section 12 or under an Act referred to in section 7 may not testify in relation to information or a document obtained in the course of the investigation or produce such a document, except insofar as the disclosure is necessary for the purposes of a proceeding to which the Authority is a party.

Information or a document described in the first paragraph may be used or communicated for the purposes of section 19.1.

The first paragraph also applies to persons who no longer exercise the functions described in that paragraph."

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

"**CHAPTER III.1**

"RECEIVERSHIP

"**19.1.** The Superior Court may order the appointment of a receiver if the Authority shows that it has reasonable grounds to believe

(1) that the assets of the person, partnership or other entity are insufficient to meet the obligations of the person, partnership or other entity or were used for a purpose other than the purpose for which they were intended, or that there is an inexplicable deficiency in the assets;

(2) that an officer or director of the person, partnership or other entity has committed embezzlement, a breach of trust or another offence;

(3) that the management exercised by the officers and directors is unacceptable in view of generally accepted principles and could endanger the rights of the investors or members of the person, partnership or other entity or the persons insured by the person, partnership or other entity, or cause the depreciation of securities or titles issued by the person, partnership or other entity; or

(4) that the appointment is necessary to protect the public in the context of an investigation ordered under section 239 of the Securities Act (chapter V-1.1).

The Authority may also request that the Court issue a receivership order if the licence that was issued under the Act respecting insurance (chapter A-32) or the Act respecting trust companies and savings companies (chapter S-29.01) was cancelled or suspended and the causes for the suspension were not remedied within 30 days after the suspension took effect, or if a person is exercising activities without holding such a licence.

The Authority recommends to the Court the names of persons who could act as receiver.

"**19.2.** The receivership order may empower the receiver to

(1) take possession of all the property belonging to the person, partnership or other entity, or held by the person, partnership or other entity for another person, in any place where it is being kept, even if it is in the possession of a bailiff, a creditor or another person claiming it;

(2) exercise, in the case of a natural person, the powers relating to the person's affairs and, in other cases, the powers of the shareholders, associates, directors, officers and members, as applicable, of the person, partnership or other entity;

(3) pursue all or part of the affairs of the person, partnership or other entity or take any conservatory measure related to those affairs;

(4) terminate or cancel any contract to which the person, partnership or other entity is a party;

(5) institute or continue, without continuance of suit, or take part in any proceedings relating to the affairs or property of a person, partnership or other entity to which the person, partnership or other entity was or would have been a party;

(6) investigate the activities of the person, partnership or other entity;

(7) retain the services of accountants, lawyers or other persons to assist in receivership functions;

(8) assign, on behalf of the person, partnership or other entity, all of the property of the person, partnership or other entity for the benefit of the creditors or act as trustee under any federal statute applicable to bankruptcy or insolvency matters;

(9) wind up the person, partnership or other entity in accordance with the Winding-up Act (chapter L-4) or any special provision of an Act referred to in section 7 applicable to the person, partnership or other entity or in the manner determined by the Superior Court; and

(10) exercise any other power or function the Court considers appropriate to enable the receiver to carry out receivership functions.

"**19.3.** Any person exercising powers relating to the affairs or property of the person, partnership or other entity that are covered by the receivership order must immediately cease to do so, to the extent specified in the order, unless otherwise requested by the receiver.

"**19.4.** No judicial proceedings may be brought against the receiver, or any person the receiver designates to assist in the exercise of receivership functions, for an act done in good faith in the exercise of their functions.

"**19.5.** For the purposes of their investigation, the receiver and any person the receiver designates to assist in the investigation have the powers and immunity provided for in the first paragraph of section 6 and sections 9 to 13 and 16 of the Act respecting public inquiry commissions (chapter C-37).

For the purposes of the investigation, they have all the powers of a judge of the Superior Court, except the power to order imprisonment.

"**19.6.** At the request of the Authority, if it is imperative to do so, the Superior Court may hear the motion in the absence of the defendant, on the condition that the Court give the defendant the opportunity to be heard within 10 days.

At the Authority's request, the motion may be heard *in camera*.

"**19.7.** The Superior Court may prohibit a person from communicating any information related to the receivership order or disclosed during the hearing.

"**19.8.** Receivership with respect to the property of a federation of mutual insurance associations governed by the Act respecting insurance (chapter A-32) includes receivership with respect to its investment fund and the guarantee fund related to the federation, and, inversely, receivership with respect to the guarantee fund includes receivership with respect to the property of the federation to which it is related and receivership with respect to its investment fund.

"**19.9.** The directors, officers, personnel members, associates or mandataries of the person, partnership or other entity subject to the receivership order must cooperate with the receiver and provide the receiver with any information related to the affairs and property of the person, partnership or other entity.

"**19.10.** At the request of the Authority, the receiver shall inform the Authority of the receiver's findings, management and investigation conclusions, and communicate any information collected within the scope of the receivership mandate to the Authority.

"**19.11.** At the request of the Authority, the receiver or any interested person, the Superior Court may modify the receiver's powers.

The Court may also terminate the receivership, in particular if it considers

(1) that the receivership may not reasonably be expected to benefit the creditors of the person, partnership or other entity, the persons who have property in the possession or under the control of the person, partnership or other entity, or the investors, members or insured persons of the person, partnership or other entity; or

(2) that the financial situation of the person, partnership or other entity subject to the receivership order will not allow payment of the costs associated with the receivership.

The Court may then order the winding-up of the person, partnership or other entity and appoint a liquidator, or assign, on behalf of the person, partnership or other entity, all of the property of the person, partnership or other entity for the benefit of its creditors and appoint a trustee.

"**19.12.** In the case of an insurance company within the meaning of the Act respecting insurance (chapter A-32), any decision of the Superior Court ordering its winding-up must be made public by means of a notice in the *Gazette officielle du Québec*. Chapter XI of Title IV of that Act applies to the winding-up.

Within 10 days after a decision ordering the winding-up of a federation or a guarantee fund within the meaning of that Act is rendered by the Court, the liquidator shall notify the members of the federation and the guarantee fund related to it.

The decision of the Court to wind up a federation takes effect 60 days after the notice provided for in the first paragraph is filed in the register of sole proprietorships, partnerships and legal persons instituted by section 58 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45).

The winding-up of a federation entails that of its investment fund and of the guarantee fund related to the federation, and, inversely, the winding-up of a guarantee fund entails that of the federation to which it is related and of the federation's investment fund.

The liquidator of the federation shall also assume the winding-up of the investment fund and of the guarantee fund according to the same rules. Likewise, the liquidator of a guarantee fund shall also assume the winding-up of the federation related to the guarantee fund and of the federation's investment fund according to the same rules.

"**19.13.** In the case of a security fund within the meaning of the Act respecting financial services cooperatives (chapter C-67.3), the liquidator shall first pay the debts of the fund and the costs of winding it up, and the balance from the winding-up devolves to the federation within the meaning of that Act.

"**19.14.** No appeal lies from an order made under this chapter.

"**19.15.** The receiver's fees and expenses are taken out of the mass of assets, after approval by the Superior Court.

The receiver's fees and expenses are deemed to constitute a prior claim and to have the same rank as expenses incurred in the common interest. The prior claim establishes a real right and confers on the receiver the right to follow the property that is subject to the claim into whosever hands it may be."

6. Section 33 of the Act is amended

(1) by replacing "a person or an organization, from" in the second paragraph by "the Government or one of its departments or bodies, or with a person or an organization in" and by replacing "an Act" in that paragraph by "one or more Acts";

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

"The agreement may allow the communication of any personal information to facilitate the application of any Act referred to in section 7 or of any similar legislation outside Québec."

7. The Act is amended by inserting the following section after section 33:

"**33.1.** After receiving authorization from the Minister, the Authority may enter into an agreement with a person, partnership or other organization in Québec or, after receiving authorization from the Government, with a person, partnership or other organization outside Québec to examine complaints filed, within the scope of the complaint examination and dispute resolution policy provided for in an Act referred to in section 7 by persons dissatisfied with the complaint examination procedure or its outcome.

Such an agreement may also include provisions allowing the person, partnership or organization, when the person, partnership or organization considers it appropriate, to act as a mediator if the parties agree.

The Authority may also retain the services of any natural person or any group of mediators to act as mediator or, with the authorization of the Government, enter into an agreement for that purpose with a body, partnership or a legal person other than a group of mediators."

8. The Act is amended by inserting the following sections after section 38:

"**38.1.** The Authority shall establish a fund to be known as the Education and Good Governance Fund.

The Fund is to be dedicated to educating consumers of financial products and services, protecting the public, promoting good governance and enhancing knowledge in the fields related to the mission of the Authority, according to the conditions established by the Authority.

"**38.2.** Half the sums collected by the Authority from fines or administrative sanctions or penalties are paid into the Fund. However, the sums collected from sanctions under section 405.1 of the Act respecting insurance (chapter A-32), section 115 of the Act respecting the distribution of financial products and services (chapter D-9.2) and section 349.1 of the Act respecting trust companies and savings companies (chapter S-29.01), except sums collected in a case determined by regulation, are paid in full into the Fund.

The interest and investment income earned on the assets of the Fund, the sums collected under paragraph 9 of section 262.1 of the Securities Act (chapter V-1.1) and any contributions received by the Authority are also paid into the Fund.

"**38.3.** The Authority may also set up a contingency reserve in the pursuit of its mission.

"**38.4.** The sums received by the Authority within the scope of the Acts it administers are deposited as and when they are received in an authorized bank or foreign bank listed in Schedule I, II or III to the Bank Act (Statutes of Canada, 1991, chapter 46) or in a financial services cooperative within the meaning of the Act respecting financial services cooperatives (chapter C-67.3).

"**38.5.** The sums received by the Authority form part of its revenue, except contributions to an insurance fund or to the Fonds d'indemnisation des services financiers established by section 258 of the Act respecting the distribution of financial products and services (chapter D-9.2) and premiums paid into a deposit insurance fund maintained under section 52 of the Deposit Insurance Act (chapter A-26). Those revenues are used to pay expenditures related to the administration of the Acts referred to in section 7.

For the purposes of this Act, the sums paid into the Fund or the contingency reserve provided for in sections 38.1 and 38.3 are considered to be expenditures.

"**38.6.** The Authority may, in accordance with its investment policy, invest any part of its revenue that is not needed to pay its expenditures, as well as the sums making up the Fund and the contingency reserve provided for in sections 38.1 and 38.3 of this Act, the deposit insurance fund maintained under section 52 of the Deposit Insurance Act (chapter A-26) and the Fonds d'indemnisation des services financiers established by section 258 of the Act respecting the distribution of financial products and services (chapter D-9.2)

(1) in securities issued or guaranteed by the Government of Canada, the Gouvernement du Québec, or the government of a Canadian province or territory;

(2) in the form of a deposit with financial institutions authorized to operate in Québec, or in certificates, notes or other securities issued or guaranteed by those financial institutions; or

(3) in the form of a deposit with the Caisse de dépôt et placement du Québec, to be administered by the Caisse in accordance with the investment policy determined by the Authority."

9. Section 39 of the Act is amended by replacing the second paragraph by the following paragraph:

"The Authority may not accept any gift or legacy. Nor may it receive any financial contribution except

(1) a financial contribution from the Gouvernement du Québec or from another government in Canada, a department or agency of such a government, a municipality or an agency of a municipality in order to participate in projects related to the Authority's mission within the framework of an agreement under section 33 between that government, department, municipality or agency and the Authority; or

(2) a financial contribution referred to in the second paragraph of section 38.2."

10. The Act is amended by inserting the following section after section 43:

"**43.1.** The Authority shall provide the Minister with any information and any other report required by the Minister concerning its activities."

11. Section 93 of the Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) an order under section 262.1 of that Act;".

AUTOMOBILE INSURANCE ACT

12. Section 180 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing "three copies" in the first paragraph by "one copy".

13. Section 182 of the Act is amended by replacing "Before the last day of March" in the second paragraph by "Not later than 30 June".

14. The Act is amended by inserting the following sections after section 193:

"**193.1.** Penal proceedings for an offence under Title VII may be instituted by the Autorité des marchés financiers.

"**193.2.** The fine imposed by the court is remitted to the Autorité des marchés financiers if it has taken charge of the prosecution.

"**193.3.** Penal proceedings for an offence under any of sections 177 to 181 of Title VII are prescribed three years from the date the investigation record relating to the offence was opened. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.

The certificate of the secretary of the Autorité des marchés financiers indicating the date on which the investigation record was opened constitutes conclusive proof of the date, in the absence of any evidence to the contrary."

15. Section 204 of the Act is amended by inserting "and sections 193.1 to 193.3" after "Titles VI and VII".

DEPOSIT INSURANCE ACT

16. Section 48 of the Deposit Insurance Act (R.S.Q., chapter A-26) is replaced by the following sections:

"**48.** Every person convicted of an offence under this Act or the regulations is liable to a minimum fine of $1,000 for a natural person and $3,000 for a legal person, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount.

However, in the case of an offence under subparagraph *a*, *b* or *d* of the first paragraph of section 46, the minimum fine is $5,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount.

In all cases, the maximum fine is $50,000 for a natural person and $200,000 for a legal person, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.

In the case of a second or subsequent conviction, the minimum and maximum fines are doubled.

"**48.1.** Penal proceedings may be instituted by the Authority for an offence under this Act.

"**48.2.** The fine imposed by the court is remitted to the Authority if it has taken charge of the prosecution.

"**48.3.** Penal proceedings for an offence under section 46 are prescribed three years from the date the investigation record relating to the offence was opened. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.

The certificate of the secretary of the Authority indicating the date on which the investigation record was opened constitutes conclusive proof of the date, in the absence of any evidence to the contrary."

17. Section 56 of the Act is replaced by the following section:

"**56.** The Authority shall invest the sums making up the deposit insurance fund in accordance with section 38.6 of the Act respecting the Autorité des marchés financiers (chapter A-33.2)."

ACT RESPECTING INSURANCE

18. Section 33.1 of the Act respecting insurance (R.S.Q., chapter A-32) is amended by inserting the following paragraph after the first paragraph:

"An insurance company may receive deposits of money from a minor or a person who does not have legal capacity to contract, without the authorization or intervention of any other person."

19. Section 35.2 of the Act is amended

(1) by replacing "of the Minister" in the first paragraph by "of the Authority";

(2) by replacing "The Minister may also request any document or information the Minister considers" in the second paragraph by "The Authority may also request any document or information it considers";

(3) by striking out the third paragraph;

(4) by replacing "The Minister may, if the Minister deems it advisable and after obtaining the advice of the Authority," in the fourth paragraph by "If the Authority considers it advisable, it may".

20. Section 36 of the Act is amended by replacing "the Minister is substituted" by "the Authority is substituted".

21. Section 37 of the Act is amended

(1) by replacing "to the Minister" in the first paragraph by "to the Authority";

(2) by striking out the third paragraph.

22. Section 38 of the Act is amended by replacing "to the Minister" in the first paragraph by "to the Authority".

23. Section 93.121 of the Act is amended by replacing ", sections 93.92, 93.94 to 93.102, 93.107 to 93.113 and 298.1, and sections 379 to 386, in which any reference to section 378 shall be read as a reference to section 93.192" by "and sections 93.92, 93.94 to 93.102, 93.107 to 93.113 and 298.1".

24. The Act is amended by inserting the following section after section 93.159.1:

"**93.159.2.** A federation must adhere to sound commercial practices. These practices include properly informing persons being offered a product or service and acting fairly in dealings with them."

25. Section 93.160 of the Act is amended by replacing "the provisional administrator of a member for the purposes of Chapter X of Title IV" in paragraph 9 by "receiver in accordance with Chapter III.1 of Title I of the Act respecting the Autorité des marchés financiers (chapter A-33.2)".

26. The heading of Division XII of Chapter III.2 of Title III of the Act is amended by striking out "PROVISIONAL ADMINISTRATION AND".

27. Subdivision 1 of Division XII of Chapter III.2 of Title III of the Act, comprising sections 93.192 to 93.198, is repealed.

28. The heading of subdivision 2 of Division XII of Chapter III.2 of Title III of the Act is repealed.

29. Section 93.218 of the Act is amended by replacing ", sections 93.21, 93.22, 93.25 to 93.27.4, 93.35 to 93.37, 93.92 to 93.98, 93.108 to 93.113 and 93.156 to 93.159 and sections 379 to 386, in which every reference to section 378 shall be read as a reference to section 93.269" by "and sections 93.21, 93.22, 93.25 to 93.27.4, 93.35 to 93.37, 93.92 to 93.98, 93.108 to 93.113 and 93.156 to 93.159".

30. Division XI of Chapter III.3 of Title III of the Act, comprising sections 93.269 to 93.273, is repealed.

31. Section 205 of the Act is amended by inserting the following paragraph after the first paragraph:

"However, when an insurer that is not constituted under an Act applicable in Canada, does not hold a licence under an Act of the Parliament of Canada relating to insurance and intends to act only in surety insurance in Québec, requests an exemption from the Authority under section 211.1, the request must be accompanied by any document or information proving that the insurer qualifies for the exemption. The Authority may also require the insurer to provide any other document or information."

32. Section 211 of the Act is amended

(1) by replacing "confirmée" in paragraph *c* in the French text by "conformée";

(2) by replacing paragraph *d* by the following paragraphs:

"(*d*) adheres to sound and prudent management practices;

"(*d*.1) adheres to sound commercial practices;".

33. The Act is amended by inserting the following section after section 211:

"**211.1.** When issuing a licence to an insurer described in the second paragraph of section 205, the Authority may, on the conditions it determines, exempt the insurer from any provision of this Act, except section 201, if the Authority considers that such an exemption does not undermine the protection of the insured.

A decision under the first paragraph must be published in the Authority's bulletin and in the *Gazette officielle du Québec*."

34. The heading of Chapter I.1 of Title IV of the Act is amended by adding "AND COMMERCIAL PRACTICES".

35. The Act is amended by inserting the following section after section 222.1:

"**222.2.** Every insurer and every holding company controlled by an insurer must adhere to sound commercial practices. These practices include properly informing persons being offered a product or service and acting fairly in dealings with them."

36. Section 285.31 of the Act is amended by striking out "each year, within two months of the closing date of its fiscal year or" and "other" in the first paragraph.

37. Section 285.33 of the Act is amended by striking out the last sentence of the third paragraph.

38. Section 285.35 of the Act is repealed.

39. Section 325.0.2 of the Act is amended

(1) by replacing subparagraphs 3 and 4 of the first paragraph by the following subparagraphs:

"(3) any other sound and prudent management practices, in particular as regards investments;

"(4) any commercial practice referred to in section 222.2;

"(5) any requirement under section 285.29.";

(2) by adding the following sentence at the end of the second paragraph: "They may pertain to the carrying out, interpretation or application of the subject matter of any of subparagraphs 1 to 5 of the first paragraph whether or not it is dealt with in a regulation made under this Act."

40. Section 325.0.3 of the Act is amended by replacing "of sections 325.5 and 378 to 389" by "of section 325.5".

41. Section 325.1 of the Act is amended

(1) by replacing "in subparagraphs 1 to 4" in subparagraph 1 of the first paragraph by "in subparagraphs 1 to 3";

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

"(1.1) is not adhering to the commercial practices referred to in section 222.2;

"(1.2) is not complying with the requirements under section 285.29;".

42. Section 325.1.1 of the Act is amended by inserting ", is not adhering to the commercial practices referred to in section 222.2 or is not complying with the requirements under section 285.29" after "sound and prudent management practices".

43. Section 358 of the Act is amended by replacing subparagraph *g* of the first paragraph by the following subparagraph:

"(*g*) which does not, in the opinion of the Authority, adhere to sound and prudent management practices, adhere to the commercial practices referred to in section 222.2 or comply with the requirements under section 285.29;".

44. Chapter X of Title IV of the Act, comprising sections 378 to 389, is repealed.

45. The Act is amended by inserting the following section after section 391:

"**391.1.** This chapter applies with the necessary modifications to a winding-up carried out within the scope of a receivership ordered under Chapter III.1 of Title I of the Act respecting the Autorité des marchés financiers (chapter A-33.2), to the extent that it is not inconsistent with this Act.

The winding-up must, as soon as practicable, be made public by means of a notice in the *Gazette officielle du Québec*."

46. Section 405.1 of the Act is amended by striking out the last paragraph.

47. The Act is amended by inserting the following section after section 405.3:

"**405.4.** For the purposes of section 405.1, the Government may determine by regulation the amounts of, and the conditions for imposing, an administrative sanction for failure to file documents as required under this Act or a regulation under this Act."

48. Section 408 of the Act is amended

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

"**408.** Every person convicted of an offence under a provision of this Act or the regulations is liable to a minimum fine of $1,000 for a natural person and $3,000 for a legal person, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount.

However, in the case of an offence under paragraph *b*, *c*, *e* or *u* of section 406, the minimum fine is $5,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount.

In all cases, the maximum fine is $50,000 for a natural person and $200,000 for a legal person, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.

In the case of a second or subsequent conviction, the minimum and maximum fines are doubled.";

(2) by replacing "$50 000" in the second paragraph by "$200,000".

49. The Act is amended by inserting the following sections after section 408:

"**408.1.** Penal proceedings may be instituted by the Authority for an offence under this Act.

"**408.2.** The fine imposed by the court is remitted to the Authority if it has taken charge of the prosecution.

"**408.3.** Penal proceedings for an offence under any of sections 406 to 406.2 are prescribed three years from the date the investigation record relating to the offence was opened. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.

The certificate of the secretary of the Authority indicating the date on which the investigation record was opened constitutes conclusive proof of the date, in the absence of any evidence to the contrary."

50. Section 420.1 of the Act is amended by inserting the following subparagraph after subparagraph 7 of the first paragraph:

"(7.1) prescribe standards respecting the commercial practices of an insurer, of a holding company controlled by an insurer and of a federation of mutual insurance associations;".

CITIES AND TOWNS ACT

51. Section 465.8 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing "The enterprise registrar" in the first paragraph by "The Autorité des marchés financiers".

52. Section 465.9 of the Act is amended

(1) by replacing "the enterprise registrar" in the first paragraph by "the Autorité des marchés financiers";

(2) by replacing the first sentence of the second paragraph by the following sentence: "The Autorité des marchés financiers shall send the corrected letters patent to the enterprise registrar who shall deposit them in the register."

PROFESSIONAL CODE

53. The Professional Code (R.S.Q., chapter C-26) is amended by inserting the following sections after section 187.10.4, enacted by chapter 3 of chapter 42 of the statutes of 2007:

"**187.10.5.** 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 may enter into an agreement with the following bodies exercising complementary functions with respect to the protection of the public: the Autorité des marchés financiers and the Canadian Public Accountability Board incorporated under the Canada Business Corporations Act (Revised Statutes of Canada, 1970, chapter C-32). The term of the agreement may not exceed five years.

The agreement may, to the extent required for its implementation, derogate from the Acts and regulations governing the Ordre professionnel des comptables généraux licenciés du Québec or the Ordre professionnel des comptables en management accrédités du Québec that pertain to the confidentiality of the information it holds. The agreement must define the nature and scope of the information the professional order and the body may exchange concerning inspection, discipline or any inquiry conducted by the body or the professional order regarding a professional or a professional partnership or company within which members of the professional order practise, specify the purpose of the exchange of information and the conditions of confidentiality to be observed, including those pertaining to professional secrecy, and determine how information so obtained may be used.

The information that may be communicated under the agreement must be necessary for the exercise of the functions of the party receiving it.

The information communicated under the agreement by the Ordre professionnel des comptables généraux licenciés du Québec or the Ordre professionnel des comptables en management accrédités du Québec must be treated by the body receiving it with as much confidentiality as if it had been obtained or was held by the professional order in the exercise of the powers granted by this Code. That obligation does not, however, restrict the powers granted by an Act of Québec to the Autorité des marchés financiers as regards the communication of information.

The agreement is published in the *Gazette officielle du Québec*. On the expiry of at least 45 days after the publication, it is submitted to the Government for approval, with or without amendments. The agreement comes into force after approval, on the date it is published again in the *Gazette officielle du Québec* or on any later date stated in the agreement.

The Ordre professionnel des comptables généraux licenciés du Québec and the Ordre professionnel des comptables en management accrédités du Québec shall report on the implementation of the agreements entered into in the report they must produce under section 104.

"**187.10.6.** As long as an agreement under section 187.10.5 is in force, members of the Ordre professionnel des comptables généraux licenciés du Québec or the Ordre professionnel des comptables en management accrédités du Québec are authorized, despite being bound by professional secrecy, to provide, to the extent specified in the agreement entered into by their professional order, information relating to their professional activities or clients to a representative of the body acting within the scope of its activities in Québec.

The information communicated under the agreement by a member of the Ordre professionnel des comptables généraux licenciés du Québec or the Ordre professionnel des comptables en management accrédités du Québec must be treated by the body receiving it with as much confidentiality as if it had been obtained or was held by the professional order in the exercise of the powers granted by this Code. That obligation does not, however, restrict the powers granted by an Act of Québec to the Autorité des marchés financiers as regards the communication of information.

"**187.10.7.** No proceedings may be instituted against a body having entered into an agreement under section 187.10.5, or any of its directors or representatives, by reason of any act performed in good faith in the exercise of their functions in Québec on the basis of information obtained in accordance with the agreement, unless an Act of Québec concerning the body provides otherwise."

MUNICIPAL CODE OF QUÉBEC

54. Article 711.10 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the first sentence of the second paragraph by the following sentence: "The Autorité des marchés financiers shall send the corrected letters patent to the enterprise registrar who shall deposit them in the register."

ACT RESPECTING FINANCIAL SERVICES COOPERATIVES

55. The Act respecting financial services cooperatives (R.S.Q., chapter C-67.3) is amended by inserting the following section after section 66:

"**66.1.** Every financial services cooperative must adhere to sound commercial practices. These practices include properly informing persons being offered a product or service and acting fairly in dealings with them."

56. Section 131.2 of the Act is amended by striking out "each year, within two months of the closing date of its fiscal year or" and "other" in the first paragraph.

57. Section 131.4 of the Act is amended by striking out the last sentence of the fourth paragraph.

58. Section 131.6 of the Act is repealed.

59. Section 227 of the Act is amended by striking out "or paragraph 2 of section 581" in paragraph 9.

60. Section 328 of the Act is amended by striking out "or paragraph 2 of section 581" in paragraph 7.

61. Section 361 of the Act is amended by striking out "or paragraph 2 of section 581" in subparagraph 7 of the first paragraph.

62. The Act is amended by inserting the following section after section 372:

"**372.1.** The federation must adopt standards applicable to the credit unions with respect to the commercial practices referred to in section 66.1 and the requirements under section 131.1."

63. Section 377 of the Act is amended by replacing "practise sound and prudent management" in the first paragraph by "adhere to sound and prudent management practices or sound commercial practices".

64. The heading of Division IV of Chapter XIII of the Act is replaced by the following heading:

"REPORTING AND INSPECTION".

65. Sections 534 to 547 of the Act are repealed.

66. Section 565 of the Act is amended

(1) by adding the following subparagraphs after subparagraph 3 of the first paragraph:

"(4) any commercial practice referred to in section 66.1;

"(5) any requirement under section 131.1.";

(2) by adding the following sentence at the end of the second paragraph: "They may pertain to the carrying out, interpretation or application of the subject matter of any of subparagraphs 1 to 5 of the first paragraph whether or not it is dealt with in a regulation made under this Act."

67. Section 566 of the Act is replaced by the following section:

"**566.** For the purposes of section 573, a financial services cooperative that fails to comply with the guidelines referred to in section 565 is presumed to have failed to adhere to sound and prudent management practices as provided for in subparagraphs 1 to 3 of the first paragraph of that section, or to have failed to adhere to the commercial practices referred to in section 66.1 or comply with the requirements under section 131.1, as the case may be."

68. Section 567 of the Act is amended by inserting "or the commercial practices referred to in section 66.1, is not complying with the requirements under section 131.1," after "sound and prudent management practices" in the first paragraph.

69. Section 568 of the Act is amended by inserting "or the commercial practices referred to in section 66.1, or does not comply with the requirements under section 131.1" after "sound and prudent management practices".

70. Sections 574 to 583 of the Act are repealed.

71. Section 599 of the Act is amended by inserting the following subparagraph after subparagraph 11 of the first paragraph:

"(11.1) prescribe standards respecting the commercial practices of a financial services cooperative;".

72. Section 612 of the Act is replaced by the following section:

"**612.** A person convicted of an offence under section 602, 604, 606, 607, 610 or 611 or under a provision of a regulation the violation of which constitutes an offence under subparagraph 15 of the first paragraph of section 599 is liable to a fine of not less than $1,000 nor more than $25,000 in the case of a natural person and not less than $3,000 nor more than $200,000 in the case of a legal person.

In the case of an offence under section 603, 605, 608 or 609, the minimum fine is $5,000 and the maximum fine is $200,000."

73. The Act is amended by inserting the following sections after section 613:

"**613.1.** Penal proceedings may be instituted by the Authority for an offence under any of sections 602 to 611.

"**613.2.** The fine imposed by the court is remitted to the Authority if it has taken charge of the prosecution.

"**613.3.** Penal proceedings for an offence under any of sections 602 to 611 or under a provision of a regulation the violation of which constitutes an offence under subparagraph 15 of the first paragraph of section 599 are prescribed three years from the date the investigation record relating to the offence was opened. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.

The certificate of the secretary of the Authority indicating the date on which the investigation record was opened constitutes conclusive proof of the date, in the absence of any evidence to the contrary."

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

74. Section 103.1 of the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) is amended by striking out "each year, within two months after the closing date of its fiscal year or" and "other" in the first paragraph.

75. Section 103.2 of the Act is amended by striking out the last sentence of the third paragraph.

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

"**115.1.** For the purposes of section 115, the Authority may determine by regulation the amounts of, and conditions for imposing, a penalty for failure to file documents as required under this Act or a regulation under this Act."

77. Section 119 of the Act is amended by adding the following paragraph:

"Sections 326 to 328 and 330 of the Securities Act (chapter V-1.1) apply with the necessary modifications to such an appeal."

78. Sections 189 and 189.1 of the Act are repealed.

79. Section 194 of the Act is amended

(1) by adding "and the draft regulation made by a Chamber under the fourth paragraph of section 312" at the end of the first paragraph;

(2) by adding ", and stating the fact that any interested person may, during that time, submit comments to the person designated in the notice" at the end of the second paragraph;

(3) by replacing "all the regulations approved by the Government in the information bulletin" in the third paragraph by "in the information bulletin all the regulations approved by the Minister or the Government under this Act".

80. Section 217 of the Act is replaced by the following section:

"**217.** A regulation made by the Authority under this Act or a regulation made by a Chamber under the fourth paragraph of section 312 must be submitted to the Minister for approval with or without amendment.

However, a regulation made by the Authority under any of sections 115.1 and 198, paragraph 2 of section 203, sections 225, 226, 228, 274.1, 278, 423 and 443, paragraph 6 of section 449 and section 452 of this Act must be submitted to the Government for approval with or without amendment.

A draft of a regulation referred to in the first paragraph may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft. The regulation comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation. Sections 4, 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to the regulation.

The Minister may make a regulation referred to in the first paragraph if the Authority or a Chamber fails to make such a regulation within the time determined by the Minister.

The Government may make a regulation referred to in the second paragraph if the Authority fails to make such a regulation within the time determined by the Government."

81. Section 248 of the Act is repealed.

82. Section 274.1 of the Act is replaced by the following sections:

"**274.1.** An indemnity committee is established within the Authority.

The function of the committee is to rule on the eligibility of claims submitted to the Authority and decide the amount of the indemnities to be paid, in accordance with the rules determined by regulation. To that end, the committee may require any necessary document or information. Any document or information provided for that purpose remains the property of the Authority.

The committee may rule on the eligibility of a claim whether or not the perpetrator of the offence has been prosecuted or convicted.

"**274.2.** The committee is composed of three members appointed for a three-year term by the Minister, who designates a chair from among them.

At the end of their term, the committee members remain in office until they are reappointed or replaced.

A member who is absent or unable to act is replaced by a person appointed by the Minister for as long as the committee member is absent or unable to act.

Any vacancy on the committee is filled by the Minister.

"**274.3.** The salary, fees or allowances, as the case may be, of each committee member are determined by the Minister and paid by the Authority out of the Fonds d'indemnisation des services financiers.

"**274.4.** Committee members may not be prosecuted for acts performed in good faith in the performance of their duties.

"**274.5.** Committee decisions are made by a majority vote of the members.

"**274.6.** Not later than 31 July each year, the committee must report to the Minister on its activities for the previous fiscal year. The committee report is included in the activity report of the Authority."

83. Section 276 of the Act is replaced by the following section:

"**276.** The Authority shall compensate a victim in accordance with the decision of the indemnity committee."

84. Section 279 of the Act is replaced by the following section:

"**279.** The Authority invests the sums making up the Fonds d'indemnisation des services financiers in accordance with section 38.6 of the Act respecting the Autorité des marchés financiers (chapter A-33.2)."

85. Section 309 of the Act is amended by striking out the third paragraph.

86. Section 310 of the Act is amended by striking out the second paragraph.

87. Section 310.1 of the Act is repealed.

88. Section 313 of the Act is amended by striking out the second paragraph.

89. Section 315 of the Act is amended by striking out the third paragraph.

90. Section 320 of the Act is amended by striking out the third paragraph.

91. Section 354 of the Act is amended by adding the following paragraph at the end:

"A complaint filed against a person referred to in the first or second paragraph who exercises a function provided for in this Act, including a syndic, a syndic's assistant, a person conducting an inquiry for a syndic or a member of a discipline committee, for acts engaged in in the exercise of that function is inadmissible."

92. Section 485 of the Act is replaced by the following section:

"**485.** A natural person convicted of an offence under any of sections 461, 462, 465 to 467 and 469 to 473 is liable to a minimum fine of $1,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount.

In the case of an offence under section 468, the minimum fine is $5,000.

In all cases, the maximum fine is $50,000, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.

In the case of a second or subsequent conviction, the minimum and maximum fines are doubled."

93. Section 486 of the Act is amended

(1) by replacing "fine of not less than $2,000 and not more than $20,000 and, for every subsequent offence, to a fine of not less than $4,000 and not more than $50,000" by "minimum fine of $2,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount. The maximum fine is $150,000, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount";

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

"In the case of a second or subsequent conviction, the minimum and maximum fines are doubled."

94. Section 487 of the Act is replaced by the following section:

"**487.** A legal person convicted of an offence under any of sections 461, 462, 465 to 467 and 469 to 473 is liable to a minimum fine of $3,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount. In the case of an offence under section 468, the minimum fine is $5,000.

The maximum fine is $200,000, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.

In the case of a second or subsequent conviction, the minimum and maximum fines are doubled."

95. Section 488 of the Act is amended

(1) by replacing "fine of not less than $4,000 and not more than $40,000 and, for every subsequent offence, to a fine of not less than $8,000 and not more than $80,000" by "minimum fine of $4,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount. The maximum fine is $200,000, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.";

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

"In the case of a second or subsequent conviction, the minimum and maximum fines are doubled."

96. Section 489 of the Act is amended

(1) by replacing "fine of not less than $1,000 and not more than $25,000 and, for every subsequent offence, to a fine of not less than $2,000 and not more than $50,000" by "minimum fine of $3,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount. The maximum fine is $200,000, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.";

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

"In the case of a second or subsequent conviction, the minimum and maximum fines are doubled."

97. Section 490 of the Act is amended

(1) by replacing "fine of not less than $10,000 and not more than $50,000 and, for every subsequent offence, to a fine of not less than $20,000 and not more than $100,000" by "minimum fine of $10,000, double the profit realized or one fifth of the sums entrusted to or collected by the person, whichever is the greatest amount. The maximum fine is $200,000, four times the profit realized or half the sums entrusted to or collected by the person, whichever is the greatest amount.";

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

"In the case of a second or subsequent conviction, the minimum and maximum fines are doubled."

98. Section 494 of the Act is amended by replacing "one year" in the first paragraph by "three years".

ACT RESPECTING THE LEGAL PUBLICITY OF SOLE PROPRIETORSHIPS, PARTNERSHIPS AND LEGAL PERSONS

99. Section 531 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) is amended by striking out ", 93.269 to 93.273" wherever it appears.

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

100. Section 6 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by striking out the definition of "capital base".

101. Section 104 of the Act is amended by replacing "287 or in sections 293, 299, 300 and 301" in subparagraph 8 of the first paragraph by "287 or in sections 293 and 299".

102. Section 111 of the Act is amended by replacing "where the effect of the payment of that amount has been to increase the debt ratio of the company to a higher limit than the limit authorized by this Act" in the second paragraph by "if, by paying the sum, the company contravenes the capital adequacy requirements of a government regulation or of a guideline issued by the Authority under section 314.1".

103. Section 153.2 of the Act is amended by striking out "each year, within two months of the closing date of its fiscal year or" and "other" in the first paragraph.

104. Section 153.4 of the Act is amended by striking out the last sentence of the third paragraph.

105. Section 153.6 of the Act is repealed.

106. Section 169 of the Act is amended by striking out "the renewal of its licence or, where such is the case, for" and ", if it expires after 30 June," in paragraph 3.

107. The Act is amended by inserting the following sections after section 177:

"**177.1.** Any company may receive deposits of money from a minor or a person who does not have legal capacity to contract, without the authorization or intervention of any other person.

"**177.2.** Every company must adhere to sound and prudent management practices.

"**177.3.** Every company must adhere to sound commercial practices. These practices include properly informing persons being offered a product or service and acting fairly in dealings with them."

108. The heading of Division IV of Chapter XV of the Act is amended by striking out "BASE".

109. Section 195 of the Act is replaced by the following section:

"**195.** A company must, in view of its operations, maintain an adequate level of capital and liquid assets to ensure sound and prudent management.

If the Authority considers it advisable, it may give written directions in that regard. The company shall comply with the directions within the time determined by the Authority."

110. Sections 197 to 199 of the Act are repealed.

111. Section 200 of the Act is amended by adding the following paragraph at the end:

"It must also adhere to sound and prudent management practices."

112. Section 203 of the Act is repealed.

113. Section 204 of the Act is amended by striking out "of securities contemplated in subparagraphs 2, 3, 5 and 6 of the first paragraph of section 203 nor" in the second paragraph.

114. Section 205 of the Act is amended by replacing "For the purposes of section 203, no" by "No".

115. Sections 207 and 209 to 211 of the Act are repealed.

116. Section 212 of the Act is amended by striking out the third paragraph.

117. Sections 213 and 214 of the Act are repealed.

118. Section 227 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 3 by the following subparagraphs:

"(3) adheres to sound and prudent management practices;

"(3.1) adheres to sound commercial practices;";

(2) by replacing "has a sufficient capital base, in the opinion of the Authority, to provide adequate protection of the depositors or to operate efficiently" in subparagraph 4 by "in the opinion of the Authority, has an adequate level of capital to provide effective protection for depositors or to ensure sound and prudent management".

119. Section 240 of the Act is amended

(1) by replacing "shall be valid until 30 June following its date of issue. It may be renewed each year upon application and on the conditions prescribed by this Act and the regulations of the Government thereunder" in the first paragraph by "is issued for an undetermined period";

(2) by replacing "The licence may be issued for a period of less than one year and" in the second paragraph by "It may".

120. Section 241 of the Act is amended by striking out subparagraph 1 of the first paragraph.

121. Section 242 of the Act is amended by replacing the second paragraph by the following paragraph:

"As well, the Authority must publish annually a list of the companies that hold a licence and the address of their head office or principal place of business in the *Gazette officielle du Québec*."

122. Section 244 of the Act is amended

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

"(2) whose level of capital, in the opinion of the Authority, is not adequate to provide effective protection for depositors or to ensure sound and prudent management;";

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

"(3) which, in the opinion of the Authority, fails to adhere to sound and prudent management practices, to comply with the requirements under section 153.1 or to adhere to the commercial practices referred to in section 177.3;".

123. Section 250 of the Act is amended by replacing "or cancelled or has not been renewed" by "or cancelled" and ", cancellation or non-renewal" by "or cancellation".

124. Section 251 of the Act is amended by adding the following paragraph at the end:

"The same applies to a decision made under Chapter XVI.1."

125. Section 261 of the Act is amended by replacing "293, 299, 300 and 301" in paragraph 1 by "293 and 299".

126. Section 299 of the Act is amended by adding the following sentence at the end: "The statements must be presented on the forms provided by the Authority."

127. Sections 300 to 302 of the Act are repealed.

128. Section 314.1 of the Act is replaced by the following section:

"**314.1.** The Authority may, after consulting with the Minister, issue guidelines applicable to companies pertaining to

(1) the adequacy of its capital;

(2) the adequacy of its liquid assets;

(3) any other sound and prudent management practices;

(4) any requirement under section 153.1;

(5) any commercial practice referred to in section 177.3.

The guidelines are not regulations. They may pertain to the carrying out, interpretation or application of the subject matter of any of subparagraphs 1 to 5 of the first paragraph whether or not it is dealt with in a regulation made under this Act."

129. Section 314.2 of the Act is replaced by the following section:

"**314.2.** For the purposes of section 328, a company that fails to comply with the guidelines referred to in section 314.1 is presumed to have failed to adhere to sound and prudent management practices as provided for in subparagraphs 1 to 3 of the second paragraph of that section, or to have failed to comply with the requirements under section 153.1 or adhere to the commercial practices referred to in section 177.3, as the case may be."

130. Division XII of Chapter XVI of the Act, comprising sections 337 to 349, is repealed.

131. The Act is amended by inserting the following chapter after section 349:

"**CHAPTER XVI.1**

"ADMINISTRATIVE SANCTIONS

"**349.1.** Following the establishment of facts brought to the attention of the Authority showing that a person or partnership has failed to comply with a provision of this Act or the regulations, the Authority may impose an administrative sanction on that person or partnership and collect payment of the sanction.

The amount of the sanction must be proportionate to the seriousness of the violation and may in no case exceed $1,000,000.

"**349.2.** In addition to imposing an administrative sanction, the Authority may require the person or partnership to repay the costs incurred in connection with the inspection or inquiry which established proof of the facts showing non-compliance with the provision concerned, according to the tariff established by regulation.

"**349.3.** For the purposes of section 349.1, the Government may determine, by regulation, the amounts of, and conditions for, imposing an administrative sanction for failure to file documents as required under this Act or a regulation under this Act."

132. Section 350 of the Act is amended by replacing ", by regulation, may for the purposes of this Act determine which assets or liabilities may be added to or subtracted from the shareholders' equity to determine the capital base of a company, what assets the capital base is composed of and their relative proportions, the conditions and restrictions attached to different assets and liabilities and to the other components of the capital base, and" by "may, by regulation,".

133. Section 351 of the Act is amended

(1) by replacing ", licences and licence renewals" in paragraph 1 by "and licences";

(2) by replacing "standards of adequacy of the capital base and liquidity of a company" in paragraph 17 by "standards with respect to the adequacy of a company's capital and liquid assets and to its commercial practices";

(3) by striking out paragraphs 18, 19 and 22;

(4) by striking out "and renewal" in paragraph 24;

(5) by inserting the following paragraph after paragraph 31:

"(31.1) a tariff of costs for the purposes of section 349.2;".

134. Section 363 of the Act is replaced by the following section:

"**363.** A person convicted of an offence under any of sections 352 to 355, 357 to 359 and 362 is liable to a fine of not less than $1,000 nor more than $25,000 in the case of a natural person, or a fine of not less than $3,000 nor more than $200,000 in the case of a legal person. However, the persons referred to in section 355 are liable to the fines prescribed for the legal person, whether or not it has been convicted.

In the case of an offence under section 356, 360 or 361, the minimum fine is $5,000.

In the case of a second or subsequent conviction, the minimum and maximum fines are doubled."

135. The Act is amended by inserting the following sections after section 367:

"**367.1.** Penal proceedings may be instituted by the Authority for an offence under this Act.

"**367.2.** The fine imposed by the court is remitted to the Authority if it has taken charge of the prosecution.

"**367.3.** Penal proceedings for an offence under any of sections 352 to 362 are prescribed three years from the date the investigation record relating to the offence was opened. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.

The certificate of the secretary of the Authority indicating the date on which the investigation record was opened constitutes conclusive proof of the date, in the absence of any evidence to the contrary."

136. Section 385 of the Act is repealed.

SECURITIES ACT

137. Section 1 of the Securities Act (R.S.Q., chapter V-1.1) is amended by replacing "an organized market" in subparagraph 8 of the first paragraph by "a published market".

138. Section 67 of the Act is amended by replacing "an organized market" in the first paragraph by "a published market".

139. Section 68 of the Act is amended by replacing subparagraph 4 of the second paragraph by the following subparagraph:

"(4) its securities have been exchanged for those of another issuer or those held by security-holders of another issuer pursuant to an agreement, merger, amalgamation or reorganization or a similar operation involving at least one reporting issuer;".

140. Section 94 of the Act is amended by replacing "a senior executive of the former issuer is deemed to have been an insider of the other reporting issuer for the previous 6 months or for such shorter period as he has been a senior executive" in the first paragraph by "the senior executives and the directors of the former issuer are deemed to have been insiders of the other reporting issuer for the previous 6 months or for such shorter period as they have been senior executives or directors", and by inserting "and the directors" after "senior executives" in the second paragraph.

141. Section 95 of the Act is amended by inserting "and directors" after "senior executives" in the first paragraph.

142. Section 98 of the Act is replaced by the following section:

"**98.** Senior executives and directors deemed to be insiders under section 94 or 95 shall, within the time fixed by regulation, file the report that sections 96 and 97 would have required for the period covered by the presumption."

143. Section 100 of the Act is amended

(1) by inserting "and directors" after "senior executives";

(2) by replacing "of a mutual fund or of an unincorporated mutual fund" by "of a mutual fund".

144. Sections 122 and 126 of the Act are amended by replacing "an organized market" wherever it appears by "a published market".

145. Section 168.1.2 of the Act is amended by striking out "each year, within two months of the end of its fiscal year or" and "other" in the first paragraph.

146. Section 168.1.3 of the Act is amended by striking out the last sentence of the third paragraph.

147. Section 195 of the Act is amended by inserting "or the Bureau de décision et de révision en valeurs mobilières" after "the Authority" in paragraphs 1 and 2.

148. Section 202 of the Act is amended by replacing the first paragraph by the following paragraph:

"**202.** Unless otherwise specially provided, every person that contravenes a provision of this Act commits an offence and is liable to a minimum fine of $2,000 in the case of a natural person and $3,000 in the case of a legal person or double the profit realized, whichever is the greatest amount. The maximum fine is $150,000 in the case of a natural person and $200,000 in the case of a legal person, or four times the profit realized, whichever is the greater amount."

149. Section 204 of the Act is amended by replacing the first paragraph by the following paragraph:

"**204.** In the case of an offence under any of sections 187 to 190, the minimum fine is $5,000, double the profit eventually realized or one fifth of the sums invested or, in the case of derivatives trading, the sums allocated to the transaction or series of transactions, whichever is the greatest amount. The maximum fine is $5,000,000, four times the profit eventually realized or half the sums invested or, in the case of derivatives trading, the sums allocated to the transaction or series of transactions, whichever is the greatest amount."

150. The Act is amended by inserting the following section after section 204:

"**204.1.** In the case of a distribution without a prospectus in contravention of section 11 or an offence under section 195.2, 196 or 197, the minimum fine is $5,000, double the profit realized or one fifth of the sums invested, whichever is the greatest amount. The maximum fine is $5,000,000, four times the profit realized or half the sums invested, whichever is the greatest amount."

151. Section 208.1 of the Act is amended by replacing "in addition to" by "regardless of".

152. Section 211 of the Act is amended by replacing "sections 11, 12, 25, 26, 73, 74, 94 to 103, 148, 149, 163.1, 187 to 190 and 192 to 201" by "sections 11, 12, 25 to 27, 29, 64, 67, 73, 75 to 78, 80 to 82.1, 89.3, 96 to 98, 102 to 103.1, 108, 109.2 to 109.5, 112, 113, 115, 148, 149, 151.4, 158 to 168.1.3, 169, 187 to 190, 192 to 197, 199 to 203 and 207".

153. Section 218 of the Act is amended by replacing "or directors, or from the dealer under contract to the issuer or holder whose securities were distributed" by "or directors, the dealer under contract to the issuer or holder whose securities were distributed and any person who is required to sign an attestation in the prospectus, in accordance with the conditions prescribed by regulation".

154. Section 223 of the Act is amended by adding ", and any person who is required to sign an attestation in the take-over bid circular, in accordance with the conditions prescribed by regulation" at the end.

155. Sections 225.28 and 225.29 of the Act, enacted by section 11 of chapter 15 of the statutes of 2007, are again amended by replacing "an organized market" wherever it appears by "a published market".

156. Section 237 of the Act is amended by inserting the following subparagraphs after subparagraph 2 of the first paragraph:

"(2.1) an authorized stock exchange or one of its participants;

"(2.2) an authorized securities clearing house or a person that holds an account in a clearing house;

"(2.3) a person that operates an authorized electronic securities trading system or is registered as a dealer or one of the dealer's participants;

"(2.4) an authorized securities information processor or one of its users;

"(2.5) an authorized matching service utility or one of its users;".

157. Section 239 of the Act is amended

(1) by replacing "entered into pursuant to section 295.1" in paragraph 4 by "entered into under the second paragraph of section 33 of the Act respecting the Autorité des marchés financiers (chapter A-33.2)";

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

"(5) to ascertain whether it would be advisable to request the Superior Court to order the appointment of a receiver in accordance with section 19.1 of the Act respecting the Autorité des marchés financiers."

158. Division II of Chapter II of Title IX of the Act, comprising sections 257 to 262, is repealed.

159. The Act is amended by inserting the following division after section 262:

"**DIVISION II.1**

"PUBLIC INTEREST MEASURES AND REMEDIAL POWERS

"**262.1.** Following a failure to comply with a requirement under securities legislation, the Authority may request the Bureau de décision et de révision en valeurs mobilières to issue one or more of the following orders

against any person in order to remedy the situation or to deprive a person of the profit realized as a result of the non-compliance:

(1) an order requiring the person to comply with

(*a*) any provision of this Act or the regulations or any other Act or regulation governing securities;

(*b*) any decision of the Authority under this Act or the regulations;

(*c*) any regulation, rule or policy of a self-regulating organization or securities exchange, or any decision or order rendered by the Bureau on the basis of such a regulation, rule or policy;

(2) an order requiring the person to submit to a review by the Authority of the person's practices and procedures and to institute such changes as may be directed by the Authority;

(3) an order rescinding any transaction entered into by the person relating to trading in securities, and directing the person to repay to a security holder any part of the money paid by the security holder for securities;

(4) an order requiring the person to issue, purchase, exchange or dispose of securities;

(5) an order prohibiting the voting or exercise of any other right attaching to securities by the person;

(6) an order requiring the person to produce financial statements in the form required by securities legislation, or an accounting in such other form as may be determined by the Bureau;

(7) an order directing the person to hold a shareholders' meeting;

(8) an order directing rectification of the registers or other records of the person;

(9) an order requiring the person to disgorge to the Authority amounts obtained as a result of the non-compliance."

160. Section 273.1 of the Act is amended by striking out the fourth paragraph.

161. Section 274.1 of the Act is amended by inserting "or Title V" after "Title III".

162. Sections 276.4, 295.1, 295.2 and 297.6 of the Act are repealed.

163. Section 303 of the Act is repealed.

164. Section 318.1 of the Act is amended by replacing "under section 295.1" by "under the second paragraph of section 33 of the Act respecting the Autorité des marchés financiers (chapter A-33.2)".

165. The Act is amended by inserting the following section after section 318.1:

"**318.2.** Despite the first paragraph of section 318, the Authority may make a decision under the third paragraph of section 265 or section 271 or 272.2 based on a fact referred to in any of paragraphs 1 to 5, without allowing the person to present observations or submit documents to complete the file, unless they are in regard to the following facts:

(1) the person was convicted of an indictable offence related to a securities operation or activity or to conduct involving securities;

(2) the person was convicted of an offence under this Act or a regulation under this Act;

(3) the person was convicted of an offence under the securities legislation of another Canadian province or territory or another State;

(4) the person is the subject of a decision by a securities authority of another Canadian province or territory or of another State imposing obligations or sanctions on the person, which may also include conditions or restrictions;

(5) the person has reached an agreement with a securities authority of another Canadian province or territory or of another State to comply with obligations or sanctions, which may also include conditions or restrictions."

166. Section 323.8 of the Act is amended by replacing "under section 295.1" by "under the second paragraph of section 33 of the Act respecting the Autorité des marchés financiers (chapter A-33.2)".

167. The Act is amended by inserting the following section after section 323.8:

"**323.8.1.** Despite sections 323 to 323.8, the Bureau may make a decision under section 152, paragraph 1, 2 or 3 of section 262.1, section 264, the first or second paragraph of section 265 or section 266, 270 or 273.3, based on a fact referred to in any of paragraphs 1 to 5 of section 318.2, without hearing the insider again, unless it is in regard to one of those facts."

168. Sections 330.1, 330.5 and 330.6 of the Act are repealed.

169. Section 331 of the Act is amended by inserting "or Title V" after "Title III" in subparagraph 11.1 of the first paragraph.

170. Section 331.1 of the Act is amended by inserting the following paragraphs after paragraph 19.2:

"(19.3) prescribe the obligations of reporting issuers and their signing officers with respect to information release controls and procedures and to internal control of financial information, in particular concerning the design, implementation and maintenance of such controls, the assessment of their effectiveness and the disclosure of assessment results, their documentation, the monitoring of their modifications, any fraud related to them, and audit of internal control assessment;

"(19.4) establish rules relating to attestations that reporting issuers and their signing officers must provide concerning the internal control of financial information and information release controls and procedures;".

TRANSITIONAL AND FINAL PROVISIONS

171. Sections 7 to 10 of the Regulation under the Act respecting trust companies and savings companies, enacted by Order in Council 719-88 dated 18 May 1988 (1988, G.O. 2, 2124), are repealed.

172. Section 271.13 of the Securities Regulation, enacted by Order in Council 660-83 dated 30 March 1983 (1983, G.O. 2, 1269), is amended by replacing "Division II of Chapter II or Chapter III of Title III of the Act for failure to file a disclosed document" by "Title III of the Act for failure to file a periodic disclosure document".

173. The balance of the contingency reserve established by section 276.4 of the Securities Act (R.S.Q., chapter V-1.1) is paid into the contingency reserve provided for in section 38.3 of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2).

The balance of the assistance fund dedicated to developing, providing and delivering various services in the fields related to its mission and educating investors, established by Order in Council 1133-2002 dated 25 September 2002, as well as the sums collected since 1 February 2004 by the Autorité des marchés financiers under section 405.1 of the Act respecting insurance (R.S.Q., chapter A-32) are paid into the fund established under section 38.1 of the Act respecting the Autorité des marchés financiers.

Order in Council 1133-2002 dated 25 September 2002 is repealed.

174. A provisional administration instituted under the Act respecting insurance, the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3), the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) and the Securities Act before 27 May 2008 is governed by the law as it stands on the day it is instituted.

175. A licence issued under Division I of Chapter XVI of the Act respecting trust companies and savings companies, in force on 30 June 2008, is deemed to have been issued without an expiry date, unless it was issued for a period of less than one year or its period of validity was reduced to less than one year after it was issued.

176. A company governed by the Act respecting trust companies and savings companies whose application for a licence renewal was denied before 28 May 2008 continues to be prohibited from carrying on business in Québec except to wind up its business, and the non-renewal of the licence continues to have no effect on the company's obligations.

177. This Act comes into force on the date it is assented to, except section 8 insofar as it enacts sections 38.1 to 38.3 of the Act respecting the Autorité des marchés financiers, sections 46, 106 and 119 to 121, paragraphs 1 and 4 of section 133, section 162 insofar as it repeals section 276.4 of the Securities Act and sections 173, 175 and 176, which come into force on 1 July 2008, and sections 47, 76, 82, 83, 109 to 118, 122, 128 and 129, section 131 insofar as it enacts section 349.3, paragraph 3 of section 133, section 161, section 162 insofar as it repeals section 297.6, and sections 169 and 171, which come into force on the date or dates to be set by the Government.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 70
(2008, chapter 8)

An Act to amend the Act respecting health services and social services, the Health Insurance Act and the Act respecting the Régie de l'assurance maladie du Québec

Introduced 18 December 2007
Passed in principle 3 April 2008
Passed 27 May 2008
Assented to 28 May 2008

Québec Official Publisher
2008

EXPLANATORY NOTES

This Act introduces, for the purposes of the provisions of the Act respecting health services and social services that deal with regional storage services for certain information required in order to provide health services, the principle of implicit consent, by all persons who receive such services in Québec, to the storage of that information by an agency or institution the Minister authorizes to set up regional storage services or by the Régie de l'assurance maladie du Québec in the cases provided for by law. Accordingly, it sets out the operating rules that come into play when a person opts out of personal information storage.

This Act also provides that the information stored includes a copy of the historical data that relate to certain information.

It proposes amendments to the Health Insurance Act in order to clarify certain rules relating to the unique identification numbers that the Régie de l'assurance maladie du Québec assigns to persons who receive health services in Québec.

Lastly, this Act makes a number of consequential amendments to the Act respecting the Régie de l'assurance maladie du Québec.

LEGISLATION AMENDED BY THIS ACT:

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

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

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

Bill 70

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES, THE HEALTH INSURANCE ACT AND THE ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

1. Section 19.0.2 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended

(1) by inserting "expiration date of the health insurance card," after "insurance number," in the seventh and eighth lines of the first paragraph;

(2) by replacing everything after "for the purpose of" in the last sentence of the first paragraph by "verifying the validity or facilitating the transfer of the other information";

(3) by replacing "register of insured persons" at the end of the second paragraph by "register of users, after recording in the register the information referred to in the twelfth paragraph of section 65 of the Health Insurance Act (chapter A-29)".

2. Section 505 of the Act, amended by section 184 of chapter 32 of the statutes of 2005 and by section 31 of chapter 43 of the statutes of 2006, is again amended

(1) by replacing paragraph 24.1 by the following paragraph:

"(24.1) prescribe the manner in which and the terms under which a person may opt out of having the personal information referred to in section 520.9 sent, in accordance with section 520.17 or 520.18, to an agency or institution referred to in section 520.7 or to the Régie de l'assurance maladie du Québec, or the manner in which and the terms under which a person may opt back in to having personal information sent, following an earlier opting out;";

(2) by replacing paragraph 24.4 by the following paragraph:

"(24.4) in the cases and circumstances and under the conditions specified, exempt a health and social service provider giving health services to a person who has not opted out or to whom the provider dispenses drugs or samples,

from the obligation to send a copy of the information referred to in section 520.9 in accordance with section 520.17 or 520.18;".

3. Section 520.6 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

(1) by striking out paragraph 3;

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

"(4) voluntary participation and non-discrimination, in that each person must remain entirely free to opt out at any time of having the personal information referred to in section 520.9 sent, in accordance with section 520.17 or 520.18, to an authorized agency or institution or to the Régie de l'assurance maladie du Québec, and that the opting out must in no way imperil the person's right to have access to and receive the health services required by the person's state of health;".

4. Section 520.7 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005 and amended by section 34 of chapter 43 of the statutes of 2006, is again amended

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

"**520.7.** The Minister shall authorize an agency or an institution situated in the agency's area of jurisdiction to establish regional storage services for copies of the information referred to in section 520.9, including copies of the historical data that relate to information on the results of laboratory tests or analyses, including the results of laboratory function tests, the results of medical imaging examinations and immunization data, in respect of persons who receive health services in Québec, except a person who opts out of having personal information sent, in accordance with section 520.17 or 520.18, to such an agency or institution or to the Régie de l'assurance maladie du Québec to be stored.

The historical data for the information referred to in the first paragraph may not predate 1 January 2007, except if it concerns immunization data, in which case it may include all vaccines received.

The information that may be so stored is";

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

"Such an agency or institution and the Régie de l'assurance maladie du Québec must make sure, before receiving the information referred to in section 520.9, that the person concerned has not opted out of having personal information sent to the agency or institution.

For the purposes of the fourth paragraph, the date of confirmation that the person has not opted out is the date of

(1) the taking of samples, with respect to laboratory tests and analyses;

(2) the test, with respect to laboratory function tests;

(3) the medical imaging examination, with respect to such examinations;

(4) the filling of a prescription by a pharmacist, with respect to medication;

(5) the administration of a vaccine, with respect to immunization data; and

(6) the sending of information, with respect to information referred to in subparagraphs 1, 2, 3 and 8 of the first paragraph of section 520.9.

The agency or institution must make sure, before communicating information referred to in section 520.9, that the person concerned has not opted out of having personal information sent to the agency or institution.

For the purposes of the sixth paragraph, the date of confirmation that the person has not opted out is the date of the request for information by an authorized health and social service provider, subject to the eighth paragraph.

Despite a person's having opted out, the agency or institution may communicate the information concerning the person referred to in section 520.9 to an authorized health and social service provider if the provider previously accessed the information and establishes the need to do so again. In such a case, the provider's name and unique identification number must be sent to the agency or institution together with the reasons justifying access."

5. Section 520.8 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

(1) by replacing "who may give consent to the storage of personal information in accordance with Chapter IV of this Title" in the sixth and seventh lines of subparagraph 3 of the first paragraph by "in respect of whom an authorized agency or institution stores information";

(2) by replacing "An authorized agency or an institution" at the beginning of the second paragraph by "An authorized agency or institution".

6. Section 520.9 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005 and amended by section 35 of chapter 43 of the statutes of 2006 and by section 6 of chapter 31 of the statutes of 2007, is again amended

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

"**520.9.** The classes of information that an authorized agency or institution may store with the Minister's authorization and the information that those classes may include, in addition to the historical data that relate to the information referred to in subparagraphs 4, 5 and 7 of this paragraph, are as follows:";

(2) by inserting "and analyses" after "tests" in subparagraph 4 of the first paragraph;

(3) by replacing "immunological" in the first line of subparagraph 7 of the first paragraph by "immunization".

7. Section 520.11 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended by replacing "register of insured persons" at the end of the second paragraph by "register of users".

8. Sections 520.14 to 520.16 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, are replaced by the following sections:

"**520.14.** Persons who receive health services in Québec may at any time contact a local authority, the Régie de l'assurance maladie du Québec or any other person prescribed by regulation of the Government, in the manner and under the terms specified in the regulation, to opt out of having the personal information referred to in section 520.9 sent, in accordance with section 520.17 or 520.18, to an authorized agency or institution or to the Régie.

The right to opt out may be exercised by a person 14 years of age or over, by the holder of parental authority or the tutor of a person under 14 years of age, by the tutor or curator of a person of full age incapable of exercising that right or by the mandatary of a person when the mandate, given in anticipation of the person's inability, has been homologated.

The local authority or the person prescribed by regulation to receive opt-out registrations shall inform the Régie de l'assurance maladie du Québec of a registration as soon as it is received, by means of a signed document stating the name, sex and unique identification number of the person concerned and the date and place of receipt of the registration.

In the case of persons represented by the Public Curator, the latter may opt out on their behalf before the Régie de l'assurance maladie du Québec, in the manner and under the terms the Board determines.

"**520.15.** In addition, persons who have opted out may at any time contact a local authority, the Régie de l'assurance maladie du Québec or any other person prescribed by regulation of the Government, in the manner and under the terms specified in the regulation, to opt back in to having the personal information referred to in section 520.9 sent, in accordance with section 520.17 or 520.18, to an authorized agency or institution or to the Régie.

The local authority or the person prescribed by regulation to receive opt-in registrations under the first paragraph shall inform the Régie de l'assurance maladie du Québec of a registration as soon as it is received, by means of a signed document stating the name, sex and unique identification number of the person concerned and the date and place of receipt of the registration.

"**520.16.** Information on the purpose and objectives pursued in establishing regional storage services, the terms under which a person may opt out or opt back in following an earlier opting out, and the procedures for accessing, using, communicating, storing and destroying information stored under this Title must be published, in particular, on the website of the Ministère de la Santé et des Services sociaux. The information must specify that authorized health and social service providers are authorized, when providing services,

(1) to send, in keeping with their access profile and provided the person concerned has not opted out of having the personal information referred to in section 520.9 sent,

(*a*) a copy of the information referred to in subparagraphs 1 to 3 and 5 to 8 of the first paragraph of section 520.9 to the authorized agency or institution in the area of jurisdiction of an agency where health services are provided or, exceptionally, in the area of jurisdiction of the agencies the Minister specifies;

(*b*) a copy of the information on the results of a laboratory test or analysis to the authorized agency or institution in the area of jurisdiction of the agency that sent a request for the laboratory test or analysis, including laboratory function tests, or, exceptionally, to the authorized agency or institution in the area of jurisdiction of the agencies the Minister specifies; and

(*c*) a copy of the information concerning medication referred to in subparagraph 6 of the first paragraph of section 520.9 to the Régie de l'assurance maladie du Québec if the services are provided by a pharmacist practising in a community pharmacy; and

(2) to receive, in keeping with their access profile and, subject to the eighth paragraph of section 520.7, provided the person concerned has not opted out, a copy of the information referred to in section 520.9 and stored by the authorized agency or institution and by the Régie de l'assurance maladie du Québec."

9. Section 520.17 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

(1) by replacing "who consented to" in the fifth line of the first paragraph by "who has not opted out of";

(2) by replacing "who consented to" in the third line of the second paragraph by "who has not opted out of";

(3) by replacing "a confirmation of the existence and validity of the consent obtained from the register of consent given and consent revoked kept by the Régie in accordance with subparagraph *h*.5 of the second paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec" in the third, fourth, fifth, sixth and seventh lines of the third paragraph by "confirmation from the opting out register kept by the Régie in accordance with subparagraph *h*.5 of the second paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec that the person has not opted out of personal information storage".

10. Section 520.18 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended by replacing paragraph 2 by the following paragraph:

"(2) confirmation that the person concerned has not opted out of having personal information sent to an authorized agency or institution or to the Régie de l'assurance maladie du Québec; and".

11. Section 520.19 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

(1) by adding ", as well as confirmation, if applicable, that the Régie holds or stores information referred to in subparagraph 6 of the first paragraph of section 520.9" at the end of the first paragraph;

(2) by replacing "of the existence and validity of that person's consent" in the last two lines of the second paragraph by "from the opting out register kept by the Régie in accordance with subparagraph *h*.5 of the second paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec that the person has not opted out of personal information storage".

12. Section 520.22 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

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

"(1) functions relating to the registration of a person's opting out of having the personal information referred to in section 520.9 sent, in accordance with section 520.17 or 520.18, to an authorized agency or institution or to the Régie de l'assurance maladie du Québec or of a person's opting back in to having personal information sent, following an earlier opting out;";

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

"(3) functions relating to the management of the opting out register, set out in subparagraph *h*.5 of the second paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec;".

13. Section 520.23 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

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

"**520.23.** Subject to the eighth paragraph of section 520.7, opting out renders any information previously stored on a person inactive. That information may not be destroyed until five years after the period of use prescribed under section 520.10.";

(2) by replacing "again expresses a wish to have the information referred to in section 520.9 stored in accordance with this Title" in the first and second lines of the second paragraph by "opts back in to having the information referred to in section 520.9 stored in accordance with this Title, following an earlier opting out";

(3) by striking out everything after "used" in the second paragraph;

(4) by replacing "agency or institution authorized to store it" in the third line of the third paragraph by "authorized agency or institution or to the Régie de l'assurance maladie du Québec".

14. Section 520.24 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is replaced by the following section:

"**520.24.** When a person dies, the Régie de l'assurance maladie du Québec, when informed of the death, registers the person as having opted out.

Information on the person is destroyed five years after such registration."

15. Section 520.25 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended by replacing the first paragraph by the following paragraph:

"**520.25.** An agency or institution may, during the period of use referred to in section 520.23 and subject to the eighth paragraph of section 520.7, communicate to an authorized health and social service provider, according to the access profile assigned to the provider, the information it stores or that the Régie de l'assurance maladie du Québec stores or holds in respect of a person who has not opted out under section 520.14, whatever the area of jurisdiction or territory in which that health and social service provider provides services to the person."

16. Section 520.26 of the Act, enacted by section 189 of chapter 32 of the statutes of 2005, is amended

(1) by replacing "of the existence and validity of consent, in the cases provided for in this Title" in subparagraph 4 of the second paragraph by ", in the cases provided for in this Title, that a person has not opted out of having

the personal information referred to in section 520.9 sent, in accordance with section 520.17 or 520.18, to an authorized agency or institution or to the Régie de l'assurance maladie du Québec";

(2) by replacing "referred to in section 520.9 concerning a person who consented to the storage" in the second line of subparagraph 5 of the second paragraph by "concerning a person referred to in section 520.9";

(3) by replacing "or" at the beginning of the third line of subparagraph 5 of the second paragraph by "and, if applicable,";

(4) by striking out everything after "that section" in subparagraph 5 of the second paragraph.

HEALTH INSURANCE ACT

17. Sections 9.0.1.1 and 9.0.1.2 of the Health Insurance Act (R.S.Q., chapter A-29) are replaced by the following sections:

"**9.0.1.1.** The unique identification number assigned in accordance with the third paragraph of section 9 or section 9.0.1 or the eleventh paragraph of section 65 must be constituted so as not to disclose, of itself, information concerning the person to whom it is assigned.

The unique identification number may not be printed on a health insurance card or eligibility card or any other card or medium to be carried by its holder. The number may, however, be entered on such a card or medium by a technological means that ensures its confidentiality.

"**9.0.1.2.** The unique identification number assigned to a person by the Board may not be used, requested, required or noted by another person except for purposes relating to the organizing, planning, or dispensing of services or the provision of goods or resources in the field of health or social services, or for the purposes of the storage services provided for in Title II of Part III.1 of the Act respecting health services and social services (chapter S-4.2), in order to allow the person to be unequivocally identified.

However, the Board and agencies or institutions authorized under section 520.7 of the Act respecting health services and social services may use the number for statistical purposes, provided the statistics cannot be associated with a specific person and the unique identification number is not disclosed.

In addition, a unique identification number may be used only in a manner that ensures its confidentiality. The Minister may make a regulation prescribing security standards to ensure the confidentiality of unique identification numbers.

"**9.0.1.3.** A natural person is guilty of an offence and is liable to a fine of $6,000 to $30,000 and a legal person is guilty of an offence and is liable to a fine of $12,000 to $60,000 if that person contravenes section 9.0.1.1 or 9.0.1.2."

18. Section 63 of the Act, amended by section 239 of chapter 32 of the statutes of 2005 and by section 3 of chapter 31 of the statutes of 2007, is again amended by inserting ", except the information referred to in subparagraphs 2 and 10 of the first paragraph of section 2.0.0.2 of the Act respecting the Régie de l'assurance maladie du Québec" at the end of the first sentence of the third paragraph.

19. Section 65 of the Act, amended by section 27 of chapter 21 of the statutes of 2007, is again amended

(1) by inserting "the following information" after "forward" in the third line of the fifth paragraph, by replacing "or, where applicable, to" in the sixth line of that paragraph by ", in order to unequivocally identify a person who receives health services or social services or, where applicable, in order to", and by striking out ", the following information" in the ninth and tenth lines of that paragraph;

(2) by replacing everything after "qu'aux seules fins" in the last sentence of the fifth paragraph in the French text by "de vérifier la validité des autres renseignements ou d'en faciliter le transfert";

(3) by replacing "register of insured persons" in the eleventh paragraph by "register of users";

(4) by striking out the last sentence of the eleventh paragraph;

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

"The Board shall store, in respect of a person referred to in the eleventh paragraph, the following information that it receives from an institution or a health professional: the person's name, date of birth, sex, address, language code and telephone number, as well as the names of the person's parents or legal representative, the person's social insurance number or the number and title of an official document issued by a state authority establishing the person's identity and, if applicable, the date of the person's death. The Board shall also store the unique identification number it assigned to the person in accordance with the eleventh paragraph.

The Board may forward the information referred to in the twelfth paragraph to an institution or a health professional, in order that the information contained in the institution's or health professional's local files or index be up-to-date, accurate and complete, or in order to unequivocally identify a person who receives health services or social services. The social insurance number may only be forwarded to verify the validity or facilitate the transfer of the other information.

Despite any inconsistent provision of a general law or special Act, an institution or a health professional may, in order that the information contained in the institution's or health professional's local files or index be up-to-date, accurate and complete, or in order to unequivocally identify a person who receives health services or social services, forward the information referred to in the fifth or twelfth paragraph to the Board."

ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

20. Section 2 of the Act respecting the Régie de l'assurance maladie du Québec (R.S.Q., chapter R-5), amended by section 287 of chapter 32 of the statutes of 2005 and by section 1 of chapter 31 of the statutes of 2007, is again amended

(1) by replacing subparagraph *h*.5 of the second paragraph by the following subparagraph:

"(*h*.5) establish and keep up to date a register of persons who opt out of having the personal information referred to in section 520.9 of the Act respecting health services and social services (chapter S-4.2) sent, in accordance with section 520.17 or 520.18 of that Act, to an authorized agency or institution or to the Régie de l'assurance maladie du Québec to be stored;";

(2) by replacing subparagraph *h*.6 of the second paragraph by the following subparagraph:

"(*h*.6) provide a service enabling an authorized health and social service provider within the meaning of section 520.20 of the Act respecting health services and social services to locate, from among the agencies and institutions referred to in section 520.7 of that Act, those that store the information concerning a person referred to in section 520.9 of that Act, and to know if the Board stores or holds information concerning that person referred to in subparagraph 6 of the first paragraph of that section, and, on the request of such a health and social service provider, forward to that provider the list of those agencies or institutions along with the unique identification number of the person concerned and, if applicable, confirmation that the Board holds or stores such information;".

21. Section 2.0.2 of the Act, enacted by section 288 of chapter 32 of the statutes of 2005, is amended by replacing "consented to its doing so and that the consent remains valid and was not revoked" in the fourth and fifth lines by "has not opted out of having the personal information referred to in section 520.9 of the Act respecting health services and social services sent, in accordance with section 520.17 or 520.18 of that Act, to an authorized agency or institution or to the Board".

22. Section 2.0.3 of the Act, enacted by section 288 of chapter 32 of the statutes of 2005 and amended by section 38 of chapter 40 of the statutes of 2005, is again amended by inserting ", in non-nominative form," after "communicate" in the first line of the second paragraph and by replacing ", in non-nominative form, concerning a person who has consented to the storage of personal information and" in the third, fourth and fifth lines of that paragraph by "concerning a person".

23. Section 2.0.4 of the Act, enacted by section 288 of chapter 32 of the statutes of 2005, is replaced by the following section:

"**2.0.4.** To keep the opting out register referred to in subparagraph *h*.5 of the second paragraph of section 2 up to date, the Board, when informed of a death, shall register the deceased person as having opted out."

24. Section 2.0.5 of the Act, enacted by section 288 of chapter 32 of the statutes of 2005, is amended

(1) by replacing "an insured person" in the second and third lines of the second paragraph by "a person";

(2) by replacing ", in respect of a person having consented to it, the information" in the third and fourth lines of the third paragraph by "the information concerning a person".

25. No information referred to in section 520.9 of the Act respecting health services and social services may be sent to an authorized agency or institution or to the Régie de l'assurance maladie du Québec to be stored until 45 days after the date on which sections 520.5 to 520.32 of that Act take effect, under an order in council made by the Minister under section 322 of that Act, in the area of jurisdiction of an agency in which the person concerned resides.

26. Within 15 days after receiving it and not later than 15 June 2009, the Minister tables in the National Assembly the assessment report on the experimental Québec health record project implemented in the area of jurisdiction of the Agence de la santé et des services sociaux de la Capitale-Nationale.

The report is sent to the competent parliamentary committee for examination within 60 days after its tabling.

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

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 73
(2008, chapter 9)

Real Estate Brokerage Act

Introduced 18 December 2007
Passed in principle 30 April 2008
Passed 27 May 2008
Assented to 28 May 2008

Québec Official Publisher
2008

EXPLANATORY NOTES

This Act replaces the Real Estate Brokerage Act to reform the supervision of real estate brokerage in Québec. To that end, it replaces the Association des courtiers et agents immobiliers du Québec by a self-regulatory organization, the Organisme d'autoréglementation du courtage immobilier du Québec, whose sole mission is to protect the public. It also substitutes the self-regulatory organization for the industry compensation fund, whose rights it acquires and obligations it assumes.

This Act provides for the appointment of a syndic and, if necessary, of assistant syndics. To protect the public, it further provides for the establishment of an inspection committee, a syndic decision review committee and a discipline committee within the self-regulatory organization. It introduces licences in replacement of certificates, and stipulates that a real estate or mortgage broker's licence may be held by a natural person only while a real estate or mortgage broker agency licence may be held by any person or partnership.

Moreover, this Act gives the board of directors of the self-regulatory organization full regulatory powers, except the power to make regulations applicable to persons who carry on real estate leasing brokerage activities on behalf of senior citizens or physically or mentally vulnerable persons, and makes the organization's regulations subject to government approval.

As well, it provides that persons who carry on real estate leasing brokerage activities on behalf of senior citizens or physically or mentally vulnerable persons are exempted from the application of the new Act and ensuing regulations to the extent and on the conditions determined by government regulation.

This Act sets rules pertaining to the brokerage of loans secured by immovable hypothec and repeals the provisions of the Act respecting the distribution of financial products and services relating to mortgage brokers.

Lastly, this Act makes consequential amendments and contains transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

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

– Act respecting the Agence nationale d'encadrement du secteur financier (2002, chapter 45).

LEGISLATION REPLACED BY THIS ACT:

– Real Estate Brokerage Act (R.S.Q., chapter C-73.1).

Bill 73

REAL ESTATE BROKERAGE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

SCOPE

1. This Act applies to any person or partnership that, for others and in return for remuneration, engages in a brokerage transaction relating to

(1) the purchase or sale of immovable property, a promise to purchase or sell immovable property, or the purchase or sale of such a promise;

(2) the lease of immovable property, when the person or partnership acting as an intermediary carries on an enterprise in that field;

(3) the exchange of immovable property;

(4) a loan secured by immovable hypothec; or

(5) the purchase or sale of an enterprise, a promise to purchase or sell an enterprise, or the purchase or sale of such a promise, under a single contract, if the enterprise's property, according to its market value, consists mainly of immovable property.

However, this Act does not apply to a transaction of securities within the meaning of the Securities Act (R.S.Q., chapter V-1.1).

2. Unless they use a title that is restricted under this Act, the following persons are not subject to this Act when engaging in a brokerage transaction described in section 1 in the course of their functions:

(1) advocates and notaries;

(2) liquidators, sequestrators, trustees in bankruptcy, sheriffs and bailiffs;

(3) tutors, curators, liquidators of a succession and trustees;

(4) provisional administrators appointed under the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2); and

(5) chartered appraisers engaging in activities mentioned in paragraph *j* of section 37 of the Professional Code (R.S.Q., chapter C-26).

3. Unless they use a title that is restricted under the law, the following persons and partnerships are not subject to this Act with regard to the brokerage transactions specified:

(1) banks, financial services cooperatives, insurance companies, mutual insurance associations, mutual benefit associations, savings companies and trust companies, and their employees and exclusive representatives when acting on behalf of their financial institution, in the context of a brokerage transaction relating to a loan secured by immovable hypothec;

(2) a member in good standing of a professional order or a person or partnership governed by an Act administered by the Autorité des marchés financiers who only gives a client the name and contact information of a person or partnership offering loans secured by immovable hypothec or otherwise merely puts them in contact with each other, provided the member, person or partnership does so as an ancillary activity;

(3) an employee who, in the course of the employee's principal occupation, engages in a brokerage transaction described in section 1 for the employer's account, provided the latter is not a broker or an agency;

(4) forest engineers who engage in a brokerage transaction relating to forest property;

(5) members in good standing of a professional order of accountants mentioned in Schedule I to the Professional Code who engage in a brokerage transaction relating to a loan secured by immovable hypothec, the purchase or sale of an enterprise, a promise to purchase or sell an enterprise, or the purchase or sale of such a promise;

(6) chartered administrators who lease out an immovable they manage, or engage in a brokerage transaction relating to a loan secured by immovable hypothec with regard to an immovable they manage;

(7) trust companies that engage in a brokerage transaction described in section 1 with regard to immovable property they hold or administer for others;

(8) a superintendent or manager of property held in divided co-ownership who acts as an intermediary to lease out a fraction of the property for and on behalf of the owner or syndicate, gives a co-owner the name and contact information of a potential buyer or lessee of the co-owner's fraction or otherwise merely puts them in contact with each other;

(9) a superintendent of a rental residential immovable who leases out the property for and on behalf of the owner;

(10) a property manager who acts exclusively for a property owner and who, for the benefit of that owner, engages in a brokerage transaction relating to the leasing out of an immovable;

(11) an employee or property manager who works for a subsidiary enterprise that is at least 90% controlled by the property owner, and who engages in a brokerage transaction relating to the leasing out of an immovable, provided the employee or manager acts exclusively for the property owner;

(12) the spouse, child, father, mother, brother or sister of the owner of an immovable who engages in a brokerage transaction described in section 1;

(13) the sole shareholder of a legal person who engages in a brokerage transaction described in section 1 for that legal person; and

(14) a person or partnership that operates a brokerage enterprise to lease out immovable property and that, in accordance with the rules determined by government regulation, engages in a brokerage transaction exclusively on behalf of senior citizens or persons who are physically or mentally vulnerable.

CHAPTER II

REAL ESTATE BROKERAGE AND MORTGAGE BROKERAGE

DIVISION I

REAL ESTATE BROKER AND MORTGAGE BROKER

4. Subject to sections 2 and 3 and special authorizations from the real estate self-regulatory organization known as the Organisme d'autoréglementation du courtage immobilier du Québec (the "Organization"), no person except the holder of a broker's licence issued by the Organization may act as or purport to be a real estate or mortgage broker.

A real estate broker is a natural person who engages in a brokerage transaction described in section 1.

A mortgage broker is a natural person who engages exclusively in brokerage transactions relating to loans secured by immovable hypothec.

A person who contravenes this section may not claim or receive remuneration for services rendered.

5. A broker's licence is issued to applicants who meet the requirements set out in this Act.

6. A broker must have an establishment in Québec. In the case of a broker who acts on behalf of an agency, the broker's establishment is the agency's establishment.

A notice of the address of the establishment and any change of address must be sent to the Organization.

7. A broker, when new to the occupation, must carry on brokerage activities for an agency for the period set out in the Organization's regulations before the broker may work for the broker's own account or become an executive officer of an agency.

8. A broker must pay into the insurance fund the civil liability insurance premium determined by resolution of the Organization.

If no insurance fund has been established, the broker must take out civil liability insurance as specified in the Organization's regulations or, in the cases prescribed in the Organization's regulations, give security or a guarantee in lieu of security.

9. The licence of a broker who fails to comply with section 8 is suspended by operation of law.

The broker may, subject to the conditions prescribed in the Organization's regulations, have the suspension lifted as soon as the broker is in compliance with section 8.

10. All money received by a broker in the course of the broker's functions that does not belong to the broker must be deposited in a trust account as specified in the Organization's regulations.

The interest earned on money held in trust that is not claimed by the person who is entitled to the interest must be paid into the financing fund established under section 47, as specified in the Organization's regulations.

11. A broker may not, while acting on behalf of an agency, act on behalf of another agency or work on the broker's own account.

A broker who acts on behalf of an agency must present himself or herself as such to the public.

12. A broker who represents an agency is solidarily liable for any prejudice caused by the breach of a brokerage contract.

DIVISION II

REAL ESTATE AND MORTGAGE BROKER AGENCIES

13. Subject to sections 2 and 3 and special authorizations from the Organization, no person or partnership except the holder of an agency licence issued by the Organization may act as or purport to be a real estate or mortgage broker agency.

A real estate agency is a person or partnership that engages in brokerage transactions described in section 1 through the intermediary of one or more brokers licensed by the Organization.

A mortgage broker agency is a person or partnership that, through the intermediary of one or more mortgage brokers, engages exclusively in brokerage transactions relating to loans secured by immovable hypothec.

14. An agency licence is issued to the persons and partnerships that meet the requirements set out in this Act.

15. An agency must have an establishment in Québec.

A notice of the address of the agency's principal establishment in Québec and any change of address must be sent to the Organization.

16. An agency must disclose the names of its brokers to the Organization and inform the Organization of any changes in this regard.

17. An agency must pay into the insurance fund the civil liability insurance premium determined by resolution of the Organization.

If no insurance fund has been established, the agency must take out civil liability insurance as specified in the Organization's regulations or give security or a guarantee in lieu of security in the cases prescribed in the Organization's regulations.

18. An agency is liable for any injury caused to a person or partnership by the fault of one of its brokers in the performance of the broker's functions.

The agency nevertheless has a right of action against the broker concerned.

19. An agency and its directors and executive officers must oversee the conduct of the brokers who represent the agency and ensure that they comply with this Act.

20. An agency must ensure that its directors, executive officers and employees comply with this Act.

DIVISION III

DISCLOSURE, REPRESENTATION AND PUBLICITY

21. Brokers, agencies and the directors and executive officers of agencies must act with honesty, loyalty and competence. They must also disclose any conflict of interest.

The rules governing the disclosure of conflicts of interest are set out in the Organization's regulations.

22. Representations made by brokers and agencies, and the real estate advertising and information they disseminate to the public for promotional purposes, must comply with the rules set out in the Organization's regulations.

Those rules also apply to franchisers and to any person or partnership that promotes real estate or mortgage brokerage services.

The Organization may also, by regulation, set out specific or supplementary rules to govern advertising by franchisers, franchisees and sub-franchisees.

CHAPTER III

CONTRACTS CONCERNING CERTAIN RESIDENTIAL IMMOVABLES

23. This chapter applies to contracts between a person or partnership and a broker or agency under which the broker or agency undertakes to act as an intermediary for the purchase, sale, lease or exchange of

(1) part or all of a chiefly residential immovable comprising less than five dwellings; or

(2) a fraction of a chiefly residential immovable that is subject to an agreement or declaration under articles 1009 to 1109 of the Civil Code of Québec (1991, chapter 64).

24. The contract is formed when both parties have signed it.

25. The broker or agency must give a duplicate of the contract to the client.

The client is not bound to perform the client's obligations under the contract before being in possession of a duplicate of the contract.

The contract may be a paper document or it may be on any medium that allows it to be printed and ensures its integrity.

26. The rules governing the contract are set out in the Organization's regulations.

The contract cannot be invalidated on the sole grounds that one of its provisions contravenes this chapter or that it does not include all the information or particulars required by regulation.

27. An agreement requiring a client, for a specified period after a contract expires, to remunerate a broker even if the purchase, sale, lease or exchange of an immovable occurs after the contract expires, is without effect.

However, the first paragraph does not apply if the agreement provides for the remuneration of the broker when

(1) the contract is stipulated as exclusive;

(2) the purchase, sale, lease or exchange involves a person who became interested in the immovable while the contract was in force; and

(3) the transaction occurs not more than 180 days after the contract expiry date and, during that period, the client did not enter into a contract stipulated as exclusive with another broker for the purchase, sale, lease or exchange of the immovable.

28. Despite any stipulation to the contrary, the client may terminate the contract at the client's discretion within three days after receiving a duplicate of the contract signed by the two parties, unless the client has written in its entirety and signed a waiver.

The contract is terminated by operation of law as of the sending or delivery of a written notice to the broker or to the agency.

29. The broker or agency may not claim any remuneration with regard to a contract terminated under section 28, unless a purchase, sale, lease or exchange meeting the conditions specified in section 27 occurs.

30. The client may not, by special agreement, waive the rights conferred by this chapter.

CHAPTER IV

ORGANISME D'AUTORÉGLEMENTATION DU COURTAGE IMMOBILIER DU QUÉBEC

DIVISION I

ESTABLISHMENT, MISSION AND POWERS

31. The Organisme d'autoréglementation du courtage immobilier du Québec is established.

The Organization is a legal person.

32. The Organization's mission is to protect the public in real estate and mortgage brokerage dealings by enforcing rules of professional conduct and by inspecting the affairs of brokers and agencies. It is to ensure, among other things, that the transactions engaged in by brokers and agencies are compliant with the law.

It may also dispense training courses for brokers and agency executive officers, with the exception of basic training courses, and award the titles referred to in section 48.

33. The Minister may ask the Organization to take specified guidelines and objectives into account in the pursuit of its mission.

The Minister may require the Organization to give its opinion on any question the Minister submits to it concerning matters under its jurisdiction.

The Minister may also require the Organization to amend its internal by-laws as directed by the Minister.

34. The Organization acts as conciliator or mediator in disputes between a broker or an agency and a client, if the parties so request. The same holds for disputes between brokers, between agencies, or between brokers and agencies; if all the parties are members of a real estate board, the Organization may only take on this role to protect the public.

The Organization may also arbitrate accounts between a broker or an agency and a client.

35. The Organization may, by motion, apply to a judge of the Superior Court for an injunction in respect of any matter relating to this Act, including an injunction to stop the dissemination of non-compliant advertising and compel the advertiser to rectify it, within the time and in the manner determined by the Court.

A motion for an injunction constitutes a proceeding in itself.

The rules set out in the Code of Civil Procedure (R.S.Q., chapter C-25) apply to such a proceeding, except that the Organization is not required to give security.

36. The Organization may make a search in accordance with the Code of Penal Procedure (R.S.Q., chapter C-25.1).

37. The Organization may refuse to issue a licence or may impose restrictions or conditions on a licence

(1) if the applicant's licence has previously been revoked, suspended or made subject to restrictions or conditions by the discipline committee, by a

body in Québec responsible for overseeing and monitoring real estate brokerage, or by such a body in another province or State;

(2) if the applicant has made an assignment of property or been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3);

(3) if the applicant has previously been convicted, by a court, of an offence or act which, in the Organization's opinion, is brokerage-related, or has pleaded guilty to such an offence or act; or

(4) if the applicant has been assigned a tutor, curator or adviser.

38. The Organization may suspend, revoke, or impose restrictions or conditions on a licence

(1) if the holder's licence has previously been revoked, suspended or made subject to restrictions or conditions by the discipline committee, by a body in Québec responsible for overseeing and monitoring real estate brokerage, or by such a body in another province or State;

(2) if the holder has made an assignment of property or been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act;

(3) if the holder has previously been convicted by a court of law of an offence or act which, in the Organization's opinion, is brokerage-related, or has pleaded guilty to such an offence or act; or

(4) if the holder has been assigned a tutor, curator or adviser.

39. The Organization informs the syndic of any decision under section 38 and the decision serves as a notice under section 84. A decision made under paragraph 3 of section 38 is valid

(1) until the syndic or assistant syndic decides not to file a complaint; or

(2) until the discipline committee renders a final, enforceable decision on a complaint filed by the syndic or assistant syndic.

A decision of the Organization under section 38 must be served immediately on the broker or the agency in accordance with the Code of Civil Procedure.

40. The Organization may, according to the terms set out in its regulations, suspend, revoke, impose restrictions or conditions on or refuse to issue a licence, provided this does not impair the authority of the discipline committee.

41. For the purposes of sections 37, 38 and 40, the Organization serves notice on the applicant or the licence holder, at least 15 days in advance of the date on which the applicant or the licence holder may submit its observations.

The allegations against the applicant or the licence holder are set out in the notice.

42. The Organization may delegate its functions and powers under sections 37 to 39 and 41 to a committee.

The operating rules of such a committee, including those concerning its composition and decision-making, are to be determined by regulation of the Organization.

43. Any appeal from a decision made by the Organization under section 37, 38 or 40 is brought before the Court of Québec.

An appeal does not suspend the contested decision unless a judge of the Court of Québec decides otherwise.

The appeal is brought by filing a notice of appeal with the Organization within 30 days after the date of service of the contested decision.

44. The Organization sends the record to the Court of Québec.

45. The Organization may, after informing the Minister, negotiate and enter into an agreement in connection with its mission with any person or body, including a government or a government department or body.

However, if the person or body is outside Québec, the agreement is subject to the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) or the Act respecting the Ministère des Relations internationales (R.S.Q., chapter M-25.1.1), as the case may be.

The Minister or the Government, as the case may be, may terminate, or require the modification of, any agreement entered into by the Organization, after giving the Organization an opportunity to submit observations.

46. In addition to its regulatory powers under this Act, the Organization may determine, by regulation,

(1) rules governing the training required to become a broker and the examination to be taken by prospective brokers;

(2) additional training and the specific circumstances under which such training is compulsory for all or some of an agency's brokers or executive officers;

(3) the terms and conditions governing the issue, suspension or revocation of a licence, and the cases in which restrictions or conditions may be imposed on a licence;

(4) the licence fees to be paid;

(5) the rules of professional conduct applicable to brokers and to executive officers of an agency;

(6) the information and documents to be provided by a prospective broker, a broker or an agency;

(7) the particulars a licence must contain;

(8) the requirements to be met in order to engage in a brokerage transaction described in section 1;

(9) the nature, form and tenor of the books and registers that must be kept by brokers and agencies, as well as rules for the preservation, use and destruction of records, books and registers;

(10) rules for opening and maintaining a trust account, as well as the terms and conditions governing deposits and withdrawals;

(11) the brokerage transactions that, with special authorization, may be engaged in occasionally or from time to time, the persons, partnerships or groups of persons or partnerships, other than brokers and agencies, that may engage in such transactions and the terms and conditions governing and the fees chargeable for such transactions;

(12) the qualifications required of executive officers of an agency;

(13) the form of contracts or forms, other than a contract referred to in section 26, how and when they may be used, the particulars and stipulations which must or must not appear in certain contracts or forms and those that supplement intention;

(14) the activities that brokers and agencies may not engage in;

(15) the terms and conditions governing the eligibility of claims submitted to the indemnity committee and the payment of indemnities;

(16) the maximum amount of indemnities that may be paid with regard to the same claim; and

(17) the fee that must be paid by brokers and agencies to the Organization for payment into the Real Estate Indemnity Fund, according to the licence they hold and the date of their registration with the Organization, as well as the terms of payment for that fee.

47. The Organization must, by regulation, establish a financing fund made up of the interest earned on the money held in trust, and determine rules for the administration of the fund and the terms of payment of interest into the fund.

48. The Organization may determine, by regulation, the specialist titles a broker may use and the terms and conditions governing the conferral and withdrawal of those titles.

49. The Organization may, for the purposes of any regulation, establish special or supplementary rules for real estate brokers, mortgage brokers, real estate agencies or mortgage broker agencies.

50. Sixty days after serving on the Organization a formal notice enjoining it to adopt regulations as provided in this Act, the Government may exercise that regulatory power itself.

Such regulations are deemed to be regulations of the Organization.

51. The Organization must consult the Chambre des notaires before approving a brokerage contract or form.

52. The Organization may establish an insurance fund and require licence holders to subscribe to it.

The Organization determines, by resolution, the premium a broker or an agency must pay according to any criteria determined by regulation of the Organization.

Sections 174.1 to 174.11 and 174.13 to 174.18 of the Act respecting insurance (R.S.Q., chapter A-32) apply, with the necessary modifications, to the insurance fund established by the Organization.

If it establishes an insurance fund, the Organization is an insurer within the meaning of the Act respecting insurance.

53. The insurance fund established by the Organization is authorized to provide liability insurance to any person whose activities are governed by this Act.

The Organization may not communicate information about an insured person except for the purposes for which the fund was established.

DIVISION II

OPERATION

54. The Organization adopts and brings into force internal by-laws establishing its operating rules.

The internal by-laws are ratified at the following general meeting.

55. The Organization has its head office in Québec at the place specified in its internal by-laws.

A notice of the address of the Organization's head office and any change of address is published in the *Gazette officielle du Québec*.

56. The Organization calls a general meeting of licence holders every year, as specified in its internal by-laws.

Licence holders may take part in the general meeting from separate locations, in the cases and on the conditions set out in the internal by-laws.

57. The affairs of the Organization are administered by a board consisting of 11 directors appointed or elected for a term of three years.

58. After consulting the Organization and various groups in the socioeconomic sector, the Minister appoints three directors who are neither brokers nor directors or executive officers of an agency.

The licence holders elect from their number the other members of the board of directors, in the manner set out in the Organization's internal by-laws.

A person may not be appointed or elected a director or remain a director if the person is or becomes a director or executive officer of an association or enterprise whose purpose is to defend the interests of real estate brokers, agencies or franchisers.

A director may not hold any other remunerated position with the Organization.

59. At the end of their term, directors remain in office until they are replaced, re-appointed or re-elected.

60. A director who has a direct or indirect interest in an enterprise that places the director's personal interest in conflict with the Organization's interest must, on pain of forfeiture of office, disclose that personal interest and abstain from participating in any decision involving the enterprise. The director must also withdraw from a meeting for the duration of discussions on the matter.

61. The Organization is subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

DIVISION III

FINANCIAL PROVISIONS AND DOCUMENTS

62. The Organization's activities are financed out of the licence fees paid by licence holders under paragraph 4 of section 46 and the other amounts payable to the Organization under this Act.

63. The Organization keeps a register of licence holders.

The register must contain each broker's name, the titles the broker may use, the address where the broker carries on brokerage activities and, if applicable, the name of the agency the broker represents and any restrictions or conditions on the broker's licence.

The register must contain each agency's name, the address of the agency's head office, the restrictions or conditions on the agency's licence, and the names of the brokers through whose intermediary the agency carries on its activities.

The register must also contain any other information the Organization considers appropriate.

64. The Organization must have its books and accounts audited by an auditor every year.

If the Organization fails to do so, the Minister may have the audit conducted and may, for that purpose, designate an auditor whose remuneration is borne by the Organization.

65. The auditor has access to all the Organization's books, registers, accounts, other accounting records and vouchers. Any person having custody of such documents must facilitate their examination by the auditor.

The auditor may require the information and documents needed to conduct the audit from the Organization's directors, executive officers, mandataries or employees.

66. The auditor may require a meeting of the board of directors on any matter related to the audit.

67. The fiscal year of the Organization ends on 31 December.

68. Within four months after the end of its fiscal year, the Organization sends the Minister its audited annual report showing its financial position and activities for the preceding fiscal year.

The report must contain any other information required by the Minister.

The report is laid before the National Assembly by the Minister within 30 days after receiving it or, if the Assembly is not sitting, within 30 days after resumption.

69. The Organization must send the Minister, on request, any statements, statistical data, reports, documents or other information the Minister considers appropriate for the purposes of this Act, in the form and on the dates specified by the Minister.

CHAPTER V

ASSISTANCE, INSPECTION, DISCIPLINE AND COMPENSATION

DIVISION I

ASSISTANCE SERVICE

70. An assistance service is set up within the Organization.

The role of the assistance service is, among other things, to provide a first examination of any request addressed to the Organization, to decide how requests should be handled and to assist anyone in presenting a request.

The service exercises the Organization's power under the second paragraph of section 34.

71. The assistance service must notify the syndic immediately if it has reasonable grounds to believe that an offence under this Act has been committed.

72. The assistance service must inform the initiator of a request that, if not satisfied with how the request has been settled, the initiator may request that the assistance service forward the request to the syndic.

DIVISION II

INSPECTION COMMITTEE

73. An inspection committee is appointed within the Organization.

74. The role of the inspection committee is to oversee the activities of brokers and agencies, in particular by auditing their records, accounts, books and registers.

75. The inspection committee may make any recommendation it considers appropriate to a broker or agency that has been inspected.

If the committee notes that an offence under this Act has been committed, it must notify the syndic.

The committee may also require a broker or an executive officer of an agency to successfully complete a course or to take any other training program. The broker or executive officer may request that this decision be reviewed by the Organization's board of directors.

76. The inspection committee's operating rules, including those applicable to its composition, are set out in the Organization's regulations.

77. An inspection may be conducted on the Organization's request or on the inspection committee's own initiative.

78. A person conducting an inspection under this division may

(1) enter the establishment of the broker or agency concerned at any reasonable hour;

(2) examine and make copies of the books, registers, accounts, records and other documents relating to the activities of the broker or agency; and

(3) require any information or document relating to the carrying out of this Act.

A person having custody, possession or control of the books, registers, accounts, records and other documents must, on request, make them available to the person conducting the inspection and facilitate their examination, regardless of the storage medium and the means by which they may be accessed.

79. A person conducting an inspection must, on request, provide identification and produce a certificate of authority signed by the secretary of the Organization.

80. No one may hinder the work of or mislead a person conducting an inspection.

81. The inspection committee must submit an annual report to the Organization, on the date and in the form the Organization determines.

DIVISION III

SYNDIC

82. The Organization appoints a syndic and, if necessary, one or more assistant syndics.

The rules for appointing the syndic and assistant syndics and any replacements are set out in the Organization's regulations.

83. Assistant syndics exercise their functions under the direction of the syndic and have all the powers of the syndic.

84. The role of the syndic is to investigate any alleged contravention of this Act by a broker or an agency, including a director or executive officer of an agency, following notification by the assistance service.

A syndic who has grounds to believe that an offence under this Act has been committed by a broker or an agency, including a director or executive officer of an agency, investigates the matter and, if warranted, files a complaint with the discipline committee.

85. When a person has requested an investigation into the conduct of a broker, the syndic informs the person in writing, within a reasonable time, of the syndic's decision to file or not to file a complaint with the discipline committee as a result of the request; if the decision is not to file a complaint, the syndic must include reasons.

If a complaint is filed, the syndic must, on request, send the discipline committee's decision to the person or inform the person of the decision; the person is bound by any order banning publication or release that may be included in the decision.

86. A complaint may be filed against a person or partnership that no longer holds a broker's or agency licence if, at the time of the alleged offence, the person or partnership did hold such a licence.

87. The syndic submits an annual report to the Organization, on the date and in the form the Organization determines.

88. The syndic or an assistant syndic may, by way of a complaint, seize the discipline committee of any decision of a Canadian court finding a broker or an agency guilty of a criminal or indictable offence which, in the opinion of the syndic or assistant syndic, is brokerage-related. The syndic or assistant syndic may also seize the discipline committee, by the same means, of any guilty plea in relation to such an offence. A duly certified copy of the judicial decision is proof before the discipline committee that the offence was committed and that any facts reported in the decision are true. If the discipline committee considers that a penalty is warranted, the discipline committee imposes on the broker or the agency one of the penalties prescribed by section 98.

89. Sections 78 to 80 apply to the syndic and to assistant syndics when conducting an investigation.

The syndic and assistant syndics have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

DIVISION IV

SYNDIC DECISION REVIEW COMMITTEE

90. A syndic decision review committee is appointed within the Organization.

The review committee's operating rules, including those applicable to its decision-making process, are set out in the Organization's regulations.

91. A person who requested an investigation by the syndic may, within 30 days after being informed in writing of the syndic's decision not to file a complaint with the discipline committee, request a ruling from the review committee.

Within 90 days after receiving a request under the first paragraph, the review committee makes its ruling in writing after considering the entire record and all the evidence, which must be forwarded by the syndic, and after hearing both the syndic and the person who requested the investigation.

92. The review committee may, in its ruling,

(1) conclude that there is no cause to file a complaint with the discipline committee;

(2) recommend that the syndic complete the investigation;

(3) recommend that the syndic refer the record to the inspection committee; or

(4) conclude that there is cause to file a complaint with the discipline committee and suggest the name of a person who, acting in the capacity of *ad hoc* syndic, may file the complaint.

If the review committee recommends that the syndic complete the investigation or concludes that there is cause to file a complaint with the discipline committee, the Organization must reimburse any fees charged to the person who requested the investigation.

DIVISION V

DISCIPLINE COMMITTEE

93. A discipline committee is appointed within the Organization.

The discipline committee is seized of any complaint filed by the syndic against a broker or an agency, including a director or an executive officer of an agency, for an offence under this Act. A complaint may include two or more counts.

94. The discipline committee is composed of three or more members appointed for a term of three years.

The chair and vice-chairs are appointed by the Minister, after consultation with the Barreau du Québec, from among advocates who have been practising for at least 10 years.

The other committee members are appointed by the board of directors from among brokers.

95. The discipline committee's operating rules, including those applicable to the filing and hearing of complaints, and, in particular, those providing for the committee's sitting in divisions, and those to be applied when a committee member must be replaced or becomes disqualified, are set out in the Organization's regulations.

A person who, by act or omission, infringes an in-camera, no-access, non-publication or non-release order made by the discipline committee is guilty of contempt of court.

96. When a broker or an agency has ceased to hold a licence issued by the Organization, the disciplinary process may nevertheless be initiated; if it has already been initiated, it is not interrupted.

97. The members of the discipline committee have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions, except the power to order imprisonment.

They have all the powers of the Superior Court to compel witnesses to appear and answer, and to punish them if they refuse; for such purposes, the respondent is deemed to be a witness.

98. The discipline committee renders a decision on each count contained in the complaint. If it finds the broker or the agency, including a director or executive officer of the agency, guilty of an offence under this Act, the discipline committee imposes one or more of the following penalties:

(1) a reprimand;

(2) suspension or revocation of the broker's or the agency's licence, or the imposition of restrictions or conditions on the licence;

(3) a fine of not less than $1,000 nor more than $12,500 for each count, which maximum and minimum amounts are doubled for a second or subsequent offence;

(4) remittal to any person or partnership of a sum of money the broker or agency is holding for that person or partnership;

(5) the surrender of any document or information;

(6) the obligation to complete, destroy or delete, update or rectify any document or information; or

(7) the obligation to successfully complete a course or to take any other training program.

When a broker or an agency is found guilty of having appropriated, without entitlement, sums of money or other assets held by the broker or agency for others, or of having used such sums of money or assets for purposes other than those for which they were entrusted to the broker or agency, the discipline committee imposes on the broker or agency at least the licence suspension prescribed by subparagraph 2 of the first paragraph.

Each day during which the offence continues constitutes a separate offence, and the discipline committee may impose for each of those separate offences the fine prescribed by subparagraph 3 of the first paragraph.

The discipline committee's decision to impose one or more penalties may include terms and conditions. The decision may also prescribe that penalties apply consecutively.

The discipline committee must, on rendering a decision to suspend, revoke or impose restrictions or conditions on a licence, decide whether or not it will publish a notice of the decision in a newspaper distributed in the place where the broker's or agency's establishment is located. If the discipline committee orders the publication of such a notice, it must, in addition, decide whether the publication costs are to be paid by the broker or agency, by the Organization, or divided as specified between the broker or agency and the Organization.

The notice must include the name of the broker or agency found guilty, the location of the establishment, the date and nature of the offence, and the date and summary of the decision.

A decision of the discipline committee ordering the broker or agency to pay costs, imposing a fine on the broker or agency, or ordering the broker, the agency or the Organization to pay the publication costs referred to in the fifth paragraph may, if not complied with, be homologated by the Superior Court or the Court of Québec, according to their respective jurisdiction, and becomes enforceable as a judgment of that Court.

99. The discipline committee has its decisions served on the parties in accordance with the Code of Civil Procedure within 10 days.

However, a decision rendered in the presence of one of the parties is deemed to be served on that party in accordance with the first paragraph as soon as it is rendered.

100. Any appeal from a decision made by the discipline committee is brought before the Court of Québec in accordance with subdivision 5 of Division VII of Chapter IV of the Professional Code, with the necessary modifications.

101. A decision of the discipline committee to impose one or more penalties prescribed by the first paragraph of section 98 is enforceable, as specified in the decision, on expiry of the appeal period, unless the discipline committee

orders provisional enforcement of the decision on its being served on the broker or agency concerned.

However, a decision of the discipline committee to revoke a licence is enforceable on being served on the broker or agency concerned.

A decision of the discipline committee under the fifth paragraph of section 98 is enforceable on expiry of the appeal period or, in the case of an appeal from a decision to suspend a licence under subparagraph 2 of the first paragraph of that section, on service of the final decision of the Court of Québec imposing one or more penalties.

The discipline committee may order that a decision referred to in the first or third paragraph be enforceable at a time other than that specified in those paragraphs.

102. A broker or agency fined by the discipline committee must pay the fine to the Organization.

103. If a decision of the discipline committee orders a broker or an agency to remit a sum of money in accordance with subparagraph 4 of the first paragraph of section 98, the discipline committee must inform the person or partnership concerned within six days.

The broker's or agency's licence is automatically suspended from the date on which the sum of money determined by the discipline committee is due to the time the broker or agency remits the amount to the person or partnership, including principal, interest and costs.

104. A broker or agency whose licence has been suspended or made subject to restrictions or conditions by the discipline committee may petition the discipline committee, before the expiry of the penalty, to have the suspension or the restrictions or conditions lifted.

If the discipline committee is of the opinion that the petition should be granted, it makes a recommendation to that effect to the Organization. If the discipline committee dismisses the petition, no new petition may be submitted before the expiry of the penalty unless the discipline committee so authorizes. A decision of the discipline committee under this section may not be appealed.

DIVISION VI

INDEMNITY COMMITTEE

105. An indemnity committee is appointed within the Organization.

106. The indemnity committee rules on the eligibility of claims submitted to it and decides the amount of the indemnities to be paid, in accordance with the rules set out in the Organization's regulations.

It may rule on the eligibility of a claim whether or not the broker or agency responsible has been prosecuted or convicted.

107. The operating rules of the indemnity committee, including those applicable to its composition, are set out in the Organization's regulations.

DIVISION VII

REAL ESTATE INDEMNITY FUND

108. The Real Estate Indemnity Fund is established.

The Fund is dedicated to the payment of indemnities to victims of fraud, fraudulent tactics or misappropriation of funds for which a broker or agency is responsible.

109. The Real Estate Indemnity Fund is made up of the fees paid by licence holders in accordance with the Organization's regulations, the fines imposed by the discipline committee less the costs relating to the disciplinary process, the money recovered by way of subrogation from a broker or agency, the interest earned on the money in the Fund and any increase in the assets of the Fund.

Any insufficiency of assets is to be offset by a loan contracted by the Organization. The loan must be repaid out of the Fund.

Moreover, the Organization may determine the amount of fees so as to offset an insufficiency.

110. The Real Estate Indemnity Fund is managed by the Organization. The Organization keeps separate books for the money in the Fund; the costs incurred for the administration and operation of the Fund are paid out of that money.

The assets of the Fund are not part of the Organization's assets and may not be used to perform the Organization's obligations.

111. The Organization compensates victims in accordance with the decisions of the indemnity committee.

112. The Organization is subrogated in all the rights of a victim it compensates, up to the amount of the indemnities paid. Any money recovered is paid into the Fund.

CHAPTER VI

INSPECTION OF THE ORGANIZATION

113. The Minister conducts or orders an inspection of the affairs of the Organization whenever the Minister considers it appropriate for the carrying out of this Act, but at least once every five years.

114. A person conducting an inspection may, for the purposes of the inspection,

(1) enter the head office of the Organization at any reasonable hour;

(2) examine and make copies of the books, registers, accounts, records and other documents relating to the activities of the Organization; and

(3) require any information or document relating to the carrying out of this Act.

A person having custody, possession or control of the books, registers, accounts, records and other documents must, on request, make them available to the person conducting the inspection and facilitate their examination by that person.

115. A person conducting an inspection must, on request, provide identification and produce a certificate of authority signed by the Minister.

116. No one may hinder the work of or mislead a person conducting an inspection.

117. If, in the Minister's opinion, it is necessary in the public interest, the Minister may order an investigation into any matter within the Minister's purview.

The Minister and any person the Minister authorizes in writing have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions, except the power to order imprisonment.

118. If, in the Minister's opinion, the Organization is engaged in a course of action contrary to this Act, the Minister may order it to alter its course of action and remedy the situation.

119. The Minister's order must include reasons and be sent to the Organization with a prior notice of at least 15 days to allow it to submit observations. The order becomes enforceable on its date of service or on any later date specified in the order.

120. The Minister may, without prior notice, issue a provisional order valid for a period of not more than 15 days if, in the Minister's opinion, any time granted the Organization to submit observations may undermine the public interest.

The order must include reasons and becomes enforceable on its date of service. The Organization may submit observations to the Minister within six days after receiving the order.

121. The Minister may revoke an order issued under this chapter.

122. The Minister may, by motion, apply to a judge of the Superior Court for an injunction in respect of any matter relating to this Act.

A motion for injunction constitutes a proceeding in itself.

The rules set out in the Code of Civil Procedure apply to such a proceeding, except that the Minister is not required to give security.

123. If the Organization fails to exercise its responsibilities under this Act, or acts in such a manner that the public is not protected or the requirements set out in this Act are not met, the Minister may exercise all or part of the powers held by the Organization and prohibit the Organization from exercising those powers to the extent and for the period determined by the Minister.

Before making such a decision, the Minister must notify the Organization and give it an opportunity to submit observations. The Organization may appeal to the Superior Court from the Minister's decision within 30 days.

CHAPTER VII

PENAL PROVISIONS

124. Subject to sections 2 and 3 and to special authorizations granted by the Organization, any person who does not hold the licence required under this Act and in any manner claims to be a broker or an agency, uses a title that may lead others to believe that the person is a broker or an agency, engages in the activities of a broker or an agency, claims to have the right to engage in such activities or acts in such a way as to lead others to believe that the person is authorized to engage in such activities is guilty of an offence.

For the purposes of the first paragraph, if the prosecuting party proves that the defendant engaged in a brokerage transaction described in section 1, the transaction is deemed to have been engaged in in exchange for remuneration.

125. Any person found guilty of an offence under section 80, 116 or 124 is liable to a fine of not less than $1,500 nor more than $20,000 in the case of a natural person and to a fine of not less than $3,000 nor more than $40,000 in the case of a legal person.

A director, executive officer, mandatary or representative of a legal person referred to in the first paragraph who knowingly authorizes, encourages, recommends, or allows the commission of the offence is liable to a fine of not less than $1,500 nor more than $20,000. In determining the amount of a fine, the court considers such factors as the injury suffered as a result of and the benefits derived from the offence.

The minimum and maximum fines are doubled for a second or subsequent offence.

126. Proceedings for an offence under section 80 or 124 may be instituted by the Organization.

When the Organization takes charge of the prosecution, the fine imposed to punish the offence belongs to the Organization.

127. Penal proceedings for an offence under section 124 are prescribed two years from the date on which the investigation record relating to the offence was opened by the syndic. However, no proceedings may be instituted if more than five years have elapsed since the date of the offence.

A certificate of the secretary of the Organization stating the date on which the investigation record was opened constitutes conclusive proof of that date in the absence of any evidence to the contrary.

128. If the respondent continues to commit or again commits the offence during the proceedings, the Attorney General, or the Organization with the Attorney General's authorization, may apply to the Superior Court for an interlocutory injunction enjoining the person and, if applicable, its directors, executive officers, mandataries or representatives to cease committing the alleged offence until final judgment is pronounced in the penal proceedings.

After pronouncing the judgment in the penal proceedings, the Superior Court itself renders final judgment on the application for the interlocutory injunction.

The Attorney General or the Organization is dispensed from the obligation to give security. In every other respect, the provisions of the Code of Civil Procedure concerning interlocutory injunctions apply.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

129. The Government may, by regulation, determine rules governing the activities of a person or partnership that operates a brokerage enterprise to lease out immovable property and that engages in brokerage transactions exclusively on behalf of senior citizens or persons who are physically or mentally vulnerable.

130. All regulations of the Organization, except internal by-laws, must be submitted to the Government for approval with or without amendments.

131. This Act applies to a broker or an agency with regard to any brokerage transaction relating to a mobile home placed on a chassis, with or without a permanent foundation.

132. The Government determines the amount that the Organization must pay annually to the Minister for the carrying out of this Act.

133. No judicial proceedings may be brought against the Organization, its directors, or executive officers, the syndic or any assistant syndics, the persons the Organization authorizes to act on its behalf, the committees established under this Act or the members of those committees for acts in good faith in the exercise of their functions.

134. The answers given or statements made by the person who requested an investigation or by a broker or a director or executive officer of an agency, and the documents prepared or obtained in the course of conciliation or mediation may not be used nor are they admissible as evidence against a broker or a director or executive officer of an agency in judicial or quasi-judicial proceedings other than a hearing before the discipline committee into an allegation that the broker, director or executive officer knowingly gave a false answer or made a false statement with the intent to mislead.

The members of the committees appointed under this Act, the syndic and the assistant syndics may not be compelled to disclose anything learned by them in the exercise of their functions.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no person may have access to a document in a conciliation or mediation record.

135. A sworn declaration filed by a member of the Organization's personnel is proof, before a court of justice, of the signature and authority of the signatory.

136. The Minister and the Organization may, on their own initiative and without notice, intervene in any civil proceedings relating to a provision of this Act to take part in the proof and hearing as if they were a party.

CHAPTER IX

AMENDING PROVISIONS

137. Section 96 of the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) is repealed.

138. Section 100 of the Act is amended by replacing "a real estate broker governed by the Real Estate Brokerage Act (chapter C-73.1)" in the first paragraph by "a broker or agency governed by the Real Estate Brokerage Act (2008, chapter 9)".

139. Section 141 of the Act is repealed.

140. Section 143 of the Act is amended by replacing "a real estate broker governed by the Real Estate Brokerage Act (chapter C-73.1)" in the first paragraph by "a broker or agency governed by the Real Estate Brokerage Act (2008, chapter 9)".

141. Sections 206, 542, 549 and 553 of the Act are repealed.

142. Sections 361, 378, 400, 403, 418, 483, 484, 491, 727, 728 and 729 of the Act respecting the Agence nationale d'encadrement du secteur financier (2002, chapter 45) are repealed.

CHAPTER X

TRANSITIONAL AND FINAL PROVISIONS

143. The Association des courtiers et agents immobiliers du Québec becomes the Organisme d'autoréglementation du courtage immobilier du Québec on (*insert the date of coming into force of section 31*).

144. An investigation opened by the syndic of the Association des courtiers et agents immobiliers du Québec on or before (*insert the date preceding the date of coming into force of section 82*) is governed by the legislation in force on the date on which it was opened.

145. A complaint of which the discipline committee of the Association des courtiers et agents immobiliers du Québec was seized on or before (*insert the date preceding the date of coming into force of section 93*) is continued in accordance with the legislation in force on the date on which the discipline committee was seized of it.

146. A natural person who, on (*insert the date of coming into force of section 4*), holds a real estate agent's certificate or a real estate broker's certificate issued by the Association des courtiers et agents immobiliers du Québec under the Real Estate Brokerage Act (R.S.Q., chapter C-73.1) is deemed to hold a real estate broker's licence. A person holding an affiliated

real estate agent's certificate may act on the person's own account only after meeting the qualification requirements set by the Organization.

However, a person who engages exclusively in brokerage activities relating to loans secured by immovable hypothec may request that the person's real estate broker's permit be replaced by a mortgage broker's licence.

147. A person or partnership that, on (*insert the date of coming into force of section 13*), holds a real estate broker's certificate issued by the Association des courtiers et agents immobiliers du Québec under the Real Estate Brokerage Act and acts through the intermediary of a natural person holding a real estate broker's or real estate agent's certificate is deemed to hold a real estate agency licence.

However, a person or partnership that engages exclusively in brokerage activities relating to loans secured by immovable hypothec may request that the real estate agency licence be replaced by a mortgage broker agency licence.

148. Firms, independent partnerships and their insurance or securities representatives and independent representatives governed by the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) that are authorized to engage in brokerage transactions relating to loans secured by immovable hypothec at the date of coming into force of sections 137 and 139 are entitled to be issued a mortgage broker's licence or a real estate agency's licence, as applicable, under this Act, provided the application is made within 12 months following that date.

149. The Organisme d'autoréglementation du courtage immobilier du Québec, established by section 31, may refuse to issue a licence or may suspend, revoke or impose restrictions or conditions on a licence if the applicant or licence holder, as applicable, contravened the Act respecting the distribution of financial products and services, prior to the date of coming into force of sections 137 and 139, in the course of brokerage transactions relating to loans secured by immovable hypothec.

Sections 41 to 44 apply for the purposes of the previous paragraph, with the necessary modifications.

150. The Organization is substituted for the Fonds d'indemnisation du courtage immobilier constituted by section 9.14 of the Real Estate Brokerage Act (R.S.Q., chapter C-73) and continued by section 44 of this Act. The Organization acquires the rights and assumes the obligations of that fund.

151. The employees of the Fonds d'indemnisation du courtage immobilier in office on (*insert the date of coming into force of section 108*) become, without further formality, employees of the Organization. They hold the position and exercise the functions assigned to them by the Organization.

152. The files, records and other documents of the Fonds d'indemnisation du courtage immobilier become files, records and documents of the Organization.

153. The current business of the Fonds d'indemnisation du courtage immobilier is continued by the Organization.

154. The Organization becomes, without continuance of suit, a party to any proceedings to which the Fonds d'indemnisation du courtage immobilier was a party.

155. Sections 105 to 107 apply with regard to the indemnification of victims of fraud, fraudulent tactics or embezzlement for which a mortgage broker is responsible, where the act was committed before the date of coming into force of sections 137 and 139 in the course of brokerage transactions relating to loans secured by immovable hypothec under the Act respecting the distribution of financial products and services.

The Organization may recover the amount from the Fonds d'indemnisation des services financiers, established by section 258 of that Act.

156. Unless the context indicates a different meaning, in any Act, statutory instrument or other document, the words "Association des courtiers et agents immobiliers du Québec" or the word "Association" when pertaining to the Association des courtiers et agents immobiliers du Québec refer to the Organization.

157. The Government may, by a regulation made within 12 months after the coming into force of this section, prescribe transitional measures for the purposes of this Act.

158. This Act replaces the Real Estate Brokerage Act (R.S.Q., chapter C-73.1).

159. The Minister may delegate to any person or body functions and powers relating to the administration of this Act, including those conferred by sections 64, 68, 69, 113, 115, 117 to 123 and 136.

The Minister may, in the instrument of delegation, authorize the subdelegation of specified functions and powers; in such a case, the Minister identifies the person or body to whom or which the subdelegation may be made.

160. Not later than (*insert the date that is five years after the date of coming into force of section 158*) and every five years after that, the Minister must report to the Government on the carrying out of this Act and on the advisability of maintaining it in force or amending it.

The report is laid before the National Assembly within the next 15 days or, if the Assembly is not sitting, within 15 days after resumption.

161. The Minister of Finance is responsible for the administration of this Act.

However, the Government designates the Minister responsible for the administration of paragraph 14 of section 3 and section 129. The designated Minister may delegate to any person or body powers relating to the administration of those provisions of this Act.

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

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-EIGHTH LEGISLATURE

Bill 80
(2008, chapter 12)

An Act to amend the Financial Administration Act

Introduced 6 May 2008
Passed in principle 20 May 2008
Passed 4 June 2008
Assented to 5 June 2008

Québec Official Publisher
2008

EXPLANATORY NOTES

The object of this Act is to authorize the creation of an accumulated sick leave fund to provide for the payment of benefits due to employees for unused sick leave. The Act also sets the maximum amount that the Minister of Finance may deposit into the fund.

The Act further provides that the Caisse de dépôt et placement du Québec is to administer the amounts deposited into the fund in accordance with the investment policy determined by the Minister of Finance.

Lastly, the Act defines the scope of the exemption granted certain bodies from the requirement to obtain the Minister's authorization when exercising their power to make currency exchange or interest exchange agreements or to acquire or otherwise use financial instruments or contracts.

LEGISLATION AMENDED BY THIS ACT :

– Financial Administration Act (R.S.Q., chapter A-6.001).

Bill 80

AN ACT TO AMEND THE FINANCIAL ADMINISTRATION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting the following section after section 8:

"**8.1.** The Minister may deposit money from the consolidated revenue fund with the Caisse de dépôt et placement du Québec, up to the amount recorded in the financial statements of the Government as an obligation relating to accumulated sick leave, in order to establish an accumulated sick leave fund to provide for the payment of some or all of the benefits due to employees for unused sick leave. Any benefit payment affecting the liability resulting from that obligation may be reimbursed to the consolidated revenue fund out of the accumulated sick leave fund.

The Caisse de dépôt et placement du Québec shall administer money deposited under the first paragraph in accordance with the investment policy determined by the Minister."

2. Section 77.6 of the Act, enacted by section 2 of chapter 41 of the statutes of 2007, is amended

(1) by striking out ", 79 and 80" in the first line;

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

"A body referred to in the first paragraph that exercises the powers granted to it by sections 79 and 80 is exempted from the requirement to obtain the authorization of the Minister of Finance set out in those sections, unless the authorization is required under the provisions of another law relating to the exercise of the body's power to borrow."

3. This Act comes into force on the date or dates to be set by the Government.

Coming into force of Acts

Gouvernement du Québec

O.C. 590-2008, 11 June 2008

An Act to amend the Youth Protection Act and other legislative provisions (2006, c. 34) — Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Youth Protection Act and other legislative provisions

WHEREAS the Act to amend the Youth Protection Act and other legislative provisions (2006, c. 34) was assented to on 15 June 2006;

WHEREAS section 79 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government, except section 72.11, enacted by section 39, and sections 76 and 77, which came into force on 15 June 2006;

WHEREAS Order in Council 401-2007 dated 6 June 2007 sets 9 July 2007 as the date of coming into force of all the other provisions of the Act, except section 8, paragraph 3 of section 10, paragraph 1 of section 33 and sections 35, 36, 39 and 70 of the Act, and 1 November 2007 as the date of coming into force of sections 8, 35 and subparagraph *k* of the first paragraph of section 132, enacted by section 70 of the Act;

WHEREAS it is expedient to set the date of coming into force of paragraph 3 of section 10, paragraph 1 of section 33, section 36 and subparagraph *i* of the first paragraph of section 132, enacted by section 70 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT 7 July 2008 be set as the date of coming into force of paragraph 3 of section 10, paragraph 1 of section 33, section 36 and subparagraph *i* of the first paragraph of section 132, enacted by section 70 of the Act to amend the Youth Protection Act and other legislative provisions (2006, c. 34).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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Regulations and other acts

Gouvernement du Québec

O.C. 566-2008, 3 June 2008

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

Protection of waters
— Pleasure craft discharges

Regulation respecting the protection of waters from pleasure craft discharges

WHEREAS subparagraphs *c* and *e* of the first paragraph of section 31, paragraph *j* of section 46, section 86 and section 109.1 of the Environment Quality Act (R.S.Q., c. Q-2) empower the Government to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 19 December 2007 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments, considering the comments received following the publication in the *Gazette officielle du Québec*;

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

THAT the Regulation respecting the protection of waters from pleasure craft discharges, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the protection of waters from pleasure craft discharges

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *c* and *e*, s. 46, par. *j*, ss. 86 and 109.1)

1. This Regulation applies to the owners and occupants of pleasure craft on the lakes and watercourses described in each of the schedules.

For the purposes of this Regulation, "pleasure craft" means any boat or craft used primarily for sport or recreation, whether on charter or not, free of charge or for a fee. Craft and other floating equipment used for living purposes and that are not connected to a shore-based sewer system are deemed to be pleasure craft.

2. No owner or occupant of a pleasure craft may discharge into the waters of a lake or watercourse any organic or inorganic waste, whether liquid or solid, such as lubricants, oil, paper, cardboard, plastic, glass, metal, fecal matter, containers, cans or bottles.

Kitchen wastes, laundry water and discharges from the pleasure craft's propulsion system, cooling system or bilge water removal system are excluded.

3. The owner of a pleasure craft fitted with a non-portable toilet must ensure that the craft is fitted with a watertight holding tank designed to receive and hold fecal matter and water from the toilet.

If the pleasure craft is fitted with a portable toilet, the portable toilet must be permanently fixed to the craft and have a pump-out adapter compatible with the equipment of pump-out stations.

4. The owner of a pleasure craft must

(1) connect the toilet to the holding tank in such manner that the holding tank receives the waste and the water from the toilet;

(2) seal the holding tank; and

(3) equip the pleasure craft with connecting piping having watertight couplings permitting the holding tank to be emptied only at a pump-out station.

For the purposes of this Regulation, a pump-out station is a system or equipment used to empty the contents of pleasure craft holding tanks into a suitable shore-based tank, and includes waste water treatment systems or municipal sewer systems connected to a waste water treatment system.

5. No person may empty a holding tank or portable toilet or have a holding tank or portable toilet emptied elsewhere than at a pump-out station.

6. Every offence against a provision of this Regulation renders the offender liable to a fine of $300 to $5,000.

The fine is doubled in the case of a subsequent offence.

7. The municipalities listed in each of the schedules to this Regulation are responsible for its enforcement on the lakes and watercourses described in the schedule.

8. The Regulation respecting the protection of the waters of lac Mégantic from discharge from pleasure boats, made by Order in Council 203-95 dated 15 February 1995, and the Regulation respecting the protection of the waters of lac Memphrémagog from discharge from pleasure boats, made by Order in Council 896-92 dated 17 June 1992, are revoked.

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

SCHEDULE I
(ss. 1 and 7)

WATERS OF LAC MÉGANTIC

DESIGNATED WATERS

1. The waters of Lac Mégantic;

2. The waters of the bays of Lac Mégantic, which comprise Baie des Sables, Baie Victoria, Baie Bella, Baie Dollard and Baie de Piopolis;

3. The waters of the tributaries of Lac Mégantic, which comprise Ruisseau Gunn, Rivière Victoria and its river swamp, Rivière Bergeron, the part of Rivière Arnold situated in the municipalities of Frontenac and Piopolis, the part of Rivière Clinton situated in Municipalité de Piopolis, the outlet of Lac des Joncs, commonly known as Rivière du Lac des Joncs, Lac des Joncs and its lake swamp situated at the head of Lac Mégantic, the outlet of Lac aux Araignées, Lac aux Araignées and the part of Rivière aux Araignées situated in the municipalities of Frontenac and Piopolis;

4. The part of the waters of Rivière Chaudière situated in the municipalities of Lac-Mégantic and Frontenac.

The waters are shown on the 1:20 000 scale maps at the Ministère des Ressources naturelles et de la Faune bearing numbers 21E 10-200-0101 (Mégantic) and 21E 07-200-0201 (Woburn).

MUNICIPALITIES RESPONSIBLE FOR THE ENFORCEMENT OF THE REGULATION

1. Ville de Lac-Mégantic;

2. Municipalité de Frontenac;

3. Canton de Marston;

4. Municipalité de Piopolis.

SCHEDULE II
(ss. 1 and 7)

WATERS OF LAC MEMPHRÉMAGOG

DESIGNATED WATERS

1. The waters of Lac Memphrémagog;

2. The waters of the bays of Lac Memphrémagog, which comprise Baie de Magog, Baie de l'Ermitage, Baie Channel, Baie Price, Baie Lefebvre, Baie l'Abbaye, Baie Sargent, Baie Austin, Baie MacPherson, Baie Quinn, Baie Mountain House, Baie Fitch including the part adjacent to the lake and the part that extends beyond the point referred to as "The Narrows", Baie de Lime Kiln, Baie Harvey and Baie Reid;

3. The waters of the tributaries of Lac Memphrémagog, which comprise Rivière aux Cerises, Ruisseau Castle, Ruisseau Benoît, Ruisseau du Château, Ruisseau de Vale Perkins, Ruisseau Powell, Ruisseau de l'Ouest, Ruisseau Glenn, Ruisseau Kertland, Ruisseau d'Amy Corners, Ruisseau Bunker and Ruisseau Fitch;

4. The part of the waters of Rivière Magog situated in the municipality of Ville de Magog.

The waters are shown on the 1:20 000 scale maps at the Ministère des Ressources naturelles et de la Faune bearing numbers 31H 08-200-0102 (Magog), 31H 01-200-0202 (Ayer's Cliff), 31H 01-200-0102 (Stanstead Plain), 31H 01-200-0101 (Lac Memphrémagog), 31H 01-200-0201 (Bolton-Ouest).

MUNICIPALITIES RESPONSIBLE FOR THE ENFORCEMENT OF THE REGULATION

1. Municipalité de la ville de Magog;

2. Municipalité d'Austin;

3. Municipalité de Saint-Benoît-du-Lac;

4. Municipality of the township of Potton;

5. Municipality of the township of Stanstead;

6. Municipality of Ogden.

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Gouvernement du Québec

O.C. 567-2008, 3 June 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*, *i* and *l* 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, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 23 January 2008 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments, considering the comments received following the publication in the *Gazette officielle du Québec*;

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*, *i* and *l* and s. 87, par. *c*)

1. The Regulation respecting waste water disposal systems for isolated dwellings is amended by replacing section 16.3 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;".

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;

* 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 12-2008 dated 15 January 2008 (2008, *G.O.* 2, 461). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

(b) the maximum length of an absorption trench installed under a non-watertight secondary treatment system must comply with the maximum length of the secondary treatment distribution system. The maximum length must be provided in the manufacturer's manuals and have been certified by an engineer who is a member of the Ordre des ingénieurs du Québec;

(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 every section of a seepage bed must not exceed the maximum length of the secondary treatment distribution system. The maximum length must be provided in the manufacturer's manuals and have been certified by an engineer who is a member of the Ordre des ingénieurs du Québec;

(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 referred to in paragraph *c* or the sand layer referred to in subparagraphs *a* and *b* of the first paragraph of section 37 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. The following is added in section 36.1:

"If a non-watertight secondary treatment system is installed above an above-ground sand-filter bed, a low pressure feed system is not required if the treatment system ensures a uniform distribution of the hydraulic load over the seepage surface. The distribution method must be provided in the manufacturer's manuals and have been certified by an engineer who is a member of the Ordre des ingénieurs du Québec.".

9. Section 37 is amended by replacing ", *f*, *g* and *h*" in the last paragraph by "and *f* to *i*".

10. 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, paragraph *b* of section 31.1, 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, the maximum length of a non-watertight secondary treatment system placed above an above-ground sand-filter bed, or of sections constituting such a system, must be determined in compliance with the maximum linear hydraulic loading rate in the following table, according to the permeability of the disposal site and the presence of the sand layer required by subparagraphs *a* and *b* of the first paragraph of section 37:

Maximum linear hydraulic loading rate (litre/linear metre)		
Permeability of the disposal site	Sand filter layer required by subparagraphs *a* and *b* of the first paragraph of section 37	
	Present	Absent
High permeability soil	189	150
Permeable soil	114	90
Low permeability soil	78	60

(d) for the purposes of section 38, the areas to which this Regulation refers 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 surface. If the above-ground sand-filter bed is built in sections, this requirement applies with the necessary modifications; and

(f) despite the second paragraph of section 39.1, the minimum distance between the sections of a non-watertight secondary treatment system must be determined in compliance with the maximum hydraulic loading rate applied to the ground in the following table according to the permeability of the disposal site and the presence of the sand layer required by subparagraphs *a* and *b* of the first paragraph of section 37:

Maximum hydraulic loading rate (litre/ metre²/day)		
Permeability of the disposal site	Sand filter layer required by subparagraphs *a* and *b* of the first paragraph of section 37	
	Present	Absent
High permeability soil	43	36
Permeable soil	26	24
Low permeability soil	12	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.".

11. The following is inserted before section 40:

"***§1.*** *General*".

12. 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".

13. 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.".

14. 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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Gouvernement du Québec

O.C. 577-2008, 3 June 2008

An Act respecting the Ministère du Travail (R.S.Q., c. M-32.2)

Amendments to the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère du Travail

WHEREAS, under the second paragraph of section 7 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2), no deed, document or writing binds the Minister or may be attributed to the Minister unless it is signed by the Minister, by the Deputy Minister, by a member of the personnel of the department or by the holder of a position, and in the last two cases, only so far as determined by the Government;

WHEREAS, under section 9 of the Act, every document or copy of a document emanating from the department or forming part of its records, if signed or certified true by a person referred to in the second paragraph of section 7, is authentic;

WHEREAS the Government made the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère du Travail by Order in Council 1028-2007 dated 21 November 2007;

WHEREAS it is expedient to amend the Terms and conditions in order to reflect the department's new administrative realities;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Amendments to the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère du Travail, attached to this Order in Council, be made;

THAT the Amendments come into force on the date of their publication in the *Gazette officielle du Québec*.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

SCHEDULE

AMENDMENTS TO THE TERMS AND CONDITIONS RESPECTING THE SIGNING OF CERTAIN DEEDS, DOCUMENTS AND WRITINGS OF THE MINISTÈRE DU TRAVAIL*

1. The Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère du Travail is amended by replacing the part preceding paragraph 1 of section 13 by the following:

"13. The Assistant Deputy Minister responsible for the research and policies sector, the director general who performs duties in the sector of research, policies and collective agreement decrees and the director of the branch responsible for collective agreement decrees are authorized to sign".

2. Section 14 is amended by replacing the part preceding paragraph 1 by the following:

"14. The Assistant Deputy Minister responsible for the research and policies sector and the director general who performs duties in the sector of research, policies and collective agreement decrees are authorized to sign".

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* The Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère du Travail have not been amended since they were made by Order in Council 1028-2007 dated 21 November 2007 (2007, *G.O.* 2, 3500).

Gouvernement du Québec

O.C. 599-2008, 11 June 2008

Education Act
(R.S.Q., c. I-13.3)

School tax
— Computation of the maximum yield for the 2008-2009 school year

Regulation respecting computation of the maximum yield of the school tax for the 2008-2009 school year

WHEREAS, under subparagraphs 1, 2 and 3 of the first paragraph of section 455.1 of the Education Act (R.S.Q., c. I-13.3), the Government must, by regulation, determine the rules for establishing the allowable number of students for computing the maximum yield of the school tax that the school board and the Comité de gestion de la taxe scolaire de l'île de Montréal may levy and the rates of increase of the amounts per student and of the base amount referred to in section 308 of the Act;

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 fiscal nature of the norms established, amended or repealed thereby warrants it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the fiscal nature of the norms established, amended or repealed thereby warrants it;

WHEREAS the Government is of the opinion that the fiscal nature of the norms established by the Regulation justifies the absence of prior publication and such coming into force;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT the Regulation respecting computation of the maximum yield of the school tax for the 2008-2009 school year, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting computation of the maximum yield of the school tax for the 2008-2009 school year

Education Act
(R.S.Q., c. I-13.3, s. 455.1, 1st par., subpars. 1, 2 and 3)

1. For the computation of the maximum yield of the school tax for the 2008-2009 school year, provided for in section 308 of the Education Act (R.S.Q., c. I-13.3), the allowable number of students must be determined by

(1) calculating the number of four-year-old preschool students who may be taken into account, by multiplying by 1.00 the number of such students legally enrolled for a minimum of 144 half days on 30 September 2007 in the schools under the jurisdiction of the school board;

(2) calculating the number of five-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such students legally enrolled for a minimum of 180 days on 30 September 2007 in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 8;

(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students legally enrolled on 30 September 2007 in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 9;

(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students legally enrolled on 30 September 2007 in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 10;

(5) calculating the number of students admitted to a program of study leading to a secondary school vocational diploma, an attestation of vocational specialization or an attestation of vocational studies, who may be taken into account pursuant to paragraph 1 of section 4, by

(a) multiplying by 3.40 the number of full-time students admitted to a program of study leading to a secondary school vocational diploma, except students referred to in subparagraph *b*, or to an attestation of vocational specialization, legally enrolled during the 2006-2007 school year in the vocational training centres under the jurisdiction of the school board and recognized by the Minister of Education, Recreation and Sports for the purposes of the budgetary rules for the 2006-2007 school year;

(b) multiplying by 3.40 the number of full-time students admitted to a program of study leading to an attestation of vocational studies or admitted, following Secondary III, to a program of study leading to a secondary school vocational diploma, legally enrolled on 30 September 2006 in the vocational training centres under the jurisdiction of the school board and recognized by the Minister for the purposes of the budgetary rules for the 2006-2007 school year;

(c) multiplying by 3.40 the number of students corresponding to the difference between the number of new places, in terms of the enrolment capacity of an educational institution, allotted by the Minister for one or more vocational programs of study and the number of full-time students admitted to such program or programs of study during the 2006-2007 school year in the vocational training centres under the jurisdiction of the school board and recognized by the Minister for the purposes of the budgetary rules for the 2006-2007 school year; and

(d) adding the products obtained under subparagraphs *a*, *b* and *c*;

(6) calculating the number of students admitted to adult education services who may be taken into account, in accordance with the Schedule to this Regulation, by multiplying by 2.40 the number of full-time students;

(7) calculating the number of handicapped five-year-old preschool, elementary school and secondary school students who may be taken into account, by multiplying by 6.40 the number of such full-time students legally enrolled on 30 September 2007 in the schools under the jurisdiction of the school board and recognized by the Minister for the purposes of the budgetary rules for the 2007-2008 school year;

(8) calculating the number of five-year-old preschool students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 2.25 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2007 in the schools under the jurisdiction of the school board;

(9) calculating the number of elementary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 2.40 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2007 in the schools under the jurisdiction of the school board;

(10) calculating the number of secondary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 3.40 the number of such full-time students enrolled in welcoming classes and francization classes and legally enrolled on 30 September 2007 in the schools under the jurisdiction of the school board;

(11) calculating the number of preschool and elementary school students enrolled in school day care services who may be taken into account pursuant to paragraph 3 of section 4, by multiplying by 0.05 the number of such students;

(12) calculating the number of students enrolled in the school board's school bussing services who may be taken into account pursuant to paragraph 4 of section 4, by

(a) multiplying by 0.75 the number of students enrolled on 30 September 2007 in a transport service employing vehicles used exclusively to transport such students;

(b) multiplying by 0.40 the number of students enrolled on 30 September 2007 in a transport service employing vehicles that have specific public transit routes and are not reserved exclusively to transport such students; and

(c) adding the products obtained under subparagraphs *a* and *b*; and

(13) adding the numbers obtained under paragraphs 1 to 12.

2. The allowable number of students determined under section 1 must be adjusted by adding the number of students who may be taken into account for the purposes of the reduction in the school population.

The number of students who may be taken into account for the purposes of the reduction in the school population is determined by

(1) calculating the number of students who may be taken into account for the purposes of the reduction in the total number of students by

(a) multiplying by 0.99 the total of the numbers obtained under paragraphs 2 to 4 and 7 to 10 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2007-2008 school year made by Order in Council 482-2007 dated 20 June 2007 to which is added, where applicable, the number obtained under subparagraph 1 of the second paragraph of section 2 of that Regulation; and

(b) subtracting from the product obtained under subparagraph *a,* the sum of the numbers obtained under paragraphs 2 to 4 and 7 to 10 of section 1, as they read before the application of section 3, if applicable;

(2) determining the number of students who may be taken into account for the purposes of the reduction in the number of five-year-old preschool and elementary school students by

(a) calculating the number of five-year-old preschool and elementary school students who may be taken into account under paragraph 7 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2007-2008 school year;

(b) multiplying by 0.99 the total of the numbers obtained under subparagraph *a* and paragraphs 2, 3, 8 and 9 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2007-2008 school year to which is added, where applicable, the number obtained under subparagraph 2 of the second paragraph of section 2 of that Regulation;

(c) calculating the number of five-year-old preschool and elementary school students who may be taken into account under paragraph 7 of section 1; and

(d) subtracting from the product obtained under subparagraph *b,* the total of the numbers obtained under subparagraph *c* and paragraphs 2, 3, 8 and 9 of section 1, as they read before the application of section 3, if applicable;

(3) calculating the number of students who may be taken into account for the purposes of the reduction in the number of secondary school students by

(a) calculating the number of secondary school students who may be taken into account under paragraph 7 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2007-2008 school year;

(b) multiplying by 0.99 the total of the numbers obtained under subparagraph *a* and paragraphs 4 and 10 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2007-2008 school year to which is added, where applicable, the number obtained under subparagraph 3 of the second paragraph of section 2 of that Regulation;

(c) calculating the number of secondary school students who may be taken into account under paragraph 7 of section 1; and

(d) subtracting from the product obtained under subparagraph *b*, the total of the numbers obtained under subparagraph *c* and paragraphs 4 and 10 of section 1, as they read before the application of section 3, if applicable;

(4) subtracting from the sum of numbers obtained under paragraphs 2 and 3, the number obtained under paragraph 1 and multiplying by 0.37 the resulting number; and

(5) adding the numbers obtained under paragraphs 1 and 4.

In the operations prescribed in this section, when a number is lower than zero, it is deemed to be zero.

3. Where the sum obtained by adding the numbers of full-time students referred to in paragraphs 2 to 4 and 7 to 10 of section 1 exceeds the sum obtained by adding the numbers of full-time students referred to in paragraphs 2 to 4 and 7 to 10 of section 1 of the Regulation respecting computation of the maximum yield of the school tax for the 2007-2008 school year by 200 or 2%, and is at least 200 or 2% lower than the sum obtained by adding the numbers of full-time students in the categories referred to in paragraphs 2 to 4 and 7 to 10 of section 1, established according to the Minister's enrolment estimates for the 2008-2009 school year, paragraphs 2 to 4 of section 1 are to be read as follows:

"(2) calculating the number of five-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such full-time students, established according to the Minister's enrolment estimates for the 2008-2009 school year, except students referred to in paragraphs 7 and 8;

(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students, established according to the Minister's enrolment estimates for the 2008-2009 school year, except students referred to in paragraphs 7 and 9;

(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students, established according to the Minister's enrolment estimates for the 2008-2009 school year, except students referred to in paragraphs 7 and 10;".

4. For the purposes of section 1,

(1) students who may be taken into account by a school board for the purposes of paragraph 5 of section 1 are students who were admitted for the 2006-2007 school year to a vocational training centre under the jurisdiction of the school board to receive educational services in vocational training, in vocational training programs authorized pursuant to section 467 of the Education Act;

(2) the number of full-time students is obtained by adding the number of students enrolled full-time who participate in the minimum number of hours of activities prescribed by the basic school regulation applicable to them and the number of students enrolled part-time converted into a number of full-time students by

(a) using the following equation to calculate the proportion of full-time attendance per student enrolled part-time:

$$\frac{\text{the student's number of hours of activities per school year}}{\text{the minimum number of hours of activities per school year prescribed by the basic school regulation applicable to the student}}$$

(b) adding, for each of the categories of students referred to in paragraphs 1 to 10 of section 1, the proportions obtained under subparagraph *a*;

(3) the students who may be taken into account by a school board for the purposes of paragraph 11 of section 1 are

(a) four-year-old preschool students enrolled on 30 September 2007 in the day care services of the school board for a minimum of 2 periods per day, at least 3 days per week; and

(b) five-year-old preschool students and elementary school students enrolled on 30 September 2007 in the day care services of the school board for a minimum of 2 periods per day, at least 3 days per week; and

(4) the students who may be taken into account by a school board for the purposes of paragraph 12 of section 1 are the students for whom the school board provides transportation at the beginning and end of classes each day.

5. For the computation of the maximum yield of the school tax for the 2008-2009 school year, the amount per student is $747.22, or $971.36 if the allowable number of students is less than 1,000, and the base amount is $224,160, namely the amounts established for the 2007-2008 school year increased by 1.921%.

6. The Regulation respecting computation of the maximum yield of the school tax for the 2007-2008 school year, made by Order in Council 482-2007 dated 20 June 2007, is revoked.

7. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE
(s. 1, par. 6)

NUMBER OF STUDENTS EQUIVALENT TO FULL-TIME ADULTS IN GENERAL EDUCATION

Code	School board (Commission scolaire)	Number of full-time students
711 000	des Monts-et-Marées	495.8
712 000	des Phares	437.3
713 000	du Fleuve-et-des-Lacs	302.5
714 000	de Kamouraska–Rivière-du-Loup	285.6
721 000	du Pays-des-Bleuets	500.3
722 000	du Lac-Saint-Jean	547.2
723 000	des Rives-du-Saguenay	902.5
724 000	De La Jonquière	412.5
731 000	de Charlevoix	120.2
732 000	de la Capitale	1,952.7
733 000	des Découvreurs	567.9
734 000	des Premières-Seigneuries	1,017.9
735 000	de Portneuf	181.3
741 000	du Chemin-du-Roy	736.5
742 000	de l'Énergie	564.8
751 000	des Hauts-Cantons	209.3
752 000	de la Région-de-Sherbrooke	1,072.0
753 000	des Sommets	232.1
761 000	de la Pointe-de-l'Île	2,689.1
762 000	de Montréal	7,464.8
763 000	Marguerite-Bourgeoys	2,812.8
771 000	des Draveurs	964.5
772 000	des Portages-de-l'Outaouais	770.9
773 000	au Coeur-des-Vallées	353.5
774 000	des Hauts-Bois-de-l'Outaouais	346.3
781 000	du Lac-Témiscamingue	146.0
782 000	de Rouyn-Noranda	383.8
783 000	Harricana	190.0

Code	School board (Commission scolaire)	Number of full-time students
784 000	de l'Or-et-des-Bois	375.4
785 000	du Lac-Abitibi	140.0
791 000	de l'Estuaire	299.1
792 000	du Fer	204.4
793 000	de la Moyenne-Côte-Nord	36.8
801 000	de la Baie-James	96.3
811 000	des Îles	58.7
812 000	des Chic-Chocs	241.5
813 000	René-Lévesque	371.3
821 000	de la Côte-du-Sud	329.5
822 000	des Appalaches	314.2
823 000	de la Beauce-Etchemin	649.1
824 000	des Navigateurs	550.4
831 000	de Laval	1,363.1
841 000	des Affluents	1,151.8
842 000	des Samares	771.2
851 000	de la Seigneurie-des-Mille-Îles	849.3
852 000	de la Rivière-du-Nord	661.2
853 000	des Laurentides	249.4
854 000	Pierre-Neveu	276.3
861 000	de Sorel-Tracy	437.9
862 000	de Saint-Hyacinthe	381.3
863 000	des Hautes-Rivières	454.6
864 000	Marie-Victorin	1,412.2
865 000	des Patriotes	581.7
866 000	du Val-des-Cerfs	450.3
867 000	des Grandes-Seigneuries	541.8
868 000	de la Vallée-des-Tisserands	375.8
869 000	des Trois-Lacs	304.9
871 000	de la Riveraine	182.7
872 000	des Bois-Francs	410.3
873 000	des Chênes	327.1
881 000	Central Québec	57.9
882 000	Eastern Shores	71.3
883 000	Eastern Townships	169.0
884 000	Riverside	166.5
885 000	Sir Wilfrid Laurier	316.8
886 000	Western Québec	250.7
887 000	English Montreal	3,398.8
888 000	Lester B. Pearson	1,218.5
889 000	New Frontiers	102.4

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Gouvernement du Québec

O.C. 591-2008, 11 June 2008

Youth Protection Act
(R.S.Q., c. P-34.1)

Financial assistance to facilitate tutorship to a child

Regulation respecting financial assistance to facilitate tutorship to a child

WHEREAS, under subparagraph *i* of the first paragraph of section 132 of the Youth Protection Act (R.S.Q., c. P-34.1), enacted by section 70 of chapter 34 of the Statutes of 2006, the Government may make regulations to determine the terms and conditions on which financial assistance may be granted to facilitate tutorship to a child;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and the second paragraph of section 132 of the Youth Protection Act, a draft of the Regulation respecting financial assistance to facilitate tutorship to a child was published in Part 2 of the *Gazette officielle du Québec* of 31 October 2007 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS the 60-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation respecting financial assistance to facilitate tutorship to a child, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting financial assistance to facilitate tutorship to a child

Youth Protection Act
(R.S.Q., c. P-34.1, s. 132, 1st par., subpar. *i*;
2006, c. 34, s. 70)

DIVISION I
APPLICATION FOR AND PAYMENT OF FINANCIAL ASSISTANCE

1. A tutor referred to in section 70.2 of the Youth Protection Act (R.S.Q., c. P-34.1), enacted by section 36 of chapter 34 of the Statutes of 2006, must, in order to be granted financial assistance for the upkeep of a child under tutorship, submit an application to the institution operating a child and youth protection centre designated by the Minister, using the form provided by the institution, within 60 days following the date of the tutorship judgment.

The application must contain the following information and be accompanied by the following documents:

(1) the tutor's name, address, date of birth and social insurance number;

(2) the name of the child for whom financial assistance is applied for;

(3) the child's certificate of birth and the tutorship judgment or a copy of the minutes of the judgment; and

(4) a sworn statement from the tutor and a sworn statement from a person to whom the tutor is not related both certifying that the tutor provides for the child's upkeep, resides in Canada or, as the case may be, is in a situation described in the second paragraph of section 10.

For the purposes of this Regulation, a tutor's residence is the place where the tutor ordinarily resides.

If the application is not submitted within the time prescribed in the first paragraph, financial assistance may be granted retroactively for no more than 6 months from the first day of the month following the date of receipt of the duly completed application.

2. The institution must ensure that assistance is provided to a person wishing to make an application for financial assistance and inform that person of the rights and obligations under this Regulation.

3. The institution receives the application for financial assistance, ascertains its admissibility, establishes the level of services in accordance with section 13 of this Regulation, determines the amount to which the tutor is entitled, informs the tutor in writing of the financial assistance granted and pays the assistance monthly.

DIVISION II
DURATION, RENEWAL, SUSPENSION AND CESSATION OF FINANCIAL ASSISTANCE

4. Financial assistance is granted for the first time as of the first day of the month that follows the date of the tutorship judgment until 31 December of the current year. It may be renewed on 1 January of each year until the child reaches 18 years of age or, if the child attends a school or an adult education centre providing the secondary school education governed by the regulation made under the Education Act (R.S.Q., c. I-13.3) and if the child's upkeep is provided by the person who has acted as tutor, 20 years of age.

The tutor must submit a renewal application to the institution referred to in section 1 not later than on 30 November of each year. The application must contain the information required under subparagraphs 1 and 2 of the second paragraph of section 1 and be accompanied by the documents required under subparagraph 4 of the second paragraph of that section.

If the child is 18 years of age or older, the renewal application must be accompanied by proof that the child attends a school referred to in the first paragraph.

5. The institution suspends the financial assistance granted to a tutor if the tutor fails to apply for renewal within the time prescribed in section 4.

In case of suspension, financial assistance is no longer granted from the first day of the month following the date of suspension.

6. If the renewal application is not submitted within the time prescribed in section 4, financial assistance may be granted retroactively for no more than 6 months from the first day of the month following the date of receipt of the duly completed application.

7. The institution partially suspends the financial assistance granted to a tutor if the child under tutorship is, under an Act, placed or provided with foster care outside the residence of the tutor for a period exceeding 30 consecutive days.

In case of partial suspension, the tutor is only entitled to the basic compensation referred to in subparagraph 1 of the first paragraph of section 13, granted on the first day of the month following the date of suspension.

8. If the child is in the situation described in section 7, the institution where the child is placed or provided with foster care must so notify the institution designated under section 1 and, in such case, no contribution under section 513 of the Act respecting health services and social services (R.S.Q., c. S-4.2) may be required from the tutor, the father or the mother of the child.

9. The designated institution must be notified by the institution where the child is placed or provided with foster care as soon as the child is no longer placed or provided with foster care as provided for in section 7.

Full financial assistance is granted again to the tutor as of the first day of the month following the date on which the placement or period of foster care ends.

10. Financial assistance ends if

(1) the child dies;

(2) the child reaches 18 years of age, or 20 years of age if the child attends a school referred to in the first paragraph of section 4 and the child's upkeep is provided by the person who has acted as tutor;

(3) tutorship ends for other reasons, including the tutor's death or replacement; or

(4) the tutor leaves Canada to establish his or her residence in another country.

Despite subparagraph 4 of the first paragraph, financial assistance is maintained if the tutor leaves Canada and

(1) is registered as a student at a teaching establishment in Québec or Canada while pursuing a program of study outside Canada;

(2) is a trainee outside Canada at a university, an institution affiliated with a university, a research institute, a government or international body or an enterprise or agency affiliated with such an institute or body;

(3) is employed by the government of Québec, the government of another province in Canada or the government of Canada and is posted outside Canada;

(4) holds employment outside Canada on behalf of a legal person, a partnership or an organization having its head office or a place of business in Québec or Canada to which the tutor is directly accountable;

(5) works abroad as an employee of a non-profit organization having its head office in Canada, under an international aid or cooperation program; or

(6) is a member of the Royal Canadian Mounted Police or the Canadian Forces and is posted outside Canada.

Financial assistance that is terminated ceases to be granted on the first day of the month following the date of termination.

11. A tutor must inform the institution in writing as soon as the tutor is in one of the circumstances or situations described in section 10 and, if leaving Canada, must do so before leaving.

A tutor who is in one of the situations described in the second paragraph of section 10 must provide a supporting document.

12. If a tutor referred to in subparagraph 4 of the first paragraph of section 10 returns to Canada to establish residence and makes an application for financial assistance in accordance with Division I, financial assistance may be granted again as of the first day of the month following the date of receipt of the duly completed application.

DIVISION III
CALCULATION AND TERMS OF FINANCIAL ASSISTANCE

13. The amount of financial assistance is obtained by adding the compensations listed below and provided for in the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service established by Minister's Order 93-04-1993 dated 30 November 1993 under sections 303 and 314 of the Act respecting health services and social services:

(1) the basic daily compensation paid pursuant to section 4 of the classification, determined and adjusted according to the child's age;

(2) the daily supplement paid pursuant to section 5 of the classification, determined according to the level of services required by the child and the child's difficulties;

(3) the lump sum paid pursuant to section 5.1 of the classification as a supplement to the basic daily compensation;

(4) the daily allowance paid pursuant to section 20.1 of the classification to cover the child's personal expenses.

A lump sum of $60 per month is added to the amount obtained pursuant to the first paragraph. That amount is indexed as provided in the first, third and fourth paragraphs of section 26 of the classification.

14. The level of services required to determine the daily supplement is established at the time of the initial application for financial assistance. However, it may be reviewed by the institution upon request by the tutor if a significant change, either permanent or chronic, occurs in the condition of the child. Such a situation must be certified by a physician who is a member in good standing of his or her professional order.

If the daily supplement is adjusted following a review, the supplement is granted on the first day of the month following the date of receipt of the duly completed application for review.

15. This Regulation comes into force on 7 July 2008.

8792

M.O., 2008

Order number AM 2008-030 of the Minister of Natural Resources and Wildlife dated 31 May 2008

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. C-61.1) 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 the conditions for the hunting of 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, 31 may 2008

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. The Regulation respecting hunting is amended in section 15 by replacing "6 hunters" and "3 hunters" in subparagraph 2 of the second paragraph by "6 or 8 hunters" and "3 or 4 hunters", respectively.

2. Section 17 is amended

(1) by replacing "10 to 16" in the first paragraph by "10 to 16, except as regards female moose more than 1 year old in Area 15";

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

"and in Des Nymphes and Lavigne controlled zones, only moose with antlers not less than 10 cm may be hunted".

3. Schedule II is amended

(1) by replacing section 1 by the following:

"1. For hunting white-tailed deer, female or male with antlers less than 7 cm, all areas except Area 20:

* 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 2007-037 dated 20 December 2007 (2008, *G.O.* 2, 463) and Minister's Order 2008-017 dated 27 March 2008 (2008, *G.O.* 2, 1149). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

i. in area

Area	Number of licences
the western part of Area 3 shown on the plan in Schedule X	1 100
4	2 400
6 except the northern part shown on the plan in Schedule XXXIX	3 000
the northern part of Area 6 shown on the plan in Schedule XXXIX	5 000
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 CXXIV	4 100
9 except the western part shown on the plan in Schedule CXXXII	290
the western part of Area 9 shown on the plan in Schedule CXXXII	380
10 except the western part shown on the plan in Schedule XVI	900
the western part of Area 10 shown on the plan in Schedules XVI and 12	1 870
11 and the western part of Area 15 shown on the plan in Schedule CXXXIII	500
the part of Area 13 shown on the plan in Schedule CXC	50

ii. in the wildlife sanctuary

Wildlife sanctuary	Number of licences
La Vérendrye	18
Papineau-Labelle	107
Rouge-Matawin	0

iii. in the controlled zone

Controlled zone	Number of licences
Bras-Coupé-Désert	17
Casault	0
Jaro	55
Maganasipi	50
Pontiac	20
Rapides-des-Joachims	10
Restigo	50
Saint-Patrice	10

1.1 For hunting white-tailed deer, female or male with antlers less than 7 cm, all areas except Area 20 (1st killing):

Area	Number of licences
the western part of Area 5 shown on the plan in Schedule XXXVII	6 000
the southern part of Area 8 shown on the plan in Schedule XIII	3 000
the eastern part of Area 8 shown on the plan in Schedule CXXXV	2 000

(2) by replacing the number of licences "3 400" concerning Area 1 in paragraph *I* of section 3 by "3 700";

(3) by replacing, in paragraph *iii* of section 3, the number of licences "30" concerning the Batiscan-Neilson Controlled Zone by "56" and the number of licences "90" concerning the Petawaga Controlled Zone by "45", and by striking out the Lavigne and Des Nymphes controlled zones and the numbers of liences "50 and "20" corresponding to them, respectively.

4. Schedule III is amended

(1) by replacing the hunting season for "Île d'Orléans situated in Area 27" in subparagraph *a* of paragraph 2 of section 3 by "from the Friday on or closest to 7 November to the Sunday on or closest to 9 November";

(2) by adding "and CLXXXVII" in sections 8, 14, 16, 17, 18, 19, 20, 21 and 22 and in paragraphs *d* of sections 12, 13, 15 and 18 after "XXXII".

5. Schedule V is amended

(1) by replacing "XLVI to LXXVIII" in Column II of section 1 in respect of Type 13 implements by "XLVI to LIII, LV to LXXVIII" and by striking out ", CXXVII";

(2) by replacing "CLVII to CLXI" and "CLXIII to CLXV" in Column II of section 1 in respect of Type 13 implements by "CLVII to CLXIV";

(3) by replacing "Part of the territory shown on the plan in Schedule LXXXVII*" and "From the Saturday on or closest to 11 October to the Sunday on or closest to 19 October*" in Columns II and III of section 1 in respect of Type 13 implements by "Parts of territories shown on the plans in Schedules LXXXVII and CVI*" and "From the Saturday on or closest to 16 October to the Sunday on or closest to 24 October*", respectively;

(4) by replacing "Part of the territory shown on the plan in Schedule LXXXVII*" and "From the Saturday on or closest to 13 September to the Sunday on or closest to 28 September*" in Columns II and III of section 1 in respect of Type 6 implements by "Parts of territories shown on the plans in Schedules LXXXVII and CVI*" and "From the Saturday on or closest to 18 September to the Sunday on or closest to 3 October*", respectively.

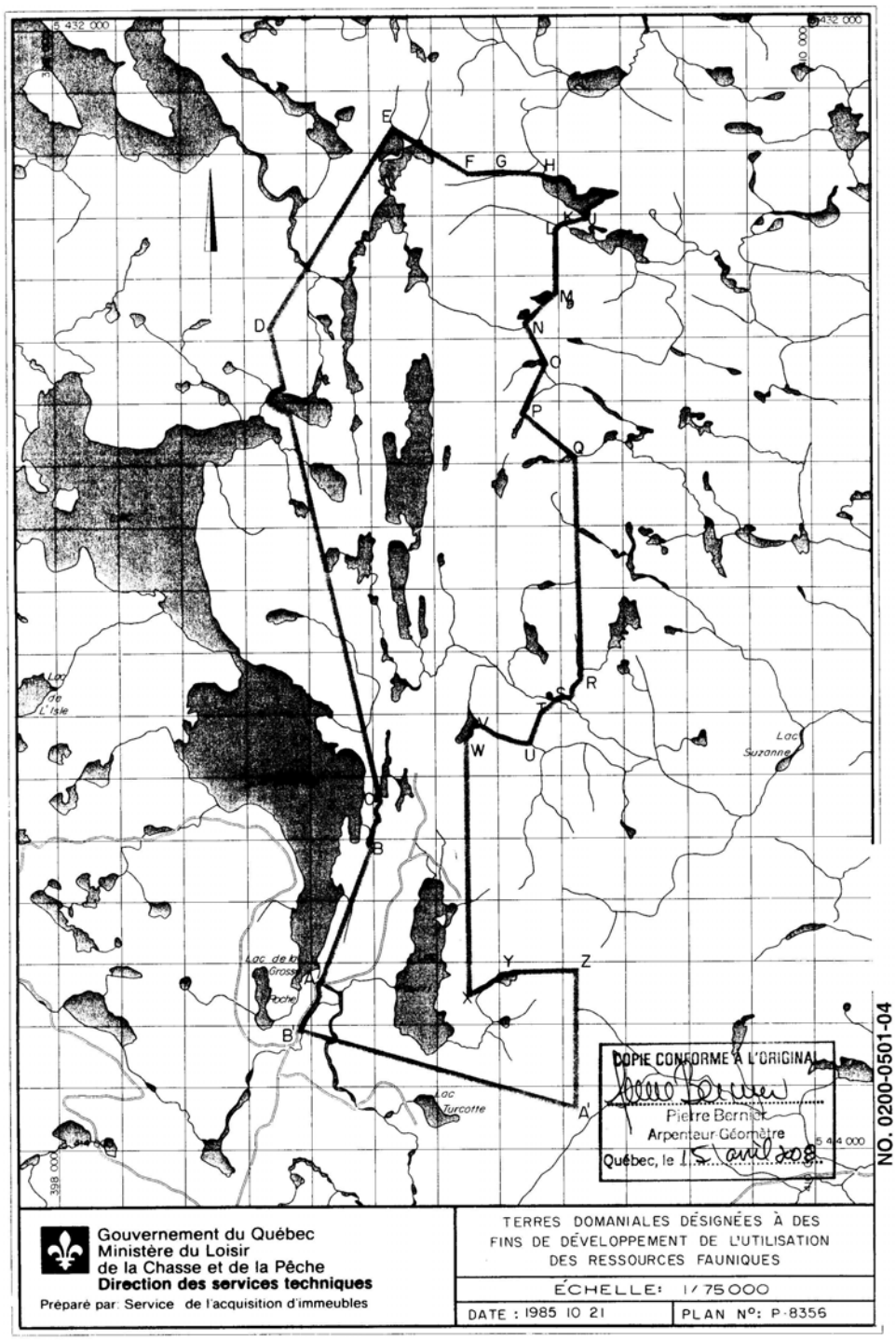
6. Schedule VI is amended by adding "(male, female, calf)" after "Moose" as regards the Duchénier Wildlife Sanctuary.

7. Schedules LI, LII, CXVI, CXVII, CXLV, CLVIII and CLIX are replaced by the Schedules attached hereto.

8. Schedules LIX, CXXVII, CXXXVII and CLXV are revoked.

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

SCHEDULE LI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Lac Turcotte
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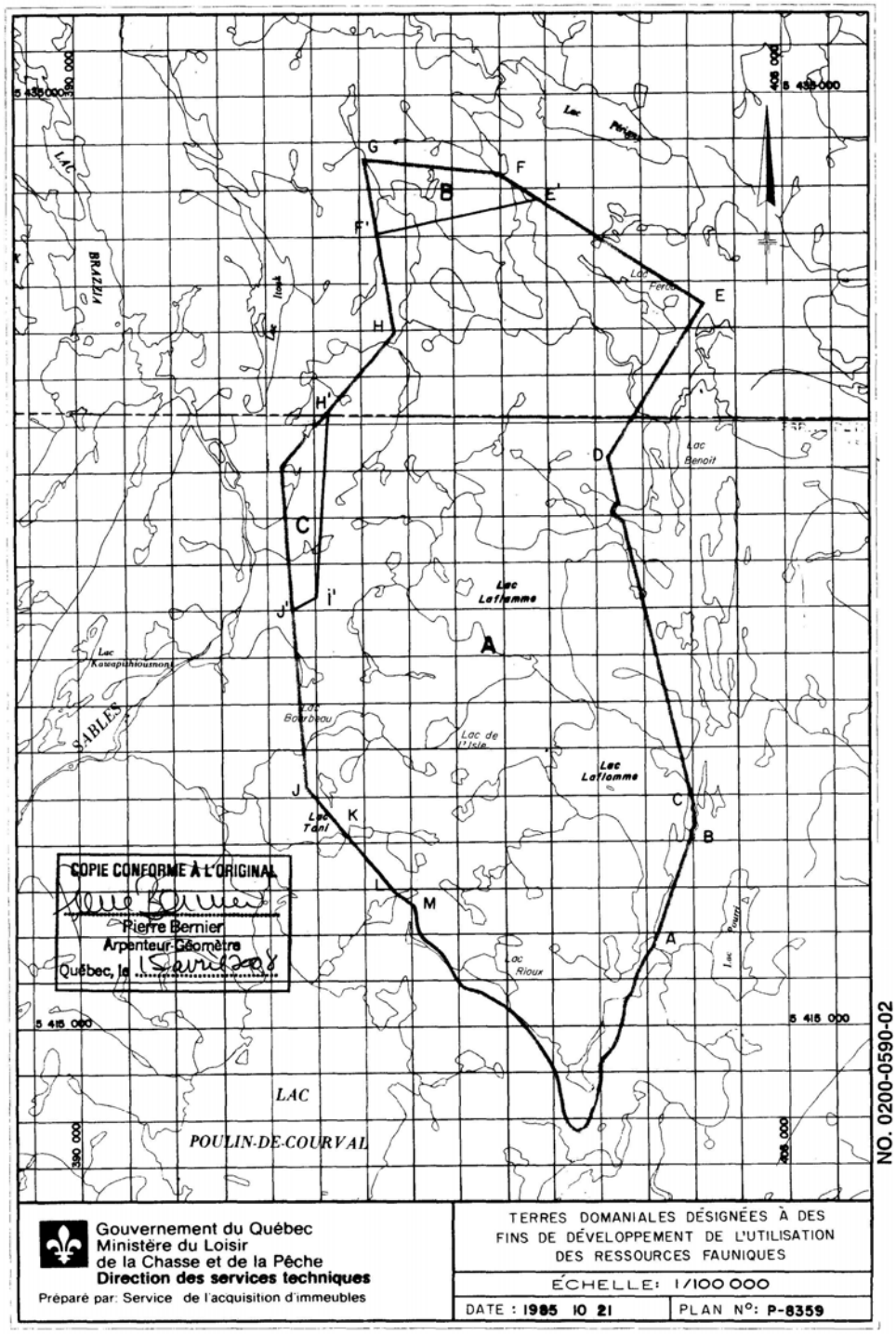
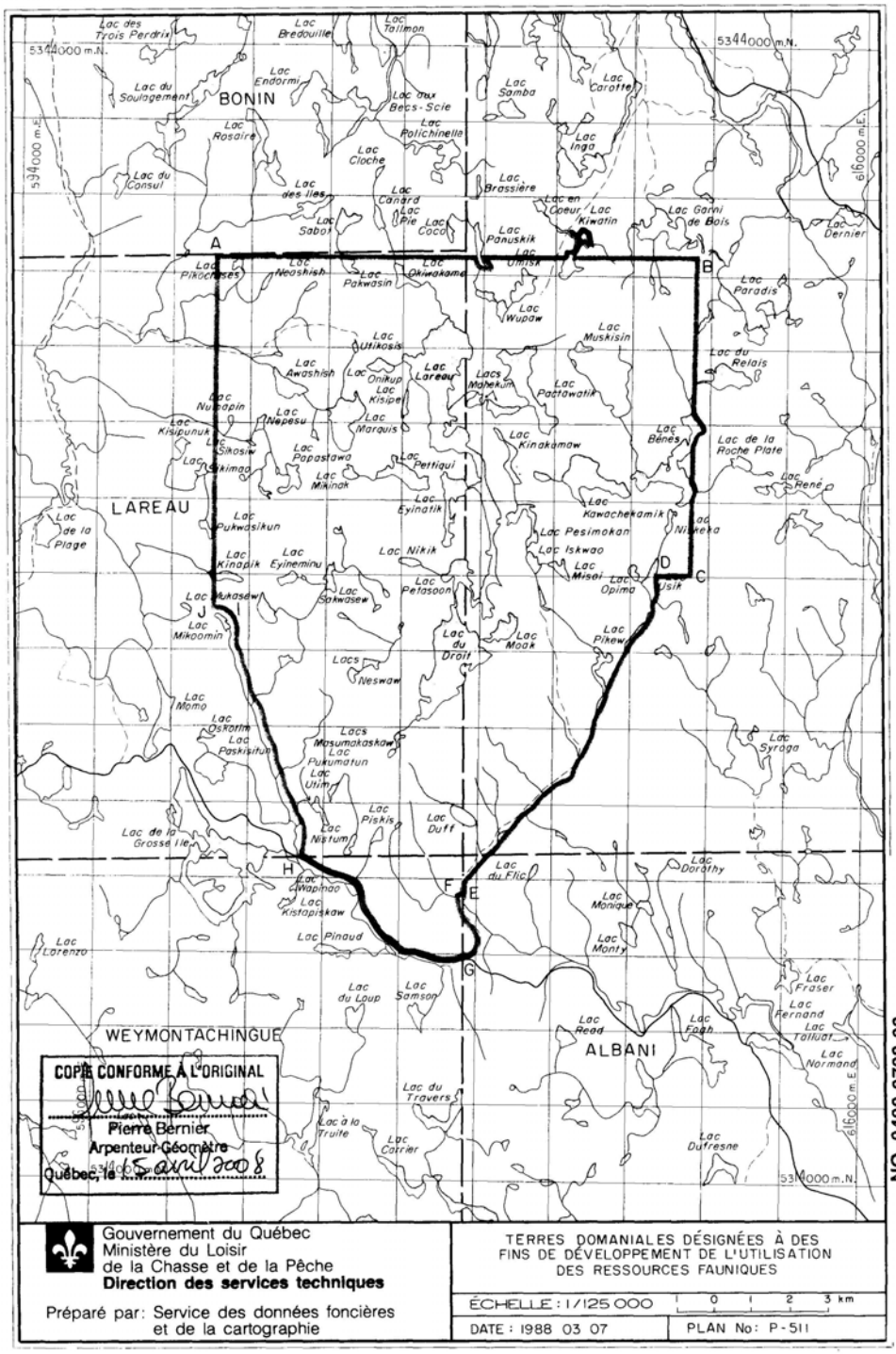
COPIE CONFORME À L'ORIGINAL
Pierre Bernier
Arpenteur Géomètre
Québec, le 15 avril 2008
NO. 0200-0501-04
Gouvernement du Québec
Ministère du Loisir
de la Chasse et de la Pêche
Direction des services techniques
Préparé par: Service de l'acquisition d'immeubles
TERRES DOMANIALES DÉSIGNÉES À DES FINS DE DÉVELOPPEMENT DE L'UTILISATION DES RESSOURCES FAUNIQUES
ÉCHELLE: 1/75000
DATE : 1985 10 21
PLAN Nº: P-8356

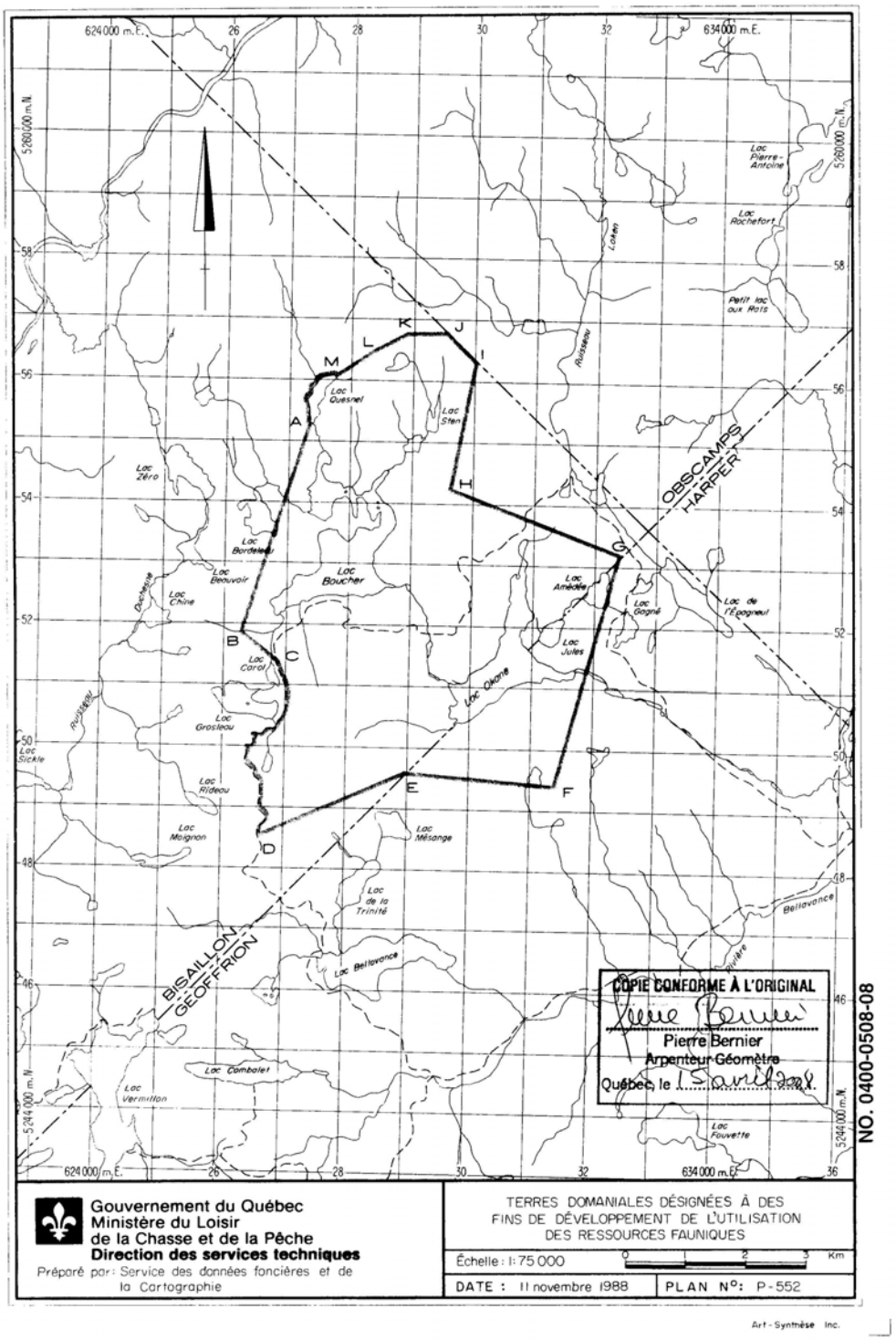
SCHEDULE LII



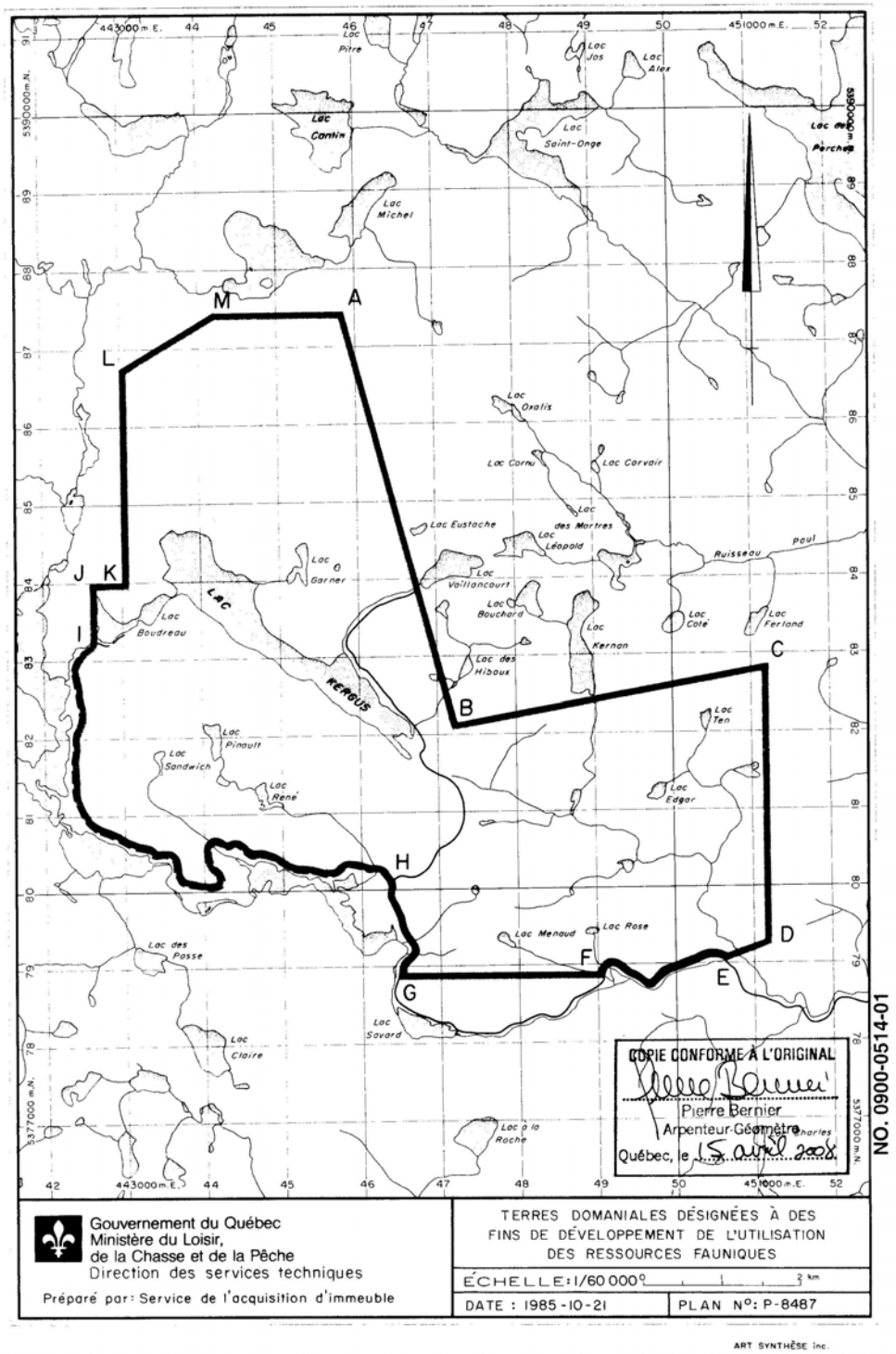
SCHEDULE CXVI



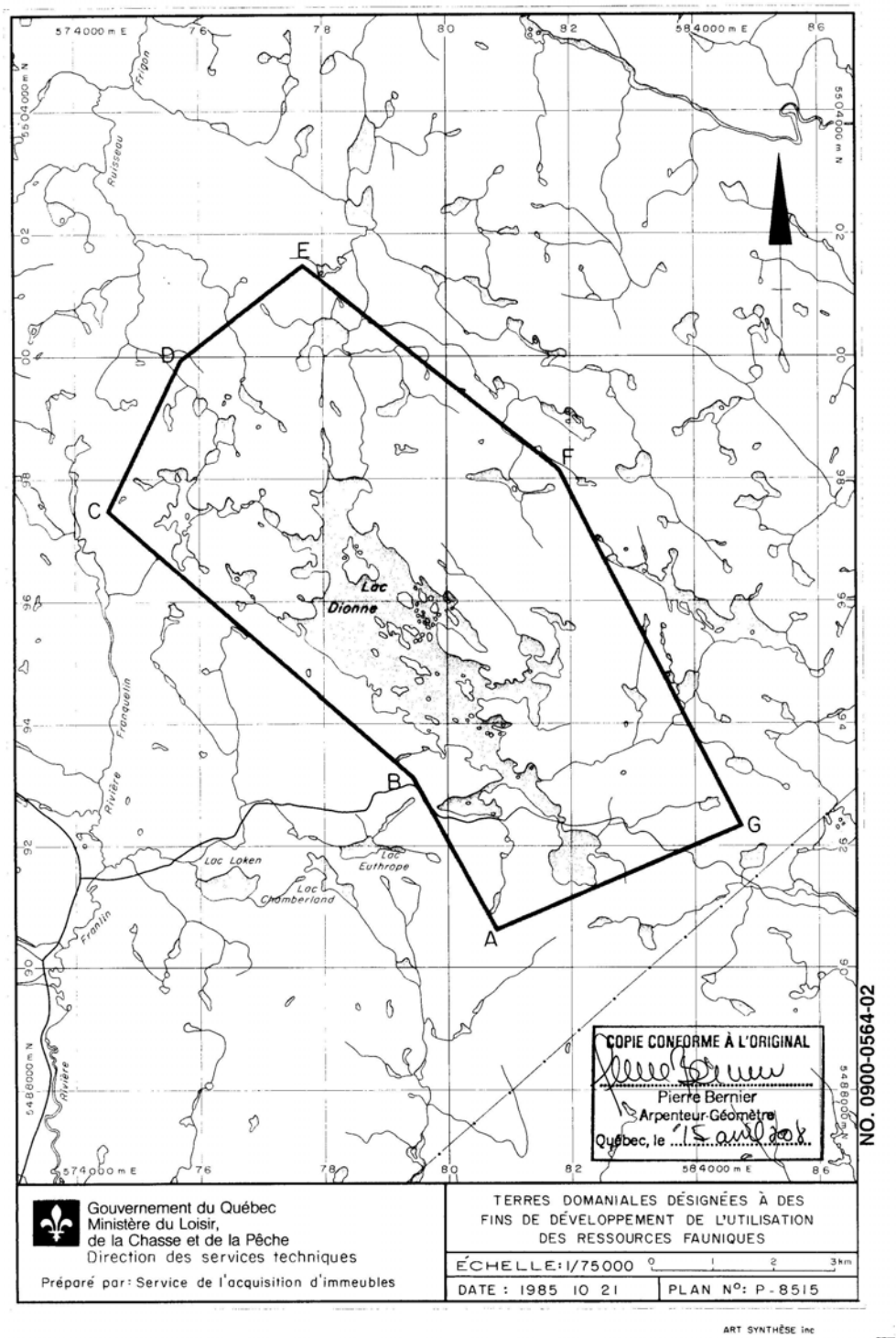
SCHEDULE CXVII



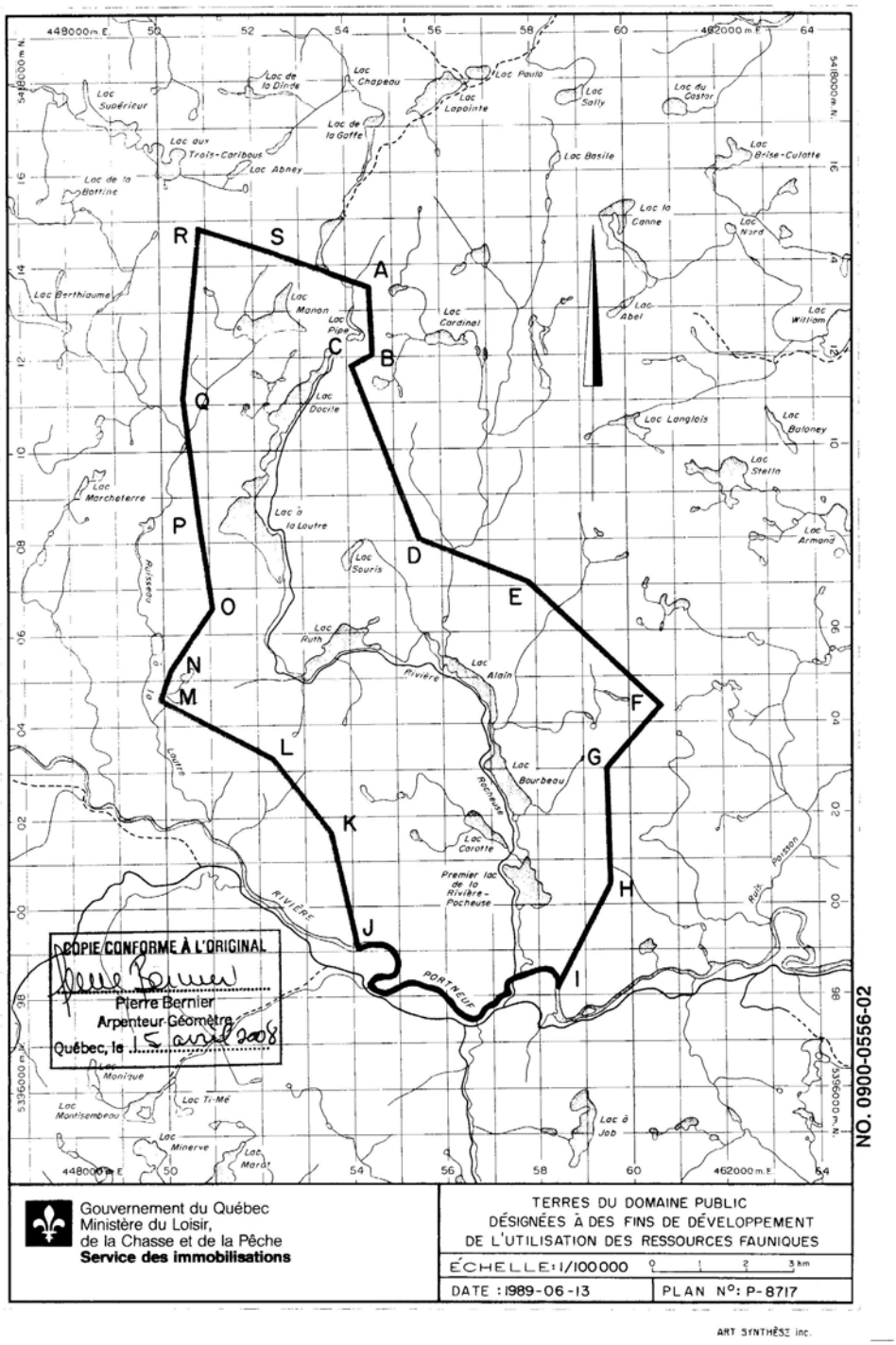
SCHEDULE CXLV



SCHEDULE CLVIII



SCHEDULE CLIX



Draft Regulations

Draft Regulation

An Act respecting parental insurance
(R.S.Q., c. A-29.011)

Premium rates under the parental insurance plan — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting premium rates under the parental insurance plan, made by the Conseil de gestion de l'assurance parentale on 23 April 2008 and appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The Regulation modifies the premium rates applicable to employees, persons referred to in section 51 of the Act respecting parental insurance, employers and self-employed workers, as of 1 January 2009.

The majority of workers and employers will be affected by the proposed amendments which have financial implications. The amendments will entail an increase of 4.7¢ per $100 of payroll for employers, 3.4¢ per $100 of salary or wages for employees and 6¢ per $100 of income for self-employed workers.

The proposed amendments are chiefly attributable to a significant increase in the birthrate since the coming into force of the plan.

Further information may be obtained by contacting Geneviève Leblanc, Direction des politiques du marché du travail, 425, rue Saint-Amable, 4e étage, Québec (Québec) G1R 4Z1; telephone: 418 646-2546; fax: 418 644-1299.

Any person wishing to comment on the draft Regulation is requested to submit written comments to the Minister of Employment and Social Solidarity, 425, rue Saint-Amable, Québec (Québec) G1R 4Z1, within the 45-day period.

SAM HAMAD,
Minister of Employment and Social Solidarity

Regulation to amend the Regulation respecting premium rates under the parental insurance plan *

An Act respecting parental insurance
(R.S.Q., c. A-29.011, s. 6)

1. The Regulation respecting premium rates under the parental insurance plan is amended by replacing section 1 by the following:

"**1.** The premium rate applicable to an employee and to a person referred to in section 51 of the Act is 0.484%.

The premium rate applicable to a self-employed worker is 0.860%.

The premium rate applicable to an employer is 0.677%.".

2. This Regulation comes into force on 1 January 2009.

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* The Regulation respecting premium rates under the parental insurance plan, made by Order in Council 985-2005 dated 19 October 2005 (2005, *G.O.* 2, 4742), was last amended by the regulation made by Order in Council 783-2007 dated 12 September 2007 (2007, *G.O.* 2, 2529A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

Erratum

M.O., 2008-07

Order number V-1.1-2008-07 of the Minister of Finance dated 15 May 2008

Securities Act
(R.S.Q., c. V-1.1, c. 331.1, subpars. 1, 3, 4.1, 8, 9, 11, 19, 19.1, 20, and 34; 2007, c. 15)

Gazette officielle du Québec, Part 2, 28 May 2008, Vol. 140, No. 22, Page 1995.

On page 2000, after the two paragraphs following section 27, the number of sections 28 and 29 should be added:

"**28.** The most recent statement prepared in accordance with this division must be available upon request and on the investment fund's website.

29. For the purposes of this division, disclosure for long and short positions must be given separately."

On page 2003, section 47, after paragraph 2), the number of the second section 47 should be removed and we should read:

"An investment fund that has received cash collateral from a securities lending transaction and has not repaid the cash collateral as of the date of the financial statements must disclose separately in the notes to the financial statements:"

On page 2009, section **2.2 Risk management**, after *INSTRUCTIONS,* the number of section 2.3 should be added, before the heading:

"**2.3 Results of Operations**"

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Gouvernement du Québec

O.C. 498-2008, 21 May 2008

Table of Contents

Gazette officielle du Québec, Part 2, 4 June 2008, Vol. 140, No. 23.

On Table of Contents page 2041, heading Regulations and other acts, Order in Council 498-2008, we should read:

"Professional Code — Dentists — Practice of the dental profession within a limited liability partnership or a joint-stock company"

Index

On Index, page 2069, sixth regulation, we should read:

" Dentists — Practice of the dental profession within a limited liability partnership or a joint-stock company"

On Index, page 2070, eight regulation, we should read:

"Professional Code — Dentists — Practice of the dental profession within a limited liability partnership or a joint-stock company"

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Index

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