

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

Part

**2**

**No. 29**

22 July 2009

**Laws and Regulations**

Volume 141

**Summary**

Table of Contents

Acts 2009

Regulations and other Acts

Index

Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
© Éditeur officiel du Québec, 2009

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

# NOTICE TO USERS

---

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Centre de services partagés du Québec (R.S.Q., c. C-8.1.1) and the Regulation respecting the *Gazette officielle du Québec* (Order in Council 1259-97 dated 24 September 1997), amended by the Regulation to amend the Regulation respecting the *Gazette officielle du Québec* (Order in Council 264-2004 dated 24 March 2004 (2004, G.O. 2, 1176). Partie 1, entitled “Avis juridiques”, is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday. Partie 2, entitled “Lois et règlements”, and the English edition, Part 2 “Laws and Regulations”, are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

## Part 2 – LAWS AND REGULATIONS

### Internet

The *Gazette officielle du Québec* Part 2 will be available on the Internet at noon each Wednesday at the following address:

[www.publicationsduquebec.gouv.qc.ca](http://www.publicationsduquebec.gouv.qc.ca)

### Contents

Part 2 contains:

- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
- (4) decisions of the Conseil du trésor and ministers’ orders whose publications in the *Gazette officielle du Québec* is required by law or by the Government;
- (5) regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by law;
- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

### French edition

In addition to the documents referred to in paragraphs 1 to 7 above, the French version of the *Gazette officielle du Québec* contains the orders in council of the Government.

### Rates\*

1. Annual subscription:

	Printed version	Internet
Partie 1 “Avis juridiques”:	\$185	\$163
Partie 2 “Lois et règlements”:	\$253	\$219
Part 2 “Laws and Regulations”:	\$253	\$219

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$9.54 per copy.

3. Downloading of documents from the Internet version of the *Gazette officielle du Québec* Part 2: \$6.74.

4. Publication of a notice in Partie 1: \$1.29 per agate line.

5. Publication of a notice in Part 2: \$0.85 per agate line. A minimum rate of \$186 is applied, however, in the case of a publication of fewer than 220 agate lines.

\* Taxes not included.

### General conditions

The Division of the *Gazette officielle du Québec* must receive manuscripts, **at the latest, by 11:00 a.m. on the Monday** preceding the week of publication. Requests received after that time will appear in the following edition. All requests must be accompanied by a signed manuscript. In addition, the electronic version of each notice to be published must be provided by e-mail, to the following address: [gazette.officielle@cspq.gouv.qc.ca](mailto:gazette.officielle@cspq.gouv.qc.ca)

For information concerning the publication of notices, please call:

**Gazette officielle du Québec**  
**1000, route de l’Église, bureau 500**  
**Québec (Québec) G1V 3V9**  
**Telephone: 418 644-7794**  
**Fax: 418 644-7813**  
**Internet: [gazette.officielle@cspq.gouv.qc.ca](mailto:gazette.officielle@cspq.gouv.qc.ca)**

### Subscriptions

Internet: [www.publicationsduquebec.gouv.qc.ca](http://www.publicationsduquebec.gouv.qc.ca)

Printed:

**Les Publications du Québec**  
Customer service – Subscriptions  
1000, route de l’Église, bureau 500  
Québec (Québec) G1V 3V9  
Telephone: 418 643-5150  
Toll free: 1 800 463-2100  
Fax: 418 643-6177  
Toll free: 1 800 561-3479

**All claims must be reported to us within 20 days of the shipping date.**

---

## Table of Contents

Page

---

### Acts 2009

4	An Act to regularize and provide for the development of local slaughterhouses and to amend the Food Products Act .....	2127
13	An Act respecting the Institut national des mines .....	2143
17	An Act to establish the Office Québec-Monde pour la jeunesse and to amend various legislative provisions .....	2151
20	An Act to amend the Courts of Justice Act and the Act respecting the Ministère de la Justice .....	2161
25	An Act to amend the Pay Equity Act .....	2167
33	An Act to amend the Act respecting elections and referendums in municipalities and other legislative provisions .....	2191
	List of Bills sanctioned (26 May 2009) .....	2121
	List of Bills sanctioned (28 May 2009) .....	2123
	List of Bills sanctioned (1 June 2009) .....	2125

### Regulations and other Acts

Trapping and fur trade (Amend.) .....	2207
---------------------------------------	------



**PROVINCE OF QUÉBEC**

1ST SESSION

39TH LEGISLATURE

QUÉBEC, 26 MAY 2009

---

## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 26 May 2009*

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

- 13 An Act respecting the Institut national des mines
- 17 An Act to establish the Office Québec-Monde pour la jeunesse and to amend various legislative provisions

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



**PROVINCE OF QUÉBEC**

1ST SESSION

39TH LEGISLATURE

QUÉBEC, 28 MAY 2009

---

## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 28 May 2009*

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

- 20 An Act to amend the Courts of Justice Act and the Act respecting the Ministère de la Justice
- 25 An Act to amend the Pay Equity Act

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





**PROVINCE OF QUÉBEC**

1ST SESSION

39TH LEGISLATURE

QUÉBEC, 1 JUNE 2009

---

## OFFICE OF THE LIEUTENANT-GOVERNOR

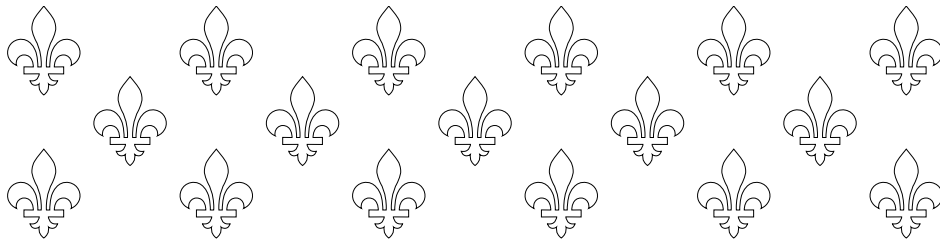
*Québec, 1 June 2009*

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

- 4 An Act to regularize and provide for the development of local slaughterhouses and to amend the Food Products Act
  
- 33 An Act to amend the Act respecting elections and referendums in municipalities and other legislative provisions

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





---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 4  
(2009, chapter 10)

**An Act to regularize and provide for the  
development of local slaughterhouses and  
to amend the Food Products Act**

---

---

**Introduced 12 March 2009  
Passed in principle 12 May 2009  
Passed 28 May 2009  
Assented to 1 June 2009**

---

**Québec Official Publisher  
2009**

## **EXPLANATORY NOTES**

*This Act amends the Food Products Act in order to make permits mandatory for slaughterhouse operators in Québec who are presently exempted from being permit holders.*

*To that end, it establishes, for the benefit of any person who operated a slaughterhouse without a permit between 14 June 1977 and the date of introduction of the new legislation, a transitional permit scheme to authorize the operation of a slaughterhouse and a meat preparation plant, and sets rules regarding the period of validity of the transitional scheme. It also determines conditions for the issue, renewal and transfer of transitional permits and operational standards for permit holders.*

*In addition, this Act introduces a new type of slaughterhouse permit for the same activities as those authorized under a transitional permit. It determines conditions for the issue and renewal of the new permits and operational standards that are to apply to permit holders until the Government makes a regulation for that purpose.*

*Moreover, this Act modifies inspection powers so that they include the inspection of animals and extends the Minister's power to set the operation schedule of slaughterhouses.*

*Lastly, it includes technical and consequential provisions necessary for its implementation.*

## **LEGISLATION AMENDED BY THIS ACT:**

– Food Products Act (R.S.Q., chapter P-29).

## **Bill 4**

### **AN ACT TO REGULARIZE AND PROVIDE FOR THE DEVELOPMENT OF LOCAL SLAUGHTERHOUSES AND TO AMEND THE FOOD PRODUCTS ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **TRANSITIONAL SLAUGHTERHOUSE PERMIT**

**1.** Every person who, between 14 June 1977 and 12 March 2009, operated a slaughterhouse without a permit is deemed to hold a transitional slaughterhouse permit until the earliest of

(1) the date on which the person is issued a transitional slaughterhouse permit;

(2) the date on which the Minister refuses to issue the person a transitional slaughterhouse permit; and

(3) 29 September 2009, if the Minister has not received the person's application for a transitional slaughterhouse permit by that date.

**2.** A transitional slaughterhouse permit authorizes the permit holder to operate a slaughterhouse and a plant where meat or meat products are prepared exclusively to be sold at retail in that plant, or a slaughterhouse where slaughter services are provided for remuneration and a plant where meat or meat products may be prepared for remuneration for the personal consumption of a customer to whom slaughter services have been provided.

**3.** To obtain a transitional slaughterhouse permit, a person referred to in section 1 must apply for it in writing to the Minister before 29 September 2009 and provide

(1) in the case of a natural person, the person's name, address, telephone number and, if applicable, email address;

(2) in the case of a sole proprietorship, partnership or legal person, its name, telephone number and, if applicable, email address, the address of its main establishment and the business number assigned to it under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45);

(3) the name under which the slaughterhouse operates, its address and, if applicable, the name and address of the meat preparation plant;

(4) a monthly slaughtering schedule;

(5) an estimated monthly slaughtering volume, by species;

(6) a list of the activities the person intends to carry on; and

(7) for the purpose of establishing the amount of the fee payable, the total number of self-service hot or cold units in the meat preparation plant, other than cold units solely for the display of fresh whole, cut, peeled, grated or sliced fruit or vegetables.

The application must be submitted with the file opening fee, made payable to the Minister of Finance, and evidence that the applicant operated a slaughterhouse without a permit between 14 June 1977 and 12 March 2009.

The applicant must pay the prescribed fees to the Minister of Finance before the permit may be issued.

**4.** A transitional slaughterhouse permit is issued only if the applicant's slaughterhouse has

(1) a slaughtering room;

(2) a cold storage room with an initial cooling area and a refrigerated preserving area. The room must have equipment designed to lower the internal temperature of products and preserve them in accordance with section 6.3.1.8 of the Regulation respecting food (R.R.Q., 1981, chapter P-29, r. 1);

(3) a ventilated room, area or vehicle for receiving animals that is designed so as to prevent falls and injuries to animals and, if the animals received are of a species other than birds or rabbits, that is equipped with drinking and feeding facilities;

(4) an area for containers used for meat unfit for human consumption and for skins;

(5) a compartment for storing cleaning, washing and disinfecting materials; and

(6) a lavatory, including a sink, that may be used by the authorized person.

The slaughterhouse floors must be impermeable, washable and in good condition.

At the time the permit is issued, the slaughterhouse must also have

- (1) room lighting and ventilation equipment and hot and cold drinking water supply equipment;
- (2) hygienic handwashing equipment;
- (3) waste water recovery or drainage equipment;
- (4) equipment for rendering animals unconscious before bleeding them, suitable for the species slaughtered;
- (5) suspension equipment for the hygienic bleeding of animals;
- (6) equipment to keep carcasses off the floor during skinning;
- (7) carcass rinsing equipment;
- (8) equipment for disposing of meat unfit for human consumption and skins in such a way that they do not become a source of contamination;
- (9) equipment for the inspection of carcasses, viscera and offal; and
- (10) if species other than birds and rabbits are slaughtered, equipment for splitting carcasses in such a way that they remain safe.

The applicant's meat preparation plant must have the equipment described in subparagraphs 1 to 3 of the third paragraph.

**5.** For the first renewal of a transitional slaughterhouse permit, the applicant's slaughterhouse must have, in addition to the rooms, areas, equipment and systems described in section 4,

- (1) equipment providing sufficient lighting for inspection activities;
- (2) knife sterilization equipment in the slaughtering room;
- (3) if cattle or horses are slaughtered, washing equipment for the inspection of heads;
- (4) if birds other than ratites are slaughtered, plucking equipment; and
- (5) if hogs are slaughtered and the skin is not removed, bristle removal equipment.

At the time of renewal of the permit, the rooms and areas of the slaughterhouse must be laid out in such manner that there is a continuous progression of the animals before and during slaughtering, and of the resulting carcasses, without any possibility of backtracking, overlapping or crossing over between live animals, products and meat unfit for human consumption. The rooms and areas must also be designed to prevent the entry of any species of animal other than those being slaughtered, including insects and rodents.

Moreover, the walls, doors, windows and ceilings must be washable, smooth and in good condition.

The applicant's meat preparation plant must have the equipment described in subparagraphs 1 to 3 of the third paragraph of section 4.

**6.** The equipment described in sections 4 and 5 must not be capable of affecting the safety of products.

**7.** For the second renewal of a transitional slaughterhouse permit, the applicant's slaughterhouse must have, in addition to the rooms, areas, equipment and systems described in sections 4 and 5,

(1) machine areas and a repair and maintenance area, laid out in such manner as to avoid contaminating the carcasses and other products; and

(2) if birds other than ratites are slaughtered, a room with receiving, slaughtering and plucking areas separated from the area for evisceration and any other carcass processing so as to prevent the contamination of the carcasses and other products.

The applicant's meat preparation plant must have the equipment described in subparagraphs 1 to 3 of the third paragraph of section 4.

**8.** A transitional slaughterhouse permit allows the permit holder to slaughter only

(1) animals whose meat is intended exclusively to be sold at retail in the permit holder's meat preparation plant; and

(2) animals belonging to a customer of the slaughterhouse and whose meat is for the customers' personal consumption.

The permit allows the permit holder to operate only one plant where meat or meat products are prepared for the exclusive purpose of retail sale in that plant or the slaughterhouse customers' personal consumption. The meat or meat products prepared must be

(1) derived from animals slaughtered in the permit holder's slaughterhouse;

(2) derived from animals slaughtered in a slaughterhouse referred to in subparagraph *a* of the first paragraph of section 9 of the Food Products Act (R.S.Q., chapter P-29) or in a slaughterhouse in respect of which the operator holds a license to operate a registered establishment issued under the Meat Inspection Regulations, 1990 (Revised Statutes of Canada, 1970, chapter M-7; SOR/90-288 *Canada Gazette* Part II, 2090); or

(3) derived from game held in accordance with the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) and prepared solely for the slaughterhouse customers' personal consumption.



Only meat or meat products derived from animals described in subparagraphs 1 and 2 of the second paragraph may be sold by the permit holder.

The permit holder may, after obtaining authorization from the Minister, use such meat or meat products in one place or vehicle in which the permit holder carries on business as a restaurateur.

**9.** The holder of a transitional slaughterhouse permit is prohibited from

- (1) selling meat or meat products wholesale;
- (2) carrying on special trading under section 6.7.1.12 of the Regulation respecting food;
- (3) supplying a vending machine with meat or meat products; and
- (4) storing meat or meat products elsewhere than in the permit holder's slaughterhouse, meat preparation plant or place or vehicle referred to in the fourth paragraph of section 8.

**10.** The holder of a transitional slaughterhouse permit must conform with the slaughtering schedule provided with the permit or permit renewal application or, if applicable, with the schedule set by the Minister under section 26.

**11.** The holder of a transitional slaughterhouse permit may not slaughter, for human consumption, an animal that

- (1) is unable to stand or move about without assistance; or
- (2) exhibits abnormal behaviour or an abnormal appearance.

**12.** The holder of a transitional slaughterhouse permit must keep a register giving the date on which animals were received, followed by

- (1) the name, address and telephone number of the owner of the animals or, if applicable, of the person requiring slaughtering services;
- (2) the number of animals of each species; and
- (3) the identification of each animal that is subject to a regulation under section 22.1 of the Animal Health Protection Act (R.S.Q., chapter P-42).

The register must be kept at the slaughterhouse for at least one year from the date of the last entry.

**13.** The provisions of the Regulation respecting food apply to the holder of a transitional slaughterhouse permit to the extent that they are consistent with this chapter, except those of Division 1.3, section 6.2.4, Division 6.3 other

than sections 6.3.5.2 and 6.3.5.5 and the third paragraph of section 6.3.5.7, paragraph *f* of section 6.4.2.1, section 6.4.2.6, paragraph *a* of section 6.4.3.3 as regards conveyors and overhead rails, and Division 6.5.

Sections 6.4.1.1, 6.4.1.17 and 6.4.2.7 of the regulation must be read as if “preserving room” were replaced by “preserving area”.

**14.** The holder of a transitional slaughterhouse permit must install and maintain a notice bearing the following inscription in public view in the meat preparation plant: “Notice: Meat and meat products sold here are derived from animals not slaughtered and processed under permanent inspection.” The permit holder must also inform any buyer who is unable to read the notice of the content of the notice.

If the permit holder also carries on a business as a restaurateur and serves meat or meat products derived from animals slaughtered at the slaughterhouse, the permit holder must inform the consumer of this by an indication on the menu or by some other means.

**15.** The Minister must, before 1 July 2010, issue or refuse to issue a permit applied for under section 3.

**16.** The Minister may impose any condition or restriction the Minister determines and specify it on the permit.

**17.** A transitional slaughterhouse permit expires 12 months after its issue; it may be renewed on the conditions specified in section 5 in the case of a first renewal and section 7 in the case of a second renewal.

To obtain a renewal, the permit holder must apply to the Minister in writing at least 30 days before the expiry date of the permit. The application for renewal must be submitted with the fee prescribed, made payable to the Minister of Finance, and must contain the information required under the first paragraph of section 3.

**18.** No transitional slaughterhouse permit may be issued for a slaughterhouse that is already being operated under a permit issued under subparagraph *a* of the first paragraph of section 9 of the Food Products Act.

**19.** The holder of a transitional slaughterhouse permit must notify the Minister as soon as the permit holder ceases to operate permanently or suspends operations; in the latter case, the notice must specify the duration of the suspension.

The permit holder must also inform the Minister within 15 days of any change affecting the information provided with the permit or permit renewal application.

**20.** A person whose transitional slaughterhouse permit has been cancelled may no longer obtain such a permit.

In addition, a period of six months following the cancellation must have expired before the person may be issued a new permit under subparagraph *a* or *a.1* of the first paragraph of section 9 of the Food Products Act for the operation of a slaughterhouse covered by the cancelled permit or a permit under section 1.3.5.B.1 of the Regulation respecting food for the operation of a meat preparation plant covered by the cancelled permit.

**21.** Despite section 12 of the Food Products Act, the Minister may authorize the transfer of a transitional slaughterhouse permit for the operation of the slaughterhouse and, if applicable, the meat preparation plant for which it was issued, subject to the conditions or restrictions the Minister determines.

The new permit holder must comply with the conditions or restrictions determined by the Minister, provide the information required under the first paragraph of section 3 and pay the file opening fee prescribed under section 22.

Such a transfer does not suspend the validity period of the permit; it continues to run from the date of its issue or renewal to the former permit holder. The permit may be renewed in accordance with section 5 in the case of a first renewal and section 7 in the case of a second renewal.

**22.** Every application for a transitional slaughterhouse permit carries a non-refundable file opening fee of \$109.

**23.** The fee payable for a transitional slaughterhouse permit is \$284.

The fee prescribed in the first paragraph is increased by \$13 for each self-service hot or cold unit, as defined in paragraph *k* of section 1.1.1 of the Regulation respecting food, in excess of five, used to display food in the meat preparation plant.

The fee payable under this section is non-refundable.

**24.** The fees payable under this chapter are adjusted on 1 April every year as of 1 April 2010, according to the change in the all-items Consumer Price Index for Canada established by Statistics Canada for the 12-month period ending on 30 September of the previous year. The fees are reduced to the nearest dollar when they include a dollar fraction under \$0.50, and increased to the nearest dollar when they include a dollar fraction equal to or over \$0.50.

The Minister informs the public of the results of the adjustments under this section by publishing them in Part I of the *Gazette officielle du Québec* and by any other means the Minister considers appropriate.

**25.** From the date of its issue, a person's transitional slaughterhouse permit replaces the permit issued under paragraph 1 or 2 of section 1.3.5.B.1 of the Regulation respecting food that the person already holds for the operation of a plant that prepares meat or meat products derived from animals slaughtered in a slaughterhouse that the person was until then operating without a permit.

In such a case, the fee prescribed in section 23 is reduced in proportion to the number of months remaining before the permit so replaced was to expire.

**26.** The Minister may set the slaughtering schedule of a slaughterhouse operated under a transitional slaughterhouse permit to ensure the inspection under section 33.0.0.1 of the Food Products Act is carried out.

**27.** The holder of a transitional slaughterhouse permit who has obtained a second renewal must, in order to continue operating the slaughterhouse concerned, apply for a permit under subparagraph *a* or *a.1* of the first paragraph of section 9 of the Food Products Act 30 days before the transitional slaughterhouse permit expires and obtain it before the transitional slaughterhouse permit expires.

**28.** The Food Products Act applies to this chapter.

## CHAPTER II

### AMENDING PROVISIONS

**29.** Section 7 of the Food Products Act (R.S.Q., chapter P-29) is amended by inserting “*a.1*,” after “*a*,”.

**30.** Section 9 of the Act, amended by section 3 of chapter 53 of the statutes of 1983, section 5 of chapter 80 of the statutes of 1990 and section 13 of chapter 26 of the statutes of 2000, is again amended

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

“(*a.1*) operate a local slaughterhouse;”;

(2) by adding “, unless the person holds a permit required under subparagraph *a.1*” after “remuneration” at the end of subparagraph *m* of the first paragraph;

(3) by inserting “*a.1*,” after “subparagraph *a*,” in subparagraph *n.3* of the first paragraph;

(4) by striking out the third paragraph.

**31.** Section 32 of the Act is amended by inserting “veterinarians,” after “inspectors,”.

**32.** Section 32.1 of the Act is amended by replacing “the documents or information necessary to ascertain that a product is in conformity with the provisions of this Act or the regulations” in the first paragraph by “any document or information relevant to the carrying out of this Act”.

**33.** Section 33 of the Act is amended

- (1) by inserting “, animal” after “product” in paragraph 2;
- (2) by inserting “or animal” after “product” in paragraph 3;
- (3) by inserting “animal,” after “product,” in paragraph 4.

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

**“33.0.0.1.** Every authorized person may enter a slaughterhouse at any reasonable time and conduct, for as long as is necessary, a sanitary inspection of animals before and after they are slaughtered, and of the carcasses or parts of such animals. The authorized person may also, when conducting an inspection,

- (1) take specimens free of charge;
- (2) prohibit the slaughtering of animals or subject it to certain conditions;
- (3) seize or confiscate animals, animal carcasses or animal parts if the person has reasonable cause to believe they are unfit for human consumption; and
- (4) order the destruction of animals, animal carcasses or animal parts, or determine how they are to be disposed of.

The slaughterhouse operator is required to lend assistance to the authorized person in carrying out an inspection.”

**35.** Section 33.0.1 of the Act is amended by striking out “under a regulation made pursuant to paragraph *c.3* or *c.5* of section 40”.

**36.** Section 33.1 of the Act is amended by inserting “, animal” after “any product” and “, animal” after “such product” in the first paragraph.

**37.** Section 34 of the Act is amended by replacing “subparagraphs *a*, *b* and *c*” by “subparagraphs *a*, *a.1*, *b* and *c* of the first paragraph” and by inserting “or their inspection under section 33.0.0.1” after “permit holder”.

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

- (1) by striking out paragraph *i*;
- (2) by replacing paragraph *l* by the following paragraph:

“(*l*) define any expression used in this Act;”.

**39.** Section 45 of the Act is amended by inserting “the second paragraph of section 33.0.0.1 and sections” after “3.5,” in paragraph 1.**40.** Section 45.2 of the Act is amended by inserting “or *a.1*” after “subparagraph *a*”.**CHAPTER III****TRANSITIONAL PROVISIONS APPLICABLE  
TO LOCAL SLAUGHTERHOUSES**

**41.** Until 1 July 2014 or any earlier date set by the Government, the conditions for the issue or renewal of a permit required under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act (R.S.Q., chapter P-29) and the operational standards that apply to the holder of such a permit are provided for in this chapter.

Despite the first paragraph, the Government may, in view of health and safety or socio-economic factors, make regulations prescribing conditions for the issue or renewal of a permit or operational standards that differ from those prescribed by this chapter.

The Government must, by regulation and not later than 1 July 2010, change the number of meat preparation plants that a local-slaughterhouse permit holder may operate.

**42.** A permit under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act authorizes the permit holder to operate a slaughterhouse and a plant where meat or meat products are prepared exclusively to be sold at retail in that plant, or a slaughterhouse where slaughter services are provided for remuneration and a plant where meat or meat products may be prepared for remuneration for the personal consumption of a customer to whom slaughter services have been provided.

**43.** To obtain a permit under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act, the applicant’s slaughterhouse must be laid out so as to preserve the safety of products and the sanitary conditions of the operation. It must have, in addition to the rooms, areas, equipment and systems described in sections 4 to 7,

- (1) a slaughtering room comprising a slaughtering area and a dressing area;

(2) a ventilated room or area for receiving animals that is designed so as to prevent falls and injuries to animals and, if the animals received are of a species other than birds or rabbits, that is equipped with drinking and feeding facilities;

(3) knife sterilization equipment in the slaughtering and dressing areas; and

(4) a restraining cage in the slaughtering area for cattle, horses and animals of other species as is required when rendering such animals unconscious.

The applicant's meat preparation plant must have the equipment described in subparagraphs 1 to 3 of the third paragraph of section 4.

**44.** An application for a permit under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act must be filed with the Minister in writing, contain the information required under the first paragraph of section 3 and be submitted with the file opening fee prescribed by section 22, made payable to the Minister of Finance, and with the plans and specifications described in section 1.3.1.2 of the Regulation respecting food (R.R.Q., 1981, chapter P-29, r. 1). Before a permit is issued, the applicant must have paid the permit fee to the Minister of Finance.

Despite the first paragraph, applicants who hold a transitional slaughterhouse permit are exempted from paying the file opening fee.

**45.** An application for a renewal of the permit required under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act must be filed with the Minister in writing before the expiry date of the permit, contain the information required under the first paragraph of section 3 and be submitted with the prescribed fee, made payable to the Minister of Finance.

**46.** The fee payable for the issue or renewal of the permit required under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act is \$600.

The fee prescribed in the first paragraph is increased by \$13 for each self-service hot or cold unit, as defined in paragraph *k* of section 1.1.1 of the Regulation respecting food, in excess of five, used to display food in the meat preparation plant.

The fee payable under this section is non-refundable.

**47.** The fees payable under this chapter are adjusted on 1 April every year from 1 April 2010, according to the change in the all-items Consumer Price Index for Canada established by Statistics Canada for the 12-month period

ending on 30 September of the previous year. The fees are reduced to the nearest dollar when they include a dollar fraction under \$0.50, and increased to the nearest dollar when they include a dollar fraction equal to or over \$0.50.

The Minister informs the public of the results of the adjustments under this section by publishing them in Part I of the *Gazette officielle du Québec* and by any other means the Minister considers appropriate.

**48.** Sections 8 to 14, 18 and 19 and section 1.3.1.10 of the Regulation respecting food apply, with the necessary modifications, to the holder of a permit under subparagraph *a.1* of the first paragraph of section 9 of the Food Products Act.

## CHAPTER IV

### PENAL PROVISIONS

**49.** A person who contravenes

(1) any of sections 8, 9, 11, 12 and 14,

(2) a condition or restriction specified on the person's permit in accordance with section 16 or 21, or

(3) a regulation under section 41,

is liable to a fine of \$1,000 to \$6,000 and, for any subsequent contravention, to a fine of \$3,000 to \$18,000.

**50.** A person who contravenes section 10 is liable to a fine of \$2,000 to \$15,000 and, for any subsequent contravention, to a fine of \$6,000 to \$45,000.

**51.** A person who contravenes section 19 is liable to a fine of \$250 to \$2,000 and, for any subsequent contravention, to a fine of \$750 to \$6,000.

**52.** A person who incites another person to commit an offence or participates in an offence committed by another person is liable to the same penalties as are prescribed for the offender.

**53.** If a legal person commits an offence, any officer, director, partner, employee or mandatary of the legal person who prescribed, authorized, consented to, acquiesced in or participated in the offence is deemed to be a party to it and is liable to the penalties prescribed for the offence, whether or not the legal person has been prosecuted or convicted.



**CHAPTER V****FINAL PROVISIONS**

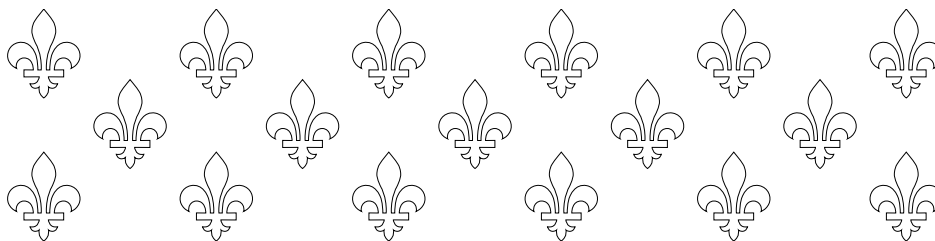
**54.** Chapters I, III and IV cease to have effect on or before 1 July 2014.

**55.** The Minister must, not later than 1 July 2012, report to the Government on the carrying out of this Act, specifically section 8, and on the advisability of maintaining or amending this Act.

The report is tabled in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

**56.** This Act comes into force on 1 July 2009, except paragraph 3 of section 30, which comes into force on the date of coming into force of subparagraph *n.3* of the first paragraph of section 9 of the Food Products Act, introduced by paragraph 5 of section 13 of the Act to amend the Agricultural Products, Marine Products and Food Act and other legislative provisions (2000, chapter 26).





---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 13  
(2009, chapter 6)

## **An Act respecting the Institut national des mines**

---

---

**Introduced 24 March 2009**  
**Passed in principle 9 April 2009**  
**Passed 21 May 2009**  
**Assented to 26 May 2009**

---

**Québec Official Publisher  
2009**

## **EXPLANATORY NOTES**

*The object of this Act is to create an institute to be known as the Institut national des mines whose main mission will be to support the Government in its educational responsibilities in the mining sector.*

*The Act sets the rules for the establishment and organization of the institute and particularly for the composition of its board of directors. It also introduces the financial provisions and the reporting rules to which the institute will be subject.*

*Lastly, the Act provides that the Minister of Education, Recreation and Sports must report to the Government seven years after the Act comes into force on the carrying out of the Act and the advisability of maintaining it in force or amending it.*

## **LEGISLATION AMENDED BY THIS ACT:**

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

## Bill 13

### AN ACT RESPECTING THE INSTITUT NATIONAL DES MINES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### CHAPTER I

##### ESTABLISHMENT

- 1.** An institute to be known as the “Institut national des mines” is established.
- 2.** The institute is a legal person.
- 3.** The institute is a mandatary of the State.

The property of the institute forms part of the domain of the State, but the execution of its obligations may be levied against its property.

The institute binds none but itself when it acts in its own name.

- 4.** The institute has its head office at the place determined by the Government. A notice of the location or any change of location of the head office is published in the *Gazette officielle du Québec*.

#### CHAPTER II

##### MISSION AND FUNCTIONS

- 5.** The institute’s mission is to support the Government in its educational responsibilities in the mining sector. Its mandate includes maximizing workforce training capacity by making optimal use of the means available in accordance with the shared vision of all players in the mining sector, thus helping to improve Québec’s productivity and competitiveness in keeping with the principle of sustainable development.

More specifically, the institute’s mission is to

(1) coordinate actions at each of the various levels of education to meet training needs and workforce requirements in the mining sector;

(2) assess current and future training needs in the mining sector and monitor them on an ongoing basis to determine changes in their nature and geographic distribution;

(3) submit proposals to the Minister with a view to updating the training supply; and

(4) participate actively in efforts to promote mining sector trades and professions.

**6.** In the pursuit of its mission, the institute may

(1) with the collaboration, among other bodies, of the Comité sectoriel de main-d'œuvre de l'industrie des mines established under Part III of the Companies Act (R.S.Q., chapter C-38), commission the studies and research required for a full understanding of the mining sector and for developing the skills required in that sector;

(2) conduct pilot projects and fields tests, mainly in workforce training;

(3) subject to the applicable legislative provisions, enter into an agreement with a government other than that of Québec, with a department of such a government, with an international organization or with a body of such a government or organization;

(4) solicit and receive gifts, legacies, subsidies or other contributions, provided that any attached conditions are consistent with its mission;

(5) establish methods of collaboration with other persons or partnerships in the mining sector; and

(6) carry out any other mandate received from the Minister.

**7.** The institute must give its opinion on any question the Minister submits to it with respect to the fields or subjects within its purview; such opinions may include recommendations.

**8.** Each year on the date set by the Minister, the institute must send a plan of its activities to the Minister along with the related budget. The plan must reflect the policy directions and objectives given the institute by the Minister.

The plan must be in the form and contain the information specified by the Minister.

The plan must be submitted to the Minister for approval.

**9.** The institute must adopt a strategic plan. The plan is subject to the requirements set out in the Public Administration Act (R.S.Q., chapter A-6.01).

**10.** The institute must provide any information the Minister requests concerning its activities.

### CHAPTER III

#### ORGANIZATION AND OPERATION

**11.** The institute is administered by a board of directors, composed of 17 members.

The Government appoints 14 members, at least eight of whom must come from various regions of Québec, other than the Montréal and Capitale-Nationale regions, and at least one of whom must have accounting or financial expertise. The members include

- (1) a chair;
- (2) a president and chief executive officer;
- (3) six members from mining-related sectors of the secondary, college or university education system, appointed after consultation with those sectors;
- (4) one member from the Cree School Board and one from the Kativik School Board, appointed after consultation with those school boards;
- (5) two members from mining sector employer associations, appointed after consultation with those associations;
- (6) one member from the Comité sectoriel de main-d'œuvre de l'industrie des mines, appointed after consultation with the committee; and
- (7) one member from associations of employees in mining-related jobs, appointed after consultation with those associations.

The Deputy Minister of Education, Recreation and Sports, the Deputy Minister of Natural Resources and Wildlife, and the Deputy Minister of Employment and Social Solidarity or the person each Deputy Minister may designate are also members of the board but are not entitled to vote.

**12.** The chair of the board of directors and the president and chief executive officer are appointed for a term of up to five years, and the other government-appointed directors, for a term of up to three years.

These terms may be renewed.

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

**14.** The chair of the board of directors presides at meetings of the board and sees to its smooth operation.

**15.** The board of directors designates a vice-chair from among its members.

If the chair of the board is absent or unable to act, the vice-chair acts as chair.

**16.** The president and chief executive officer is responsible for the direction and management of the institute within the framework of its by-laws and policies.

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

**17.** The board of directors must meet at least four times a year.

It may hold its meetings anywhere in Québec.

The quorum at meetings of the board is the majority of its members.

In the case of a tie vote, the chair has a casting vote.

**18.** The Government determines the remuneration, employee benefits and other conditions of employment of the president and chief executive officer.

The other members of the board receive no remuneration except in the cases, on the conditions and to the extent the Government may determine. They are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties, on the conditions and to the extent determined by the Government.

**19.** The members of the personnel of the institute are appointed in accordance with the staffing plan established by by-law of the institute.

Subject to the provisions of a collective agreement, the institute determines by by-law the standards and scales of remuneration, the employee benefits and the other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.

**20.** The ethical and professional standards defined in sections 4 to 12 of the Public Service Act (R.S.Q., chapter F-3.1.1) and its regulations apply to the members of the institute's personnel.

**21.** The institute may make by-laws for its internal management.

The by-laws may, among other things, establish committees to examine specific issues or facilitate the proper operation of the institute and determine the functions and powers of a committee and the term of office of its members.

Committee members receive no remuneration except in the cases, on the conditions and to the extent determined by the Government. They are entitled, however, to the reimbursement of the expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.



## CHAPTER IV

### FINANCIAL PROVISIONS

**22.** The institute's fiscal year ends on 31 March.

**23.** The Government may, on the conditions it determines,

(1) guarantee payment of the principal and interest on any loan or other obligation contracted by the institute; and

(2) authorize the Minister of Finance to advance to the institute any amount considered necessary to meet its obligations or fulfill its mission.

The sums required for the purposes of this section are taken out of the consolidated revenue fund.

**24.** The sums received by the institute must be applied to the payment of its obligations. Any surplus is retained by the institute unless the Government decides otherwise.

**25.** The institute may not, without the Government's authorization, contract a loan that causes the total of its outstanding loans to exceed the amount determined by the Government.

The Government may make its authorization subject to the conditions it determines.

## CHAPTER V

### DOCUMENTS, ACCOUNTS AND REPORTS

**26.** No deed or document binds the institute unless it is signed by the chair of the board of directors, the president and chief executive officer of the institute or a member of the personnel, and, in the case of such a member, only to the extent determined by by-law of the institute.

The institute may, on the conditions it determines, allow a required signature to be affixed by means of an automatic device to the documents it determines, or a facsimile of a signature to be engraved, lithographed or printed on them. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair of the board or the president and chief executive officer.

**27.** The minutes of the meetings of the board of directors, approved by the board and certified by the chair or another person authorized by the institute, are authentic, as are documents and copies emanating from the institute or forming part of its records if signed or certified in the same way.

**28.** On or before 31 July each year, the institute must file its financial statements with the Minister, together with a report on its activities for the preceding fiscal year.

The financial statements and the report must contain all the information the Minister may require.

**29.** The Minister must table the financial statements and the report in the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

**30.** The books and accounts of the institute are audited by the Auditor General every year and whenever ordered by the Government.

The audit report must accompany the institute's activity report and financial statements.

## CHAPTER VI

### AMENDING AND FINAL PROVISIONS

**31.** Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting "Institut national des mines" in alphabetical order.

**32.** Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended by inserting "The Institut national des mines" in alphabetical order.

**33.** Paragraph 1 of Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting "the Institut national des mines" in alphabetical order.

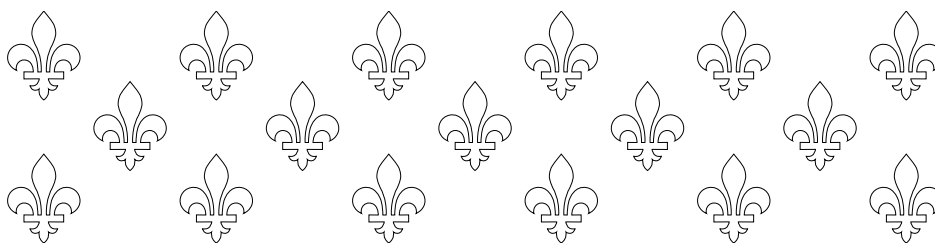
**34.** Paragraph 1 of Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by inserting "the Institut national des mines" in alphabetical order.

**35.** No later than (*insert the date that is seven years after the date of coming into force of this Act*), the Minister must report to the Government on the carrying out of this Act and the advisability of maintaining it in force or amending it.

The report is to be tabled in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

**36.** The Minister of Education, Recreation and Sports is responsible for the administration of this Act.

**37.** This Act comes into force on the date set by the Government.



---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 17  
(2009, chapter 7)

**An Act to establish the Office  
Québec-Monde pour la jeunesse and  
to amend various legislative provisions**

---

---

**Introduced 12 March 2009  
Passed in principle 2 April 2009  
Passed 21 May 2009  
Assented to 26 May 2009**

---

**Québec Official Publisher  
2009**

## EXPLANATORY NOTES

*This Act creates an agency to be known as the Office Québec-Monde pour la jeunesse whose mission is to develop relations between the young people of Québec and those of other jurisdictions and countries identified by the Minister of International Relations that are not under the purview of the Office franco-québécois pour la jeunesse, the Office Québec/Wallonie-Bruxelles pour la jeunesse or the Office Québec-Amériques pour la jeunesse.*

*The new agency is also to be responsible for providing financial, human, physical and technical resource management services to those agencies, to the extent and subject to the conditions determined by each. In addition, it will carry out any mandate assigned to it by the Minister of International Relations.*

*The Act determines the rules and mode of operation of the Office Québec-Monde pour la jeunesse.*

*In addition, it changes the name of the Agence Québec/Wallonie-Bruxelles pour la jeunesse to Office Québec/Wallonie-Bruxelles pour la jeunesse, in accordance with an agreement between the Gouvernement du Québec and the Gouvernement de la Communauté française de Belgique.*

## LEGISLATION AMENDED BY THIS ACT:

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Act to recognize bodies promoting international exchanges for young people (R.S.Q., chapter O-10);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

## **Bill 17**

### **AN ACT TO ESTABLISH THE OFFICE QUÉBEC-MONDE POUR LA JEUNESSE AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **ESTABLISHMENT AND NATURE**

- 1.** An agency to be known as the “Office Québec-Monde pour la jeunesse” is hereby established.
- 2.** The agency is a legal person and a mandatary of the State.

The property of the agency forms part of the domain of the State, but the execution of the obligations of the agency may be levied against its property. The agency binds none but itself when it acts in its own name.

#### **CHAPTER II**

##### **MISSION AND POWERS**

- 3.** The mission of the agency, to the extent and subject to the conditions determined by the Minister, is to develop relations between the young people of Québec and those of other jurisdictions and countries identified by the Minister that are not under the purview of the Office franco-québécois pour la jeunesse, the Office Québec/Wallonie-Bruxelles pour la jeunesse or the Office Québec-Amériques pour la jeunesse. The goal of developing such relations between young people is to promote understanding of their respective cultures, increase exchanges between individuals and groups and encourage the development of cooperation networks.

More specifically, the agency is to establish contacts with public or private organizations in those jurisdictions and countries for the purpose of developing, in partnership with those organizations, exchange and cooperation programs that include financial assistance measures making them accessible to young people from all backgrounds.

Such programs must include activities that are conducive to personal, academic or professional development such as seminars, internships and cultural productions.

The agency may provide funding or technical support for the development and implementation of cooperation projects that originate in the community.

**4.** The agency carries out any mandate given to it by the Minister.

**5.** The agency, possibly in cooperation with the Centre de services partagés du Québec, provides financial, human, physical and technical resource management services to the Office franco-québécois pour la jeunesse, the Office Québec/Wallonie-Bruxelles pour la jeunesse and the Office Québec-Amériques pour la jeunesse, to the extent and subject to the conditions determined by each of those agencies.

**6.** The agency may, subject to the applicable legislative provisions, enter into an agreement with a government other than that of Québec, a department of such a government, an international organization or a body of such a government or organization.

### CHAPTER III

#### ORGANIZATION

**7.** The head office of the agency is to be located in the territory of Ville de Québec. Notice of the location of the head office must be published in the *Gazette officielle du Québec*.

**8.** The affairs of the agency are to be administered by a board of directors composed of at least five members appointed by the Government, including the chair of the board and the president and chief executive officer of the agency, and a representative from each of the Office franco-québécois pour la jeunesse, the Office Québec/Wallonie-Bruxelles pour la jeunesse and the Office Québec-Amériques pour la jeunesse.

**9.** The offices of chair of the board of directors and president and chief executive officer may not be held concurrently.

The chair and members of the board who are not representatives of the Office franco-québécois pour la jeunesse, the Office Québec/Wallonie-Bruxelles pour la jeunesse or the Office Québec-Amériques pour la jeunesse may not hold a position, office or employment with those agencies.

However, the offices of president and chief executive officer of the agency, president and chief executive officer of the Office Québec-Amériques pour la jeunesse, Secretary General of the Office franco-québécois pour la jeunesse and Secretary General of the Office Québec/Wallonie-Bruxelles pour la jeunesse may be held concurrently.

**10.** The chair of the board of directors and the president and chief executive officer are appointed for a term of not more than five years, and the other members of the board for a term of not more than four years.

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

A vacancy occurring before the expiry of a member's term is filled in the manner specified in section 8.

Absence from the number of board meetings determined in the internal by-laws of the agency, in the cases and circumstances specified, constitutes a vacancy.

**11.** The chair of the board of directors presides at meetings of the board and sees to its smooth operation.

The chair also assumes any other responsibility assigned by the board.

**12.** The board of directors designates a vice-chair from among its members.

If the chair of the board is absent or unable to act, the vice-chair acts as chair.

**13.** The president and chief executive officer is responsible for the direction and management of the agency within the framework of its by-laws and policies. The president and chief executive officer proposes strategic directions to the board of directors, as well as general development policies. The office of president and chief executive officer is a full-time position.

The president and chief executive officer also assumes any other responsibility assigned by the board or the Minister.

**14.** If the president and chief executive officer is absent or unable to act, the Minister may designate a person to exercise the functions of that office.

**15.** The Government determines the remuneration, employee benefits and other conditions of employment of the president and chief executive officer.

**16.** The other members of the board of directors receive no remuneration except in the cases, subject to the conditions and to the extent the Government may determine. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, subject to the conditions and to the extent determined by the Government.

**17.** The quorum at meetings of the board of directors is the majority of its members, including the chair of the board and the president and chief executive officer.

Decisions of the board are made by a majority vote of the members present. In the case of a tie vote, the person chairing the meeting has a casting vote.

**18.** The minutes of the meetings of the board of directors, approved by the board and certified by the chair or another duly authorized member of the board, are authentic. The same applies to documents and copies emanating from the agency or forming part of its records, if they are so certified.

**19.** An intelligible transcription of a decision or other data stored by the agency on a computer or any other computer storage medium is a document of the agency and is proof of its contents if it is certified by a person referred to in section 18.

**20.** No document binds the agency or may be attributed to it unless it is signed by the chair of the board of directors, by the president and chief executive officer or, to the extent determined in the internal by-laws of the agency, by another member of the board or of the agency's personnel.

**21.** The agency may allow, subject to the conditions and on the documents it determines in its internal by-laws, that a signature be affixed by means of an automatic device, that a signature be electronic, or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person referred to in section 18.

**22.** The members of the board of directors may waive notice of a meeting. The attendance of a member at a meeting of the board constitutes a waiver of notice, unless the member is present to contest the legality of the calling of the meeting.

**23.** The members of the board may, if they all agree, take part in a meeting using means which allow them to communicate with each other orally, such as the telephone. The participants are, in such a case, deemed to have attended the meeting.

**24.** A written resolution, signed by all the members entitled to vote, has the same value as a resolution adopted during a meeting of the board of directors.

A copy of all such resolutions must be kept with the minutes of the proceedings or any other equivalent record book.

**25.** The agency may make by-laws concerning the exercise of its powers and its internal management.

**26.** The members of the personnel of the agency are appointed in accordance with the staffing plan established by by-law of the agency.



Subject to the provisions of a collective agreement, the agency determines by by-law the pay scales and rates, employee benefits and other conditions of employment of its personnel, in accordance with the conditions defined by the Government.

**27.** The ethical and professional standards defined in sections 4 to 12 of the Public Service Act (R.S.Q., chapter F-3.1.1) and the regulations apply to the members of the agency's personnel.

## **CHAPTER IV**

### **FINANCIAL PROVISIONS AND REPORTS**

**28.** The agency may charge administrative and professional fees or require any other remuneration for the services it provides.

**29.** The agency may not, without the authorization of the Government,

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

(2) make a financial commitment in excess of the limits or in contravention of the terms and conditions determined by the Government;

(3) acquire or hold shares in a legal person or an interest in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;

(4) dispose of shares in a legal person or an interest in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;

(5) acquire or dispose of other assets in excess of the limits or in contravention of the terms and conditions determined by the Government; or

(6) accept a gift or legacy to which a charge or condition is attached.

**30.** The monies received by the agency are allocated to the payment of its activities and the performance of its obligations. Any surplus is retained by the agency unless the Government decides otherwise.

**31.** The Government may, subject to the terms and conditions it determines,

(1) guarantee the payment of the principal of and interest on any loan contracted by the agency and the performance of its obligations; and

(2) authorize the Minister of Finance to advance to the agency any amount considered necessary for the fulfilment of its obligations or the pursuit of its mission.

The sums required for the purposes of this section are taken out of the consolidated revenue fund.

**32.** The fiscal year of the agency ends on 31 March.

**33.** The books and accounts of the agency are audited by the Auditor General each year and whenever so ordered by the Government.

The audit report must be submitted with the activity report and the financial statements of the agency.

**34.** The agency must, not later than 31 July each year, file with the Minister its financial statements and an activity report for the preceding fiscal year.

The financial statements and the activity report must contain all the information required by the Minister.

The Minister tables the financial statements and the activity report in the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

**35.** Each year the agency must file with the Minister, according to the form and tenor determined by the Minister, its budgetary estimates and a business plan consistent with the policies of the Minister for the following fiscal year.

**36.** The agency must communicate to the Minister any information required by the Minister concerning its activities.

## CHAPTER V

### MISCELLANEOUS PROVISIONS

**37.** The Minister of International Relations is responsible for the administration of this Act.

**38.** The heading of Chapter II of the Act to recognize bodies promoting international exchanges for young people (R.S.Q., chapter O-10) is amended by replacing “AGENCE” by “OFFICE”.

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

(1) by inserting “and whose name was changed to Office Québec/Wallonic-Bruxelles pour la jeunesse under the Agreement signed on 29 March 2007 between the Gouvernement du Québec and the Gouvernement

de la Communauté française de Belgique concerning the Office Québec/Wallonie-Bruxelles pour la jeunesse,” after “November 1982” in the fifth line of the first paragraph;

(2) by replacing “Agence” in the first line of the second paragraph by “Office”.

**40.** Section 9 of the Act is amended by replacing “Agence” by “Office, which shall also be governed by the provisions of the said Agreement, of the amendments thereto and of this Act; such provisions shall prevail over any inconsistent provision of any other law applicable to the Office”.

**41.** Section 10 of the Act is amended by replacing “Agence” by “Office”.

**42.** Section 11 of the Act is amended by replacing “Agence” by “Office”.

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

(1) by replacing “Associate Executive Secretaries” in the second line by “Secretaries General”;

(2) by replacing “Agence” wherever it appears by “Office”.

**44.** The name “Office Québec-Monde pour la jeunesse” is to be added, in alphabetical order, to Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001).

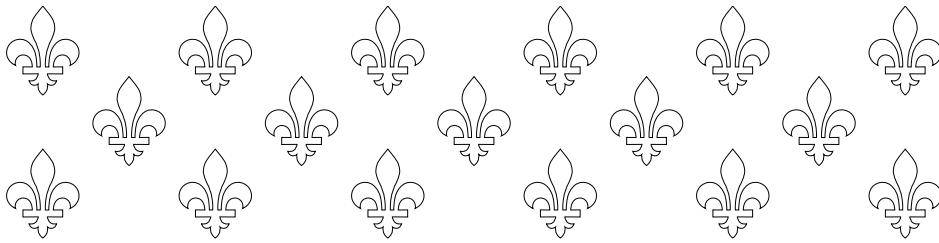
**45.** The words “the Office Québec-Monde pour la jeunesse” are to be added, in alphabetical order,

(1) to paragraph 1 of Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10); and

(2) to paragraph 1 of Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

**46.** This Act comes into force on 26 May 2009.





---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 20  
(2009, chapter 8)

**An Act to amend the Courts of Justice Act  
and the Act respecting the Ministère de la  
Justice**

---

---

**Introduced 12 March 2009  
Passed in principle 8 April 2009  
Passed 27 May 2009  
Assented to 28 May 2009**

---

**Québec Official Publisher  
2009**

## EXPLANATORY NOTES

*This Act amends the Courts of Justice Act to implement the National Assembly resolution of 17 June 2008 approving the recommendations of the report from the committee on the remuneration of judges and justices of the peace for the years 2007 to 2010. To that end, the Act includes measures relating to the impact of certain retroactive amounts paid to judges on the pension plans established under Parts V.1 and VI of the Courts of Justice Act, to the indexing of a judge's pension and to the computation of the pension of the president of the Human Rights Tribunal and the chairman of the Professions Tribunal.*

*Furthermore, under the Act, commissions authorizing designated persons to administer oaths will be valid for all the judicial districts of Québec. Currently, they may also be issued for one or two districts only.*

*The Act also raises the number of Superior Court judges to 145 and provides that the additional judge will be appointed for the districts of Saint-François and Bedford, with residence in Cowansville.*

*In addition, the Act grants the courts sitting in the judicial districts of Abitibi and Rouyn-Noranda concurrent jurisdiction over the territory of Ville de Rouyn-Noranda.*

*Lastly, the Act amends the Act respecting the Ministère de la Justice to allow the appointment of more than one Associate Deputy Registrar.*

## LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);
- Courts of Justice Act (R.S.Q., chapter T-16).

## Bill 20

### AN ACT TO AMEND THE COURTS OF JUSTICE ACT AND THE ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 21 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing “144” by “145”.

**2.** Section 32 of the Act is amended by replacing “three judges, including two with residence in Sherbrooke or in the vicinity and one” in subparagraph 6 of the first paragraph by “four judges, including two with residence in Sherbrooke or in the vicinity and two”.

**3.** Section 122 of the Act is amended by replacing “or associate chief judge” in the fourth paragraph by “, associate chief judge, president of the Human Rights Tribunal or chairman of the Professions Tribunal”.

**4.** Section 214 of the Act is amended

(1) by striking out “or in any judicial district which he shall indicate” in the first paragraph;

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

“A commissioner appointed under this section shall bear the title of “Commissioner for Oaths for Québec (*or, as the case may be, for Québec and for outside Québec*)”.”

**5.** Section 219 of the Act is amended by inserting “and the Secretary General of the Conseil exécutif” after “National Assembly” in subparagraph *a* of the first paragraph.

**6.** Section 224.2 of the Act is amended by replacing the third paragraph by the following paragraph:

“A judge must also pay the contributions provided for in the first paragraph on any lump sum received as a salary increase or adjustment for a preceding year. The same rule applies to a judge who has ceased to hold office.”

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

(1) by replacing “or associate chief judge” in the second paragraph by “, associate chief judge, president of the Human Rights Tribunal or chairman of the Professions Tribunal”;

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

“Any lump sum paid as a salary increase or adjustment for a preceding year forms part of the salary for that year.”

**8.** Section 224.23 of the Act is amended by replacing the second paragraph by the following paragraphs:

“The first index adjustment of a pension, other than a deferred pension, is made

(1) in the proportion that the number of days for which the pension was paid or would have been paid in the year in which the judge ceased to hold office bears to the total number of days in that year;

(2) in the case of a judge who continues to hold office after 30 December of the year in which the judge reaches 69 years of age, in the proportion that the number of days for which the pension was paid or would have been paid in the year in which the pension began to be paid bears to the total number of days in that year;

(3) in the case of a pension granted to the spouse or child of a judge who was eligible for a pension at the time of death, in the proportion that the number of days for which the pension was paid or would have been paid in the year of death bears to the total number of days in that year.

The first index adjustment of a deferred pension is made on 1 January following the date on which the judge reaches 65 years of age in the proportion that the number of days for which the pension was paid or would have been paid in the year of the judge’s sixty-fifth birthday bears to the total number of days in that year.”

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

(1) by replacing “or associate chief judge” in the second sentence of the second paragraph by “, associate chief judge, president of the Human Rights Tribunal or chairman of the Professions Tribunal”;

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

“Any lump sum paid as a salary increase or adjustment for a preceding year forms part of the salary for that year.”

**10.** Section 244.11 of the Act is amended by replacing the third paragraph by the following paragraphs:



“The first index adjustment of a pension, other than a deferred pension, is made

(1) in the proportion that the number of days for which the pension was paid or would have been paid in the year in which the judge ceased to hold office bears to the total number of days in that year;

(2) in the case of a judge who continues to hold office after 30 December of the year in which the judge reaches 71 years of age, in the proportion that the number of days for which the pension was paid in the year in which the pension began to be paid bears to the total number of days in that year;

(3) in the case of a pension granted to the spouse or child of a judge who was eligible for a pension at the time of death, in the proportion that the number of days for which the pension was paid or would have been paid in the year of death bears to the total number of days in that year.

The first index adjustment of a deferred pension is made on 1 January following the date on which the judge reaches 65 years of age in the proportion that the number of days for which the pension was paid or would have been paid in the year of the judge’s sixty-fifth birthday bears to the total number of days in that year.”

**11.** Schedule I to the Act is amended by inserting “Abitibi and Rouyn-Noranda” below “Abitibi, Pontiac, Rouyn-Noranda and Témiscamingue” in the column listing the judicial districts and by inserting “Over the territory of Ville de Rouyn-Noranda.” opposite in the column containing descriptions of territories over which concurrent jurisdiction is exercised.

**12.** Section 7 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is amended by replacing “, from among the other functionaries of the department, an Associate Deputy Registrar” in the second paragraph by “Associate Deputy Registrars from among the civil servants of the department”.

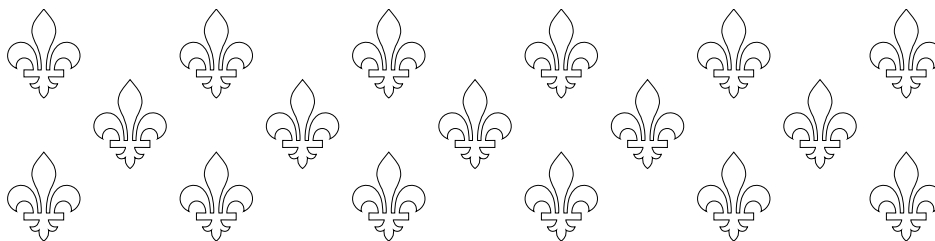
#### TRANSITIONAL AND FINAL PROVISIONS

**13.** As of (*insert the date of coming into force of this section*), commissioners for oaths are authorized to administer oaths throughout Québec.

**14.** Sections 3, 6, 7 and 9 have effect from 1 July 2007.

**15.** This Act comes into force on 28 May 2009, except sections 4 and 13, which come into force on the date to be set by the Government.





---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 25  
(2009, chapter 9)

## **An Act to amend the Pay Equity Act**

---

---

**Introduced 12 March 2009**  
**Passed in principle 2 April 2009**  
**Passed 27 May 2009**  
**Assented to 28 May 2009**

---

**Québec Official Publisher**  
**2009**

## EXPLANATORY NOTES

*This Act amends the Pay Equity Act to provide that any enterprise whose number of employees grows to 10 or more in the course of a given year becomes subject to the Act from 1 January of the following year. The Act requires that all employers submit a report on the implementation of this Act in their enterprise, in the cases and subject to the conditions prescribed by regulation of the Minister.*

*The Act also imposes pay equity audits at five-year intervals and sets out how these are to be conducted. It specifies the required content of postings and the time period for which the information used to establish a pay equity plan, determine compensation adjustments or conduct a pay equity audit must be kept.*

*The Act empowers the Minister to create a partners advisory committee to advise the Commission de l'équité salariale or the Minister. It facilitates recourse to sector-based committees and provides for the amount of penal fines to vary according to the number of employees in the contravening enterprise.*

*The Act moreover gives the Commission additional responsibilities. It provides for a conciliation process and sets rules for intervention by the Commission before the Commission des relations du travail. It also gives the Commission the power to authorize methods for valuating differences in compensation, to approve the use of predominantly male job classes in an enterprise with characteristics similar to those of the enterprise concerned as comparators, to allow, in certain circumstances, a different committee composition than that prescribed by law for a pay equity committee, and to make regulations on postings and the preservation of information.*

*In addition, the Act requires that a report by the Minister on the implementation of the Pay Equity Act be tabled in the National Assembly 10 years after the coming into force of the Act.*

*Lastly, the Act contains transitional measures. More particularly, it imposes on employers that have not completed a pay equity plan or determined compensation adjustments within the legal time limit an obligation to do so by 31 December 2010. In enterprises where a pay equity plan has been completed or compensation adjustments have*

*been determined, the Act requires that a first pay equity audit be conducted by that same date. It further provides that it will be possible to file complaints as of 1 January 2011 against employers to whom the transitional measures apply.*

**LEGISLATION AMENDED BY THIS ACT:**

- Pay Equity Act (R.S.Q., chapter E-12.001).



## Bill 25

### AN ACT TO AMEND THE PAY EQUITY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 4 of the Pay Equity Act (R.S.Q., chapter E-12.001) is amended

(1) by adding the following sentences at the end of the first paragraph: “The date from which the Act applies to an enterprise where the number of employees grows to 10 or more in the course of a given year is 1 January of the following year. The number of employees is computed in the manner set out in section 6.”;

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

“However, regardless of the number of employees, every employer shall submit a report on the implementation of this Act in his enterprise, in the cases and subject to the conditions prescribed by regulation of the Minister made after consultation with the Commission and the partners advisory committee.”

**2.** Sections 6 and 7 of the Act are replaced by the following sections:

“**6.** For the purposes of this Act, the number of employees in an enterprise is its average number of employees.

That average number is determined on the basis of the number of employees on the employer’s payroll for each pay period in a calendar year.

“**7.** From the time an employer becomes subject to this Act under the first paragraph of section 4, every person on whom this Act imposes obligations remains subject to those obligations on the same terms, regardless of any change in the number of employees in the enterprise.”

**3.** Section 11 of the Act is amended by adding the following sentence at the end of the third paragraph: “Two pay equity plans shall be established for employees of that enterprise who are not represented by certified associations: one applicable to colleges and school boards, and the other, to institutions.”

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

“**12.1.** A group of employers may apply to the Commission for recognition as the employer of a single enterprise for the purposes of this Act.

Before granting that recognition, the Commission shall verify that the enterprises concerned have a set of similar or common characteristics that will allow this Act to be carried out in a manner consistent with its objective. The Commission may, among other things, examine the activities of and the job classes and salary structures within those enterprises.

When different time limits apply to the enterprises concerned, the Commission sets the time limit for completing a pay equity plan, determining compensation adjustments or conducting a pay equity audit in the single enterprise.

The provisions of this Act relating to employers apply to a group of employers recognized as the employer of a single enterprise. The employers in the group remain responsible for paying the compensation adjustments in their respective enterprises. The compensation adjustments are payable as of the date applicable to each enterprise if it is different from that set by the Commission for the single enterprise. If a remedy is sought before the Commission, the prescription period for compensation adjustments that is set out in section 103.1 is extended by any additional time granted by the Commission.”

**5.** Section 13 of the Act is amended

- (1) by replacing “doit être” in the French text by “est”;
- (2) by adding the following paragraphs at the end:

“The pay equity plan of such an enterprise may also be established by using two or more predominantly male job classes in an enterprise with similar characteristics as comparators.

The use of such job classes as comparators is subject to the approval of the Commission, unless the members of the pay equity committee have agreed to it or the pay equity plan is established jointly under section 32. Two or more employers may jointly seek such approval from the Commission.”

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

“A posting under this Act may be made using an information technology-based medium.”

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

**“14.1.** The employer shall keep the information relevant to a pay equity plan until the plan has been completed.



In addition, the employer shall keep the information used to complete the plan and the content of all postings for a period of five years from the date of a posting under the second paragraph of section 76.”

**8.** Section 21.1 of the Act is amended by replacing “referred to in the third paragraph of section 11” in the first paragraph by “for all employees represented by certified associations that is referred to in the third paragraph of section 11”.

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

**“30.1.** When forming a pay equity committee is highly problematic or when an association or the employees are not or are no longer participating in the committee, the Commission may, on the application of the employer, a certified association or an employee not represented by a certified association, authorize a committee composition different from that prescribed in this subdivision.

No authorization under the first paragraph may be granted, however, if the employer has posted a copy of a notice sent to the Commission under the second paragraph of section 30.”

**10.** Section 32 of the Act is amended by replacing the last sentence of the second paragraph by the following sentences: “The employer and two or more certified associations may agree likewise. In either case, the employer may then establish a separate plan applicable to employees not represented by a certified association.”

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

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

**“35.** An employer shall, at the expiry of the time limit set out in section 37, post the following for 60 days in prominent places easily accessible to employees:

(1) a summary of the pay equity process;

(2) a list of the predominantly female job classes identified in the enterprise;

(3) a list of the predominantly male job classes used as comparators; and

(4) for each predominantly female job class, the percentage or amount of the compensation adjustments to be paid and the terms and conditions of payment, or a notice stating that no compensation adjustments are required.”;

(2) by inserting “be dated and shall” after “shall” in the second paragraph;

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

“In addition, the employer shall, by a means of communication likely to reach the employees, inform them of the posting and provide details such as the posting date, the posting period and how they may access its content.”

**12.** Section 37 of the Act is amended by replacing “of the coming into force of this chapter” by “after the employer becomes subject to this Act”.

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

**14.** Division V of Chapter II of the Act, comprising the heading and sections 40 to 43, is repealed.

**15.** The Act is amended by inserting the following sections after section 46:

**“46.1.** A sector-based pay equity committee may submit the elements developed under section 46 to the Commission for approval.

Elements approved by the Commission cannot be the subject of a remedy before the Commission.

**“46.2.** A sector-based pay equity committee shall send the documents pertaining to the elements developed under section 46 to the pay equity committees, or to the employers and certified associations referred to in section 32 in the absence of a pay equity committee.

It shall attach a notice setting out which elements have been approved by the Commission, if any.”

**16.** Section 47 of the Act is replaced by the following section:

**“47.** Elements developed under section 46 may be used in determining adjustments in compensation or in establishing a pay equity plan within an enterprise in the sector concerned. The plan shall, nevertheless, be completed so as to satisfy the other requirements of this Act.”

**17.** Section 49 of the Act is repealed.

**18.** Section 55 of the Act is replaced by the following section:

**“55.** A job class may be considered predominantly female or male if

(1) it is commonly associated with women or men owing to gender-based occupational stereotyping;

(2) 60% or more of the positions in that class are held by employees of the same sex;

(3) the difference between the rate of representation of women or men in the job class and their rate of representation in the total workforce of the employer is considered significant; or

(4) the historical incumbency of the job class in the enterprise shows that it is a predominantly female or predominantly male job class.”

**19.** Section 61 of the Act is amended by replacing “prescribed by regulation of the Commission for valuating differences in compensation” by “for valuating differences in compensation that is prescribed by regulation of the Commission or authorized by the Commission on application by the pay equity committee, or the employer in the absence of such a committee”.

**20.** Section 67 of the Act is amended by replacing paragraph 5 by the following paragraphs:

“(5) the temporary maintenance of a person’s compensation following a reclassification or demotion, so that the person is not penalized due to a new rate of compensation or compensation scale, provided the compensation applicable to the employees in the same job class catches up to the person’s compensation within a reasonable time;

“(5.1) a handicapped person’s compensation under a special arrangement;”.

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

(1) by inserting “for 60 days” after “post the results thereof” in the first paragraph;

(2) by inserting the following sentence after the first sentence of the second paragraph: “The posting shall include a description of the method used to value differences in compensation.”;

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

“A posting under this section shall be dated. The pay equity committee, or the employer in the absence of such a committee, shall, by a means of communication likely to reach the employees, inform them of the posting and provide details such as the posting date, the posting period and how they may access its content.”

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

(1) by replacing “posting” in the first paragraph by “the date of a posting” and by replacing “or to” in that paragraph by “or”;

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

“The pay equity committee, or the employer in the absence of such a committee, shall make a new 60-day posting within 30 days of the expiry of the time limit set out in the first paragraph, with any amendments clearly indicated or with an indication that no amendments are needed. The posting shall be dated and, in the absence of a pay equity committee, include information on the remedies available under this Act and the time within which they may be exercised.”

**23.** The Act is amended by inserting the following chapters after section 76 :

#### “CHAPTER IV.1

##### “PAY EQUITY AUDIT

“**76.1.** After a pay equity plan has been completed or adjustments in compensation have been determined under Division III of Chapter II, an employer shall periodically conduct a pay equity audit in his enterprise.

Every five years from the date of the posting under the second paragraph of section 76, or if the posting was not made within the time limit, from the date on which it should have been made, the pay equity audit and postings prescribed by this chapter must be conducted or made in order to determine whether adjustments in compensation are required.

When pay equity plans have been completed or adjustments in compensation determined on different dates within the same enterprise, the pay equity audit and postings prescribed by this chapter may be conducted or made according to the different time limits applicable, or simultaneously for part or all of the enterprise. In the latter case, the time limit applicable is the shortest.

“**76.2.** Regardless of the number of employees in his enterprise, the employer shall decide whether a pay equity audit is to be conducted

- (1) by the employer alone;
- (2) by a pay equity audit committee; or
- (3) jointly by the employer and the certified association or associations.

Sections 17 to 30.1 apply to a pay equity audit committee, with the necessary modifications. Section 29 applies, with the necessary modifications, when a pay equity audit is conducted jointly by the employer and the certified association.

“**76.3.** After conducting a pay equity audit, the pay equity audit committee, or the employer in the absence of such a committee, shall post the audit results for 60 days in prominent places easily accessible to employees. The posting shall include

- (1) a summary of the pay equity audit process;
- (2) a list of the events leading to compensation adjustments;
- (3) a list of the predominantly female job classes that are entitled to compensation adjustments;
- (4) the percentage or amount of the compensation adjustments to be paid; and
- (5) the posting date and information on the rights exercisable under section 76.4 and the time within which they may be exercised.

The pay equity audit committee, or the employer in the absence of such a committee, shall, by a means of communication likely to reach the employees, inform them of the posting and provide details such as the posting date, the posting period and how they may access its content.

**“76.4.** Within 60 days of the date of a posting under section 76.3, any employee may, in writing, request additional information from or make observations to the pay equity audit committee, or the employer in the absence of such a committee.

Within 30 days of the expiry of the time limit set out in the first paragraph, the pay equity audit committee, or the employer in the absence of such a committee, shall make a new 60-day posting, which shall be dated, with any amendments clearly indicated or with an indication that no amendments are needed. If the pay equity audit was conducted by the employer alone, the posting shall include information concerning the remedies available under this Act and the time within which they may be exercised.

**“76.5.** Subject to the third paragraph of section 101, the compensation adjustments apply from the date that is the time limit for the new posting under the second paragraph of section 76.4.

Unpaid compensation adjustments shall bear interest at the legal rate from that date.

**“76.6.** Adjustments in compensation in respect of predominantly female job classes determined in accordance with this chapter are deemed to form part of the collective agreement or the conditions of employment applicable to employees holding positions in those job classes.

**“76.7.** Two or more employers may develop a common procedure for the conduct of a pay equity audit in their respective enterprises. The development of a common procedure requires the agreement of the pay equity audit committee of each of the enterprises that has a committee, or of the certified association if the pay equity audit is conducted jointly.

Each employer remains responsible for the conduct of the pay equity audit in his enterprise in accordance with the other requirements of this chapter.

In addition, a sector-based pay equity audit committee may be formed for a sector of activity. Chapter III applies to such a committee, with the necessary modifications.

**“76.8.** The employer shall keep the information used to conduct the pay equity audit and the content of all postings for a period of five years from the date of the new posting under the second paragraph of section 76.4.

**“76.9.** No employer, certified association, bargaining agent appointed under the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) or member of a pay equity audit committee may, as regards the maintenance of pay equity, act in bad faith or in an arbitrary or discriminatory manner or exhibit gross negligence with regard to employees in the enterprise.

#### **“CHAPTER IV.2**

#### **“CHANGED CIRCUMSTANCES IN ENTERPRISE**

**“76.10.** If, before the completion of a pay equity plan or a pay equity audit in an enterprise, an association is certified under the Labour Code (chapter C-27) to represent employees of the enterprise, obligations relative to the establishment of the plan or the conduct of the audit remain unchanged.

The employer may, at the request of the certified association, elect to establish a pay equity plan applicable to the employees represented by the association.

**“76.11.** The alienation of an enterprise or the modification of its legal structure shall have no effect upon obligations relative to adjustments in compensation, a pay equity plan or a pay equity audit, which shall be binding on the new employer.

If the legal structure of two or more enterprises is modified as a result of an amalgamation or otherwise, the provisions of this Act which apply according to the number of employees in an enterprise shall, in respect of the enterprise resulting from the modification, be determined to be those applicable to the enterprise which employed the greatest number of employees.”

**24.** The Act is amended by inserting the following section after section 89:

**“89.1.** Documents emanating from the Commission are authentic if they are signed or, in the case of copies, if they are certified by the president, a member of the Commission or, if applicable, the person designated by the president to exercise that function.”

**25.** The Act is amended by inserting the following section after section 90:

“**90.1.** The Commission’s fiscal year ends on 31 March.”

**26.** Section 91 of the Act is replaced by the following section:

“**91.** The Commission shall, not later than 15 days before the end of the fourth month following the end of its fiscal year, submit an activity report for that fiscal year to the Minister.

The report shall contain any further information the Minister may require.

The Minister shall table the report in the National Assembly within four months of the end of the Commission’s fiscal year or, if the Assembly is not sitting, within 15 days of resumption.”

**27.** Section 92 of the Act is amended by adding “or the carrying out of this Act” at the end.

**28.** Section 93 of the Act is amended

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

“(1) overseeing the establishment of pay equity plans, the determination of adjustments in compensation under Division III of Chapter II and the conduct of pay equity audits;”;

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

“(3.1) approving the use of predominantly male job classes in an enterprise with characteristics similar to those of the enterprise concerned as comparators under the third paragraph of section 13;”;

(3) by inserting “or pay equity audit committee” after “pay equity committee” in paragraphs 4 and 5;

(4) by inserting “or pay equity audit committee” after “pay equity committee” in paragraph 5.1;

(5) by inserting the following paragraph after paragraph 5.1:

“(5.2) authorizing, in accordance with section 30.1, a committee composition different from that prescribed in subdivision 2 of Division I of Chapter II for a pay equity or pay equity audit committee;”;

(6) by replacing “the first paragraph of section 96 or in section 98 or following a complaint under the second paragraph of section 96 or under section 97” in paragraph 6 by “section 96 or 98 or following a complaint under section 96.1, 97”;

(7) by replacing “in the establishment of pay equity plans by developing tools to facilitate the implementation of pay equity plans” in paragraph 8 by

“by developing tools to facilitate the implementation of pay equity plans and the conduct of pay equity audits”;

(8) by inserting “or pay equity audit” after “pay equity plan” in paragraph 10;

(9) by replacing “and encouraging the participation of the persons concerned” in paragraph 11 by “and the conduct of pay equity audits, and encouraging the participation of the persons concerned”;

(10) by inserting “and pay equity audit committee” before “members” in paragraph 12;

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

“The Commission must make sure that the information concerning enterprises that it obtains in the course of its information and assistance activities is not used for the purposes of investigations or in the processing of a complaint or dispute.”

**29.** Section 94 of the Act is amended

(1) by striking out “advisory” in paragraph 1;

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

“(4) enter into an agreement with a department or body of the Gouvernement du Québec or with a person, association, partnership or agency, for such purposes as the administration of a regulation made by the Minister under the second paragraph of section 4; and

“(5) require any relevant information.”

**30.** Section 95 of the Act is replaced by the following section:

**“95.** The Commission may, after the expiry of the time limit set out in section 37 or 76.1, require of an employer that he produce, within the time it specifies, a report describing the measures he has taken to achieve or maintain pay equity.

The report shall be drawn up in the form determined and contain the information prescribed by regulation of the Commission.”

**31.** The Act is amended by inserting the following chapter after section 95:

#### **“CHAPTER V.1**

##### **“PARTNERS ADVISORY COMMITTEE**

**“95.1.** The Minister shall, by an order published in the *Gazette officielle du Québec*, create a partners advisory committee whose role is to provide its



opinion on any matter that the Minister or the Commission submits to it concerning the carrying out of this Act.

The advisory committee shall be formed of an equal number of members representing employers and members representing employees. At least two of the latter shall represent employees who do not belong to a certified association, and at least two shall represent employees who belong to a certified association. The members shall be appointed after consultation with bodies which, in the Minister's view, are representative of employers and employees.

The order may specify how the advisory committee is to carry out its consultations and set out the committee's operating rules.

**“95.2.** Meetings of the partners advisory committee shall be called and chaired by the president of the Commission. The Commission shall assume the secretarial work for the committee. The secretary designated by the Commission shall see to the preparation and conservation of the minutes and opinions of the committee.

**“95.3.** The members of the partners advisory committee shall receive no remuneration except in the cases, on the conditions and to the extent determined by the ministerial order. They shall, however, be entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the ministerial order.

**“95.4.** The Commission shall seek the partners advisory committee's opinion

- (1) on any regulation it intends to make;
- (2) on any tools it intends to propose in order to facilitate the achievement or maintenance of pay equity;
- (3) on any problems encountered in the carrying out of this Act; and
- (4) on any other matter that it sees fit to submit to the committee or that the Minister determines.

The partners advisory committee's opinions shall not be binding on the Commission.”

**32.** Section 96 of the Act is amended

- (1) by inserting “or pay equity audit committee” after “pay equity committee” in the first paragraph;
- (2) by striking out the second paragraph.

**33.** The Act is amended by inserting the following section after section 96:

**“96.1.** In the absence of a pay equity committee in an enterprise employing 100 or more employees, an employee covered by a pay equity plan or certified association representing employees in the enterprise may file a complaint with the Commission within 60 days after the expiry of the time limit for a new posting set out in the second paragraph of section 76.

An employee or a certified association representing employees in such an enterprise may file a complaint with the Commission, despite the existence of a pay equity committee in the enterprise, if a pay equity plan has not been completed.”

**34.** Section 97 of the Act is amended

(1) by replacing “within 30 days after the expiry of the time limit set out in the second paragraph of section 76” by “within 60 days after the expiry of the time limit for a new posting set out in the second paragraph of section 76”;

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

“An employee or a certified association representing employees in such an enterprise may file a complaint with the Commission, despite the existence of a pay equity committee in the enterprise, if a pay equity plan has not been completed.”

**35.** Section 99 of the Act is amended

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

“The remedy under the first paragraph may not be exercised if the employer has conducted a pay equity audit in his enterprise in accordance with Chapter IV.1.”;

(2) by replacing “96” in the third paragraph by “96.1”.

**36.** Section 100 of the Act is replaced by the following section:

**“100.** An employee covered by a pay equity audit conducted by the employer alone, or a certified association representing such employees, may file a complaint with the Commission within 60 days of the expiry of the time limit for a new posting set out in the second paragraph of section 76.4 if the employee or association is of the opinion that the employer has not conducted the pay equity audit in accordance with this Act.

An employee or a certified association representing employees in an enterprise may file a complaint with the Commission when a pay equity audit has not been conducted and the related postings have not been made.”

**37.** Section 101 of the Act is amended

- (1) by inserting “or 76.9” after “section 15” in the first paragraph;
- (2) by inserting “or maintenance” after “achievement” in the second paragraph;
- (3) by adding the following paragraph at the end:

“Despite section 76.5, if an employer contravenes section 76.9, the Commission may determine that the adjustments in compensation are payable from the date the contravention occurred.”

**38.** The Act is amended by inserting the following section after section 101:

**“101.1.** An employer may apply to the Commission for an extension of the time limit for completing a pay equity plan, determining compensation adjustments or conducting a pay equity audit if the employer’s ability to meet the time limits set under this Act is compromised by a complaint or a dispute under this Act.

The new time limit has no impact on the date on which compensation adjustments are to be paid but the prescription period for compensation adjustments that is set out in section 103.1 is to be extended accordingly.”

**39.** The Act is amended by inserting the following sections after section 102:

**“102.1.** The Commission shall not, during the investigation of a complaint, disclose the identity of the employee concerned, unless the employee consents. The Commission shall, however, inform the employer of the substance of the complaint and of the date on which and provision under which it was filed. The Commission shall likewise inform the certified association, the bargaining agent or the pay equity or pay equity audit committee member against whom a complaint for a contravention of section 15 or 76.9 has been filed.

**“102.2.** The Commission may, at any time during an investigation, if the parties consent, appoint a conciliator to meet with them and try to facilitate an agreement between them. A person having previously acted as an investigator in the investigation may not be appointed as conciliator.

Nothing said or written in the course of conciliation may be admitted as evidence, unless the parties consent.

A conciliator may not be compelled to disclose anything revealed to or learned by him in the exercise of conciliation functions or to produce personal notes or a document prepared or obtained in the course of those functions before a court of justice or a person or body exercising judicial functions or before a person or body of the administrative branch exercising adjudicative functions.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person shall have a right of access to such a document, unless the document provides the basis for the agreement between the parties.”

**40.** Section 103 of the Act is replaced by the following sections:

“**103.** An agreement shall be evidenced in writing and any documents to which it refers shall be attached to it. The agreement shall be signed by the conciliator and the parties, shall be binding on the parties and shall settle the complaint or dispute to which it pertains.

If no agreement is possible, the Commission shall determine the measures to be taken so that pay equity may be achieved or maintained in accordance with this Act and the time allotted for their implementation.

“**103.1.** If the complaint was filed under the second paragraph of section 96.1, the second paragraph of section 97, section 99 or the second paragraph of section 100, the Commission may not determine compensation adjustments applicable prior to or require the use of information dating before the date that occurred five years before the date on which the complaint was filed.

If the complaint was filed under section 100 in connection with a pay equity audit, the Commission may not determine compensation adjustments applicable prior to the date referred to in the first paragraph of section 76.5.

When conducting an investigation on its own initiative under paragraph 6 of section 93 regarding compensation adjustments that have been determined or a pay equity plan or pay equity audit that has been completed, the Commission may not determine compensation adjustments applicable prior to or require the use of information dating before the date that occurred one year before the date on which the investigation commenced. In any other case in which the Commission is conducting an investigation on its own initiative, that date is the one that occurred five years before the date on which the investigation commenced.”

**41.** Section 104 of the Act is amended by adding the following paragraphs at the end:

“The application shall be made in writing. It shall briefly state the main grounds on which it is based and describe the measures to which it pertains.

The Commission may intervene before the Commission des relations du travail at any time on a matter that puts its jurisdiction into issue or pertains to an interpretation of law and, on the request of the Commission des relations du travail, when an employee is not a union member or the complaint is filed against the certified association or a pay equity or pay equity audit committee member if the employee is not represented.

If the Commission wishes to intervene, it shall send each of the parties and the Commission des relations du travail a notice stating the grounds for its intervention.”

**42.** The Act is amended by inserting the following section after section 110:

“**110.1.** Upon receipt of an application, the Commission des relations du travail shall send a copy to the Commission.”

**43.** Section 114 of the Act is amended

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

“(5) specifying the required content of a posting under this Act or identifying new required content; and

“(6) specifying the information an employer must keep under section 14.1 or 76.8.”;

(2) by striking out the last paragraph.

**44.** Section 115 of the Act is replaced by the following section:

“**115.** Whoever

(1) contravenes the second paragraph of section 4, the first paragraph of section 10, section 14, 14.1, 15, 16 or 23, the second paragraph of section 29, the first paragraph of section 31, section 34, 35, 71, 73 or 75, the second paragraph of section 76, section 76.1 or 76.3, the second paragraph of section 76.4 or section 76.8 or 76.9,

(2) fails to send a report, a document or information required under this Act, or provides false information,

(3) takes or attempts to take reprisals as described in section 107, or

(4) hinders or attempts to hinder the Commission, a member or mandatory of the Commission or a member of its personnel in the performance of its or his duties,

is guilty of an offence and is liable to a fine.

The fine shall be of

(1) not less than \$1,000 nor more than \$15,000 in the case of an employer whose enterprise employs fewer than 50 employees;

(2) not less than \$2,000 nor more than \$30,000 in the case of an employer whose enterprise employs 50 or more but fewer than 100 employees;

(3) not less than \$3,000 nor more than \$45,000 in the case of an employer whose enterprise employs 100 or more employees; and

(4) not less than \$1,000 nor more than \$15,000 in the case of any other person.

For a second or subsequent offence, the amounts set out in the second paragraph shall be doubled.”

**45.** Section 130 of the Act is replaced by the following section:

“**130.** Not later than 28 May 2019, the Minister shall present a report to the Government on the implementation of this Act and on the advisability of maintaining it in force or amending it.

The report shall be tabled by the Minister in the National Assembly within the next 15 days or, if the Assembly is not sitting, within 15 days of resumption.”

#### TRANSITIONAL AND FINAL PROVISIONS

**46.** In an enterprise to which the Pay Equity Act (R.S.Q., chapter E-12.001) applied on 12 March 2009 where, at that date, the compensation adjustments required to achieve pay equity had not been determined or a pay equity plan had not been completed within the time limit set out in section 37, 38 or 39 of that Act as it read at that time, the posting under section 35 or the second paragraph of section 75, as amended by sections 11 and 21, must begin not later than 31 December 2010.

**47.** An employer to whom section 46 applies, if unable to determine the number of employees in the enterprise at the time the employer became subject to the Pay Equity Act, must use the earliest information dating after that time in the employer’s possession in order to determine which provisions of Chapter II of that Act apply.

Moreover, information as at 1 February 2009 is the only information that may be used to determine the compensation adjustments required to achieve pay equity or to complete a pay equity plan.

Despite the second paragraph,

(1) if, on that date, job classes were already identified, the establishment of the pay equity plan or the determination of compensation adjustments is to continue on the basis of the information used for job class identification purposes; and

(2) if, on that date, the compensation adjustments required to achieve pay equity were already determined for the majority of the employees in the enterprise or one or more pay equity plans were already completed for the majority of the employees in the enterprise, information contemporaneous with the information used for those purposes must be used in respect of the other employees in the enterprise.

**48.** Subject to section 53, the new time limit set out in section 46 has no impact on the date of payment of compensation adjustments, and the obligations under section 71 of the Pay Equity Act remain unchanged.

Moreover, the amount of the compensation adjustments to be paid must not be determined taking into account a possible spreading of payments over a period of time under section 70 of the Pay Equity Act, unless the employer is in one of the situations described in the third paragraph of section 47 of this Act or is authorized to do so to the extent provided in section 72 of the Pay Equity Act.

If former employees of the enterprise are entitled to compensation adjustments, the employer must take reasonable means to notify them.

**49.** In an enterprise where the compensation adjustments required to achieve pay equity were determined or a pay equity plan was completed before 12 March 2009, a pay equity audit of the job classes concerned must be undertaken and a posting under section 76.3 of the Pay Equity Act must begin not later than 31 December 2010.

A pay equity audit of the job classes for which a pay equity plan has been established or compensation adjustments have been determined in accordance with the third paragraph of section 47 must also be undertaken, and a posting under section 76.3 of the Pay Equity Act must begin not later than 31 December 2011. In such a case, sections 52 to 54 are to be read as if “2011” were replaced by “2012”.

Despite section 76.5 of the Pay Equity Act, compensation adjustments determined under this section apply from 31 December 2010.

**50.** In an enterprise to which the Pay Equity Act applied on 12 March 2009 and in respect of which the time limit for determining the compensation adjustments required to achieve pay equity or to complete a pay equity plan had not expired at that date, the pay equity committee, or the employer in the absence of such a committee, must determine the adjustments or complete the plan within that time limit.

**51.** The four-year time limit set out in section 37 of the Pay Equity Act, as amended by section 12, starts running on 1 January 2010 for an employer who was not subject to this Act in 2008 but whose enterprise employed 10 or more employees at that time.

**52.** A complaint under the second paragraph of section 96.1, the second paragraph of section 97 or section 99 of the Pay Equity Act, as amended by this Act, against an employer to which section 46 applies may be filed only as of 1 January 2011.

A complaint under the second paragraph of section 100 of the Pay Equity Act, as replaced by section 36, against an employer to which section 49 applies may likewise be filed only as of that date.

**53.** The compensation adjustments determined further to complaints referred to in section 52 may in no case be spread over a period of time. In addition to interest under the second paragraph of section 71 of the Pay Equity Act, an indemnity is to be computed by applying a percentage equal to the percentage by which the interest rate determined under the first paragraph of section 28 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) exceeds the legal rate to the compensation adjustments, from the date on which they should have been paid.

Section 103.1 of the Pay Equity Act applies to complaints referred to in section 52 only if they are filed after 30 May 2011 against an employer to which section 46 or 49 applies. No indemnity under the first paragraph is applicable to compensation adjustments paid within the time limit set by the Commission under section 12.1 or 101.1 of the Pay Equity Act.

**54.** The examination of complaints alleging that pay equity has not been maintained in an enterprise, filed under section 100 of the Pay Equity Act after 11 March 2009 and pending on 28 May 2009, is suspended until 1 January 2011. Such complaints, if still relevant, are to be examined at that time under that section 100, as replaced by section 36.

**55.** A complaint alleging that the employer has not determined the required compensation adjustments or has not completed a pay equity plan, filed before 28 May 2009, continues to be governed by the provisions of the Pay Equity Act in force before that date.

**56.** Section 46 applies to municipalities and municipal housing bureaus referred to in section 176.27 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) that did not complete a pay equity plan or determine compensation adjustments by the deadline set by section 176.28 of that Act.

Sections 47 to 55 also apply to those municipalities and municipal housing bureaus, with the necessary modifications.

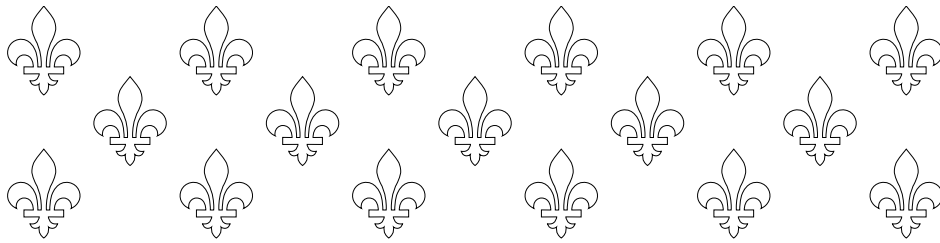
**57.** The time limit for a new posting set out in the second paragraph of section 76 of the Pay Equity Act, replaced by paragraph 2 of section 22, applies to a posting that is underway on the date of coming into force of this Act. The time already elapsed before that date is to be taken into account.



**58.** The time limit for filing a complaint with the Commission set out in the first paragraph of section 96.1 of the Pay Equity Act, enacted by section 33, in the first paragraph of section 97 of that Act, as amended by paragraph 1 of section 34, and in the first paragraph of section 100 of that Act, replaced by section 36, applies to situations underway on the date of coming into force of this Act. The time already elapsed before that date is to be taken into account.

**59.** This Act comes into force on 28 May 2009.





---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 33  
(2009, chapter 11)

**An Act to amend the Act respecting  
elections and referendums in municipalities  
and other legislative provisions**

---

---

**Introduced 22 April 2009  
Passed in principle 7 May 2009  
Passed 28 May 2009  
Assented to 1 June 2009**

---

**Québec Official Publisher  
2009**

**EXPLANATORY NOTES**

*This Act amends the Act respecting elections and referendums in municipalities to facilitate its application.*

*It includes amendments pertaining to the organization and holding of polls, the financing rules applicable to political parties and independent candidates, and the control of election expenses. It also contains amendments relating to penal matters.*

*As well, the Act makes consequential amendments to the Election Act and the Act respecting municipal territorial organization.*

**LEGISLATION AMENDED BY THIS ACT:**

- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Election Act (R.S.Q., chapter E-3.3);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9).

## Bill 33

### AN ACT TO AMEND THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The heading of Chapter II of Title I of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by striking out “REGULAR”.
- 2.** Section 2 of the Act is amended by striking out the last three paragraphs.
- 3.** Section 3 of the Act is amended by striking out “for a regular election”.
- 4.** Section 12.1 of the Act is amended by replacing the last three paragraphs by the following paragraph:

“The document shall specify, for each immovable or business establishment in the municipality, the number of electors whose names are on the permanent list of electors according to the data provided by the Chief Electoral Officer not later than 15 January of the year for which the division is required, and the number of electors whose names are on the list of electors of the municipality as owners of the immovable or occupants of the business establishment.”

- 5.** The Act is amended by inserting the following section after section 55.1:

“**55.2.** Before 1 September of the calendar year in which a general election is to be held, the returning officer shall send owners of immovables whose names are not already on the list of electors a notice stating that they are entitled to have their names entered on the list and setting out the rules governing the entry of names on the list. The notice must include the same particulars as the public notice prescribed in section 56 and must be accompanied by an entry application form and a power of attorney form.”

- 6.** Section 56 of the Act is amended by replacing “40” in the first paragraph by “22”.
- 7.** Section 63 of the Act is amended by replacing paragraph 4 by the following paragraph:

“(4) the persons acting as official agents or official representatives of parties holding an authorization under Chapter XIII that is valid in respect of the municipality, their assistants and the persons acting as official agents and official representatives of independent candidates in the current election, except independent candidates who act in that capacity themselves.”

**8.** Section 64 of the Act is amended by inserting “or the office of leader is vacant” after “no longer exists” in the second paragraph.

**9.** Section 81.1 of the Act is amended by replacing “If there is only one polling station” in the third paragraph by “If there are three or fewer polling stations”.

**10.** Section 104 of the Act is amended

(1) by inserting “of not more than 500 electors” after “polling subdivisions” in the first paragraph;

(2) by striking out the second paragraph.

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

“If no revision is to be carried out or if the revision is interrupted, the returning officer shall notify the Chief Electoral Officer in writing without delay.”

**12.** Section 122 of the Act is amended

(1) by replacing “extend the hours of sittings of the board of revisors” in the last paragraph by “extend the board’s sitting hours and add sitting days”;

(2) by adding the following sentence at the end of the last paragraph: “The chairman shall inform the returning officer of his decision and the returning officer shall notify the authorized parties, the recognized tickets and the independent candidates concerned.”

**13.** Section 126 of the Act is amended

(1) by replacing “contained in the public notice” in the fourth and fifth lines and in the eighth line of the first paragraph by “specified in subparagraphs 3 and 4 of the first paragraph of section 125”;

(2) by replacing “residential address” in the fifth line of the first paragraph by “address provided by the Chief Electoral Officer under the second paragraph of section 100.1”.

**14.** Section 134.1 of the Act is amended by inserting “a residence for the elderly listed in the register established under the Act respecting health services and social services (chapter S-4.2) or in” after “domiciled in” in the first paragraph.

**15.** Section 153 of the Act is amended by replacing “23” in the first paragraph and “Twenty-three” in the second paragraph by “30” and “Thirty” respectively.

**16.** Section 154 of the Act is amended by adding the following paragraph at the end:

“The nomination paper filed by an independent candidate seeking an authorization must, in addition, include his telephone number and the information specified in subparagraphs 2 to 5 of the first paragraph of section 400.”

**17.** Section 160 of the Act is amended

(1) by inserting “or borough mayor” after “mayor” in the first paragraph;

(2) by inserting “or borough” after “municipality” in subparagraphs 1 to 4 of the first paragraph.

**18.** Section 165 of the Act is amended by adding the following sentence at the end of the first paragraph: “The returning officer may not reject a nomination paper on the ground that it does not contain all the information required to grant an authorization to the independent candidate.”

**19.** The Act is amended by inserting the following section after section 166:

“**166.1.** A new nomination paper must be filed if a candidate ceases to be recognized as a candidate for an authorized party or a recognized ticket, if the candidate wishes to change his authorized party or recognized ticket affiliation, if an independent candidate wishes to become a recognized candidate for an authorized party or recognized ticket or if the candidate wishes to run for another office than that for which the original nomination paper was filed.”

**20.** Section 174 of the Act is amended by adding the following paragraph at the end:

“Despite the first two paragraphs, the returning officer may decide that a mobile polling station is to receive electors’ votes on one or more of the eighth, seventh or sixth days before polling day.”

**21.** Section 175 of the Act is amended

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

**175.** Any elector whose name is entered on the list of electors may vote in an advance poll.”;

(2) by inserting “a residence for the elderly listed in the register established under the Act respecting health services and social services (chapter S-4.2) or in” after “domiciled in” in the second paragraph.

**22.** Section 178 of the Act is amended

(1) by replacing “The” at the beginning of the second paragraph by “The operator of a residence for the elderly listed in the register established under the Act respecting health services and social services (chapter S-4.2) or the”;

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

“Despite subparagraph 2 of the second paragraph of section 175, when in an institution or residence, a mobile polling station may go to the room or apartment of an elector who is unable to move about, on the elector’s request.”

**23.** Section 179 of the Act is amended by replacing “from 8:00 a.m. to 11:00 a.m.” in the second paragraph by “during the hours fixed by the returning officer”.

**24.** Section 180 of the Act is amended by striking out “under oath” in the first paragraph.

**25.** Section 191 of the Act is repealed.

**26.** Section 219 of the Act is amended by adding the following subparagraphs after subparagraph 2 of the first paragraph:

“(3) the name of the elector does not appear on any document referred to in subparagraph 1 but the elector sent, within the time prescribed in section 55.1, an application for entry on the list of electors as the sole owner of an immovable or sole occupant of a business establishment or a power of attorney as undivided co-owner of an immovable or co-occupant of a business establishment;

“(4) the name of the elector does not appear on any document referred to in subparagraph 1 but does appear on the list of electors sent by the Chief Electoral Officer in accordance with section 100, and has not been struck off by a board of revisors.”

**27.** Section 226 of the Act is amended

(1) by striking out “under oath” in the first paragraph;



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

“(3) by the deputy returning officer in the presence of the poll clerk.”

**28.** Section 276 of the Act is amended by replacing “twenty-seven” in paragraph 4 by “34”.

**29.** Section 277 of the Act is amended

(1) by striking out the second paragraph;

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

“It is not necessary to give the public notice prescribed in section 56 if it was given for the purposes of the original election.”

**30.** Section 314.1 of the Act is amended

(1) by replacing “regular” in the portion before subparagraph 1 of the first paragraph by “general”;

(2) by striking out “for a seat open for nominations at that election” in subparagraph 1 of the first paragraph;

(3) by striking out “for seats open for nominations at the election” in the second paragraph.

**31.** Section 314.2 of the Act is amended

(1) by replacing “twenty-three” in the first paragraph by “30”;

(2) by replacing “regular” in the first paragraph by “general”;

(3) by striking out “for seats open for nominations at that election” in the first paragraph;

(4) by striking out “for seats open for nominations at the election” in the second paragraph.

**32.** Section 334 of the Act is amended by striking out “regular”.

**33.** Section 335 of the Act is amended by replacing “regular election in which the office is to be open for nominations” in the first paragraph by “general election”.

**34.** Section 336 of the Act is amended by replacing “regular election in which the office is to be open for nominations” in the first paragraph by “general election”.

**35.** Section 337 of the Act is amended

(1) by replacing “regular election in which the office is to be open for nominations” in the first paragraph by “general election”;

(2) by replacing “until that regular” in the first paragraph by “until that general”.

**36.** Section 340 of the Act is repealed.

**37.** Section 342 of the Act is amended by adding the following sentence at the end: “Moreover, a member of the council of a municipality is not eligible to run for office as warden of a regional county municipality in an election held in accordance with section 210.29.2 of the Act respecting municipal territorial organization (chapter O-9).”

**38.** Section 364 of the Act is amended

(1) by inserting the following definition before the definition of “**election period**” in the first paragraph:

““**election fund**” means the sums made available to an official agent to cover election expenses;”;

(2) by striking out “or, in the case of a by-election, on the day following the day of the publication of the notice of election” in the definition of “**election period**” in the first paragraph.

**39.** Section 368 of the Act is amended by adding the following paragraph at the end:

“The Chief Electoral Officer shall have access to all the books, accounts and documents relating to the financial business of the parties and candidates.”

**40.** Section 375 of the Act is replaced by the following section:

**“375.** Under the authority of the Chief Electoral Officer, the returning officer and, during an election period, the assistant designated by the returning officer to receive nomination papers, may grant an authorization to an independent candidate who files an application for authorization in accordance with sections 400 and 400.1.

On granting an authorization, the returning officer or the assistant shall inform the Chief Electoral Officer.”

**41.** Section 391 of the Act is amended by replacing “as soon as practicable” by “within 30 days after its occurrence”.

**42.** Section 392 of the Act is amended by replacing “as soon as possible” in the first paragraph by “within 30 days”.

**43.** Section 393 of the Act is amended by replacing “as soon as practicable” in the first paragraph by “within 30 days”.

**44.** Section 394 of the Act is amended by replacing “the list of the official agents of the parties and of the independent candidates” in the first paragraph by “a list of the official agents of the parties, including any deputy official agents, and of the official agents of the independent candidates”.

**45.** Section 400 of the Act is amended by inserting the following paragraph after the first paragraph:

“During the period for filing nomination papers, the application for authorization may be filed at the same time as a nomination paper.”

**46.** Section 404 of the Act is amended

(1) by replacing “Division II or” in the first paragraph by “Division II,”;

(2) by replacing “section 424,” in the first paragraph by “section 424 or to give the Chief Electoral Officer access to all the books, accounts and documents relating to the party’s or candidate’s financial business, which or who”.

**47.** Section 415 of the Act is amended by adding the following paragraph at the end:

“The application must be accompanied with the balance sheet of each of the applying parties as at the date of the application.”

**48.** Section 416 of the Act is amended by adding “and have its balance sheet audited by an auditor” at the end.

**49.** Section 423 of the Act is amended

(1) by replacing “in a newspaper having general circulation in the municipality” in the first paragraph by “on the Chief Electoral Officer’s website”;

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

“The Chief Electoral Officer shall also give notice, on the website, of any replacement of an official representative or delegate or of any change in the name of an authorized party.”

**50.** Section 425 of the Act is amended by replacing “as soon as practicable” in the first paragraph by “within 30 days”.

**51.** Section 440 of the Act is replaced by the following section:

“**440.** Every contribution made contrary to this chapter shall, not later than 30 days after the fact is known, be returned to the contributor.

Despite the first paragraph, if the contributor cannot be found or has been convicted of contravening any of sections 429 to 431 and 436, the contribution or the amount at which it is evaluated shall be remitted to the treasurer to be paid into the general fund of the municipality.”

**52.** Section 463 of the Act is amended

(1) by striking out “and the name of the party or independent candidate in whose behalf he is acting” in the second and third paragraphs;

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

“Any advertising copy, object or material, advertisement or publicity that relates to an election and is used jointly by authorized independent candidates must include the information required under the first three paragraphs and the name of each independent candidate in whose behalf the official agent is acting, with the words “independent candidate” next to it.”

**53.** Section 465 of the Act is amended

(1) by inserting “or borough mayor” after “mayor” in subparagraph 1 of the first paragraph;

(2) by replacing “above 1,000 but not above” in subparagraph *a* of subparagraph 1 of the first paragraph by “up to”;

(3) by striking out “above 1,000 electors” in subparagraph 2 of the first paragraph;

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

“For the purposes of an election to the office of borough mayor, the combined lists of electors of all the electoral districts in the borough concerned is considered to be the list of electors of the municipality.”

**54.** Section 479 of the Act is amended by replacing “statement of changes in the financial position of the party” by “cash flow statement” and sections 484 and 485 of the Act are amended by replacing “statement of changes in financial position” by “cash flow statement”.

**55.** Section 492 of the Act is amended by striking out “, supported by his oath,” in the second paragraph.

**56.** Section 495 of the Act is amended by replacing “a trust account” by “the general fund of the municipality”.

**57.** Section 500 of the Act is amended by replacing “as soon as practicable, transmit to the Chief Electoral Officer a copy” by “on request, send the Chief Electoral Officer a copy”.

**58.** The heading of Division VIII.1 of Chapter XIII of Title I of the Act is replaced by the following heading:

“AUTHORIZATION AND EXPENSES OF PRIVATE INTERVENORS”.

**59.** Section 512.1 of the Act is amended

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

“**512.1.** A person may not incur expenses described in paragraph 9 of section 453 unless the person holds an authorization issued in accordance with this division.”;

(2) by replacing both occurrences of “treasurer” in the second paragraph by “returning officer”.

**60.** Sections 512.4, 512.5, 512.7, 512.9, 512.10 and 512.20 of the Act are amended by replacing “treasurer” by “returning officer”.

**61.** Section 512.17 of the Act is amended by striking out “sworn” in the second paragraph.

**62.** Section 513 of the Act is amended by replacing “not later than 30 September” in the first paragraph by “if applicable, not later than 1 April”.

**63.** The Act is amended by inserting the following section after the heading of Chapter XIV of Title I:

“**513.0.1.** The Chief Electoral Officer shall see to the enforcement of this chapter.”

**64.** The Act is amended by inserting the following section after section 513.1:

“**513.1.1.** Only a natural person may make a gift of money to a person described in the first paragraph of section 513.1.”

**65.** Section 532 of the Act is amended by replacing the last sentence of the last paragraph by the following sentence: “If a list of electors whose names are on the permanent list of electors has been transmitted by the Chief Electoral Officer under section 546, the clerk or the secretary-treasurer shall also inform the Chief Electoral Officer, in writing, of the referendum poll waiver and of the date of the sitting at which the council was informed of it”.

**66.** Section 533.1 of the Act is amended by striking out “under oath” in the first paragraph.

**67.** Section 535 of the Act is amended by adding the following sentence at the end of the first paragraph: “The places must be accessible to handicapped persons.”

**68.** Section 556 of the Act is amended by striking out the second paragraph.

**69.** Section 557 of the Act is amended by adding the following paragraph at the end:

“If a list of electors whose names are on the permanent list of electors has been transmitted by the Chief Electoral Officer under section 546, the clerk or the secretary-treasurer shall send the Chief Electoral Officer a copy of the certificate showing the date on which the certificate was tabled before the council.”

**70.** Section 558 of the Act is amended by adding the following paragraph at the end:

“The clerk or the secretary-treasurer shall inform the Chief Electoral Officer in writing of the date of the poll.”

**71.** Section 559 of the Act is amended by replacing the last sentence of the second paragraph by the following sentence: “The clerk or the secretary-treasurer shall send the Chief Electoral Officer a copy of the notice showing the date on which the notice was published.”

**72.** Section 574 of the Act is repealed.

**73.** Section 586 of the Act is amended by adding the following paragraphs at the end:

“(13) every person who signs a referendum poll waiver notice without being entitled to do so;

“(14) every clerk or secretary-treasurer who accepts the signature of a person on a referendum poll waiver notice despite knowing that the person is not entitled to sign the notice.”

**74.** Section 588.1 of the Act is amended by replacing “with the knowledge that” by “although”.

**75.** Section 592 of the Act is amended

(1) by inserting “sign a referendum poll waiver notice or” after “induce a qualified voter to” in subparagraph 1 of the first paragraph;

(2) by replacing “or incites him to abstain from doing so” in subparagraph 1 of the first paragraph by “, or incites him to abstain from doing so,”;

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

“(2) in order to obtain or because he has obtained a gift, loan, office, employment or other benefit, agrees to sign a referendum poll waiver notice or make an application demanding that a referendum poll be held, or abstain from doing so, signs such a notice or makes such an application, or abstains from doing so, or incites a person to sign such a notice or make such an application, or abstain from doing so.”

**76.** The Act is amended by inserting the following section after section 610:

**“610.1.** The following persons are guilty of an offence:

(1) a candidate at an election for the office of member of the council of a municipality to which Divisions II to IX of Chapter XIII of Title I do not apply and who collects a gift of money from, or another person who, on that candidate’s behalf, collects a gift of money from, a legal person;

(2) a legal person who knowingly makes a gift of money to a candidate or person described in paragraph 1.”

**77.** Section 614 of the Act is amended by inserting “or has been convicted of contravening any of sections 429 to 431 and 436” after “cannot be found”.

**78.** Section 624 of the Act is replaced by the following section:

**“624.** The following persons are guilty of an offence:

(1) every printer, manufacturer, owner of a newspaper or other publication, radio or television broadcaster or other person using another medium or information technology who manufactures, prints or disseminates any advertising copy, object or material, advertisement or publicity relating to an election that does not contain the information required under section 463 or 463.1;

(2) every official agent, deputy official agent, private intervenor or representative of a private intervenor who allows the information required under section 463 or 463.1 to be omitted from any advertising copy, object or material, advertisement or publicity relating to an election.”

**79.** Section 624.1 of the Act is amended by inserting “512.1,” after “463.1,”.

**80.** Section 631 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) every owner, administrator, operator, caretaker, custodian or person in charge of an immovable or a residence for the elderly listed in the register established under the Act respecting health services and social services (chapter S-4.2) and every executive director of an institution referred to in the second paragraph of section 50 who limits, restricts or does not facilitate access to the immovable, residence or facilities of the institution by a mobile polling station or a person in charge of distributing a notice or document issued by the Chief Electoral Officer or the returning officer;”.

**81.** Section 641 of the Act is amended by inserting “or 610.1” after “610” in the second paragraph.

**82.** Section 645 of the Act is amended by replacing “586 to 598” in the first paragraph by “586 to 588 and 589 to 598”.

**83.** Section 659 of the Act is amended by adding the following sentences at the end of the first paragraph: “Despite section 9 of that Act, there is no right of access to the documents required to be filed under Division VI of Chapter XIII of Title I before the date on which the time or period prescribed for their filing expires. Documents filed after that date may be accessed from the date they are filed.”

**84.** Sections 54, 55, 58, 61, 150, 314 and 341 of the Act are amended by replacing “regular” by “general”.

#### ELECTION ACT

**85.** Section 40.12.22 of the Election Act (R.S.Q., chapter E-3.3) is amended

(1) by replacing “regular” in the first paragraph by “general”;

(2) by replacing “reading referred to in section 556” in subparagraph 1 of the second paragraph by “sitting referred to in section 557”.

#### ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

**86.** Section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting “, have ballot papers printed” after “receive nomination papers” in the third paragraph.

**87.** Section 9 of Schedule I to the Act is amended by replacing “must comprise close to 300 electors” in the first paragraph of section 104 by “must comprise not more than 500 electors”.

**88.** Section 14 of Schedule I to the Act is amended

(1) by replacing “as soon as practicable” in the second paragraph of section 122 by “not later than 44 days before polling day”;



(2) by replacing “hours of sitting” in the third paragraph of section 122 by “sitting hours and add sitting days”;

(3) by adding the following sentence at the end of the third paragraph of section 122: “The chairman shall inform the returning officer of his decision and the returning officer shall notify each of the candidates for the office of warden.”

**89.** Section 25 of Schedule I to the Act is amended by striking out “192, 196,”.

#### FINAL PROVISION

**90.** This Act comes into force on 1 June 2009.



## Regulations and other Acts

**M.O., 2009**

**Order number AM 2009-031 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife, dated 10 July 2009**

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

CONCERNING the Regulation to amend the Regulation respecting trapping and the fur trade

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

CONSIDERING section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) which provides that the Minister may make regulations on the matters mentioned therein;

CONSIDERING section 164 of the Act which provides that a regulation made in particular under section 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 trapping and the fur trade by Minister's Order 99026 dated 31 August 1999 and its subsequent modifications, which prescribes, in particular, the conditions for the trapping of any animal or class of animals and the fur trade;

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

ORDER AS FOLLOWS:

The Regulation to amend the Regulation respecting trapping and the fur trade, attached to this Minister's Order, is hereby made.

Québec, 10 July 2009

SERGE SIMARD, NATHALIE NORMANDEAU,  
*Minister for Natural Resources and Wildlife* *Minister of Natural Resources and Wildlife*

### **Regulation to amend the Regulation respecting trapping and the fur trade\***

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 56)

**1.** The Regulation respecting trapping and the fur trade is amended in Schedule I by replacing “80 cm” and “20 cm” in paragraph 7 by “92 cm” and “20.5 cm”.

**2.** Schedule III is amended

(1) by replacing “25-10/15-03” in the beaver and river otter column of FAMU 35 by “25-10/01-04”;

(2) by replacing “25-10/01-03” in the beaver and river otter column of FAMU 36 by “25-10/01-04”;

(3) by replacing “25-10/01-03” in the beaver and river otter column of FAMU 37 by “25-10/15-03”.

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

9401

\* The Regulation respecting trapping and the fur trade, made by Minister's Order 99026 dated 31 August 1999 (1999, *G.O.* 2, 2992), was last amended by the regulation made by Minister's Order 2008-031 dated 10 June 2008 (2008, *G.O.* 2, 2551). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.



## Index

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

	<b>Page</b>	<b>Comments</b>
Bodies promoting international exchanges for young people, An Act to recognize..., amended . . . . . (2009, Bill 17)	2151	
Conservation and development of wildlife, An Act respecting the... — Trapping and fur trade . . . . . (R.S.Q., c. C-61.1)	2207	M
Courts of Justice Act and the Act respecting the Ministère de la Justice, An Act to amend the... . . . . . (2009, Bill 20)	2161	
Courts of Justice Act, amended . . . . . (2009, Bill 20)	2161	
Development of local slaughterhouses and to amend the Food Products Act, An Act to regularize and provide for the... . . . . . (2009, Bill 4)	2127	
Election Act, amended . . . . . (2009, Bill 33)	2191	
Elections and referendums in municipalities and other legislative provisions, An Act to amend the Act respecting... . . . . . (2009, Bill 33)	2191	
Elections and referendums in municipalities, An Act respecting..., amended . . . . . (2009, Bill 33)	2191	
Financial Administration Act, amended . . . . . (2009, Bill 13)	2143	
Financial Administration Act, amended . . . . . (2009, Bill 17)	2151	
Food Products Act, amended . . . . . (2009, Bill 4)	2127	
Government and Public Employees Retirement Plan, An Act respecting the..., amended . . . . . (2009, Bill 13)	2143	
Government and Public Employees Retirement Plan, An Act respecting the..., amended . . . . . (2009, Bill 17)	2151	
Institut national des mines, An Act respecting the... . . . . . (2009, Bill 13)	2143	
List of Bills sanctioned (26 May 2009) . . . . .	2121	
List of Bills sanctioned (28 May 2009) . . . . .	2123	
List of Bills sanctioned (1 June 2009) . . . . .	2125	
Ministère de la Justice, An Act respecting the..., amended . . . . . (2009, Bill 20)	2161	

Municipal territorial organization, An Act respecting..., amended . . . . . (2009, Bill 33)	2191	
Office Québec-Monde pour la jeunesse and to amend various legislative provisions, An Act to establish the... . . . . . (2009, Bill 17)	2151	
Pay Equity Act, amended. . . . . (2009, Bill 25)	2167	
Pay Equity Act, An Act to amend the... . . . . (2009, Bill 25)	2167	
Pension Plan of Management Personnel, An Act respecting the..., amended . . . . (2009, Bill 13)	2143	
Pension Plan of Management Personnel, An Act respecting the..., amended . . . . (2009, Bill 17)	2151	
Process of negotiation of the collective agreements in the public and parapublic sectors, An Act respecting the..., amended . . . . . (2009, Bill 13)	2143	
Trapping and fur trade . . . . . (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	2207	M