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Part

2

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Laws and Regulations

Volume 142

Summary

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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;
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PROVINCE OF QUÉBEC

1ST SESSION

39TH LEGISLATURE

QUÉBEC, 4 DECEMBER 2009

OFFICE OF THE LIEUTENANT-GOVERNOR

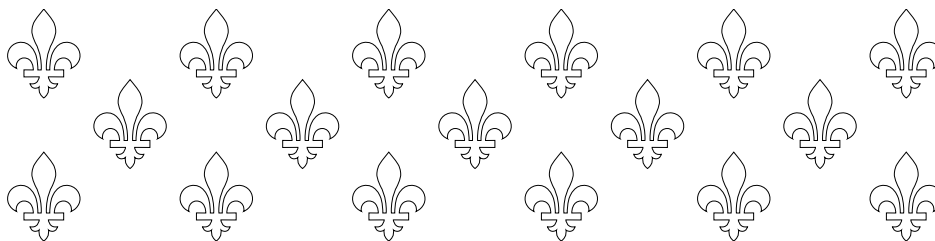
Québec, 4 December 2009

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

- 41 An Act to amend the Act respecting transport infrastructure partnerships and other legislative provisions
- 52 An Act to amend the Act respecting the conservation and development of wildlife
- 53 An Act to create the office of Commissioner for complaints concerning mechanisms for the recognition of professional competence
- 60 An Act to amend the Consumer Protection Act and other legislative provisions
- 63 Business Corporations Act
- 65 An Act respecting Infrastructure Québec
- 66 An Act to amend the Act to protect persons with regard to activities involving firearms and amending the Act respecting safety in sports
- 69 An Act to amend the Highway Safety Code as regards driving schools
- 70 An Act to amend various pension plans in the public sector

- 73 An Act to provide for measures to fight crime in the construction industry
- 74 An Act to amend various legislative provisions principally to tighten the regulation of the financial sector
- 75 An Act to amend the Police Act as regards cross-border policing
- 80 An Act to extend the term of the person designated to act temporarily as Lobbyists Commissioner
- 199 An Act to proclaim the International Day of Non-Violence
- 203 An Act respecting the Musée national des beaux-arts du Québec and the Fabrique de la paroisse de Saint-Dominique de Québec
- 214 An Act to amend the charter of L'Abbaye de Saint-Benoît-du-Lac
- 215 An Act respecting Ville de Sept-Îles
- 217 An Act to amend the Act to incorporate The Wales Home
- 218 An Act respecting Municipalité de Saint-Ambroise

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



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 41
(2009, chapter 48)

**An Act to amend the Act respecting
transport infrastructure partnerships
and other legislative provisions**

**Introduced 14 May 2009
Passed in principle 27 October 2009
Passed 26 November 2009
Assented to 4 December 2009**

**Québec Official Publisher
2009**

EXPLANATORY NOTES

This Act amends the Act respecting transport infrastructure partnerships to introduce new rules for the recovery of unpaid tolls and the protection of amounts collected by a partner on behalf of the Government. It also amends the Act respecting the Ministère des Transports to create the transport infrastructure partnership fund.

It contains measures allowing the Government to entrust the management of an infrastructure to a municipal authority and to retain the possibility of regulating the immovables and the facilities and equipment that are in or on the immovables even if the immovables are administered by a partner. It specifies the powers that the Minister of Transport may delegate to a partner, certain obligations of the partner and the applicable liability regime.

This Act stipulates that the Act respecting roads does not apply to a road infrastructure constructed or operated under a partnership agreement, except to the extent provided for in the agreement in accordance with the Act respecting transport infrastructure partnerships.

It amends the Highway Safety Code to regulate the use of cameras used to photograph the registration plates of road vehicles driven on a public road that is subject to the Act respecting transport infrastructure partnerships.

Finally, it contains various consequential provisions and brings more precision to a number of notions.

LEGISLATION AMENDED BY THIS ACT:

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère des Transports (R.S.Q., chapter M-28);

-
- Act respecting transport infrastructure partnerships (R.S.Q., chapter P-9.001);
 - Act respecting roads (R.S.Q., chapter V-9).

Bill 41

AN ACT TO AMEND THE ACT RESPECTING TRANSPORT INFRASTRUCTURE PARTNERSHIPS AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING TRANSPORT INFRASTRUCTURE PARTNERSHIPS

1. Section 3 of the Act respecting transport infrastructure partnerships (R.S.Q., chapter P-9.001) is amended by replacing “proposal solicitation documents” by “tender solicitation documents” at the end.

2. Section 4 of the Act is amended by replacing “transfer or lease out any property under the Minister’s management” at the end by “dispose of any government property under the Minister’s authority”.

3. Section 6 of the Act is amended

(1) by replacing “Every property” by “Every corporeal property”;

(2) by adding the following paragraph:

“However, the Government may, by an order published in the *Gazette officielle du Québec*, entrust all or part of the management of a road infrastructure constructed under this Act to a municipality, which, in that case, shall exercise the powers provided for in the Municipal Powers Act (chapter C-47.1).”

4. Section 8 of the Act is amended

(1) by inserting “under the Act respecting the Ministère des Transports (chapter M-28) and the Act respecting roads (chapter V-9) and” after “powers” in the first paragraph;

(2) by adding the following paragraph:

“However, a partner or partner’s delegate is not a mandatary of the State and no legal action may be taken against the State for damage caused by a partner or partner’s delegate in the exercise of a power delegated by the Minister or resulting from any instrument entered into under the partnership agreement.”

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

“8.1. All complaints received by a partner must be treated fairly. To this end, the partner must adopt a complaints examination policy.

“8.2. A person dissatisfied with the way a complaint addressed to a partner has been examined or treated may take the matter to the Minister.

The Minister may make recommendations to the partner concerning the complaint in question.”

6. Section 11 of the Act is amended

(1) by striking out “charges and the” in subparagraph 1 of the first paragraph;

(2) by replacing “toll devices” in subparagraph 4 of the first paragraph by “transponders”.

7. Section 12 of the Act is amended

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

“(2) establish, collect and enforce payment of administration fees relating to the collection and enforced payment of tolls; and”;

(2) by replacing “fees and charges” in paragraph 3 by “and fees”;

(3) by adding the following paragraphs:

“A partner may also take photographs identifying a vehicle at a toll station. The camera used must be positioned such as to protect the identity of the occupants of the vehicle.

Before communicating a photograph described in the second paragraph, the partner must ensure that the photograph shows the road vehicle’s registration plate but does not allow the occupants of the vehicle to be seen.”

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

“13. A toll and related fees and interest payable under this Act for the operation of a road vehicle on a designated road infrastructure shall be paid to the partner

(1) by the person in whose name a transponder is registered for the road vehicle, if the device is in the vehicle and functioning;

(2) by the holder of an anonymous transponder, if the device is in the road vehicle and functioning and there is no functioning transponder registered for the vehicle in the vehicle;

(3) by the holder of a customer account, opened with the partner, to which the passages of the road vehicle are charged, if there is no functioning transponder registered for the vehicle or functioning anonymous transponder in the vehicle;

(4) by the driver of the road vehicle, if the installations allow the driver to pay the toll at the time of passage, there is no functioning transponder registered for the vehicle or functioning anonymous transponder in the vehicle, and no customer account to which the passages of the vehicle are charged has been opened with the partner;

(5) by the holder of the registration certificate for the road vehicle, if the driver fails to pay the toll as required under paragraph 4 and no statement of offence is issued to the driver by a peace officer at the time of the offence; and

(6) by the holder of the registration certificate for the road vehicle, in all other cases.”

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

“**14.** The obligation to pay a toll is incurred as soon as a road vehicle enters a designated infrastructure.”

10. Section 15 of the Act is amended

(1) by replacing “from any government or body” by “from the Société de l’assurance automobile du Québec or, if the road vehicle is not registered in Québec, from any administrative authority responsible for the registration of the vehicle or any body composed of representatives of the ministers responsible for transport or highway safety,”;

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

“(4) the file number of the person in whose name the road vehicle is registered with the Société de l’assurance automobile du Québec.”

11. Section 16 of the Act is amended

(1) by striking out “, charges”;

(2) by adding the following paragraph:

“If the partnership agreement provides that some or all the tolls and fees required under this Act belong to the State, the amounts belonging to the State are paid into the transport infrastructure partnership fund established under paragraph 3 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28).”

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

“**16.1.** If a partnership agreement provides that some or all of the tolls and fees collected by the partner belong to the State, the partner is deemed to hold the amounts belonging to the State in trust for the State for payment into the transport infrastructure partnership fund. These amounts must be considered as forming a fund separate from the partner’s own patrimony and property, whether or not they have in fact been held separately from the partner’s own funds and assets.

“**16.2.** The Minister may, by regulation, determine the personal information that a partner is authorized to collect from a person in whose name a transponder is registered or from the holder of a customer account.”

13. Section 17 of the Act is amended by adding the following paragraph:

“A partner must destroy all personal information, including a photograph taken under section 12, no later than three years after payment of the toll, unless such payment is contested.”

14. Sections 18 to 23 of the Act are replaced by the following sections:

“**18.** A person described in paragraph 4 of section 13 must pay the toll at the time of passage on a designated infrastructure whose installations allow the toll to be paid at that time.

“**19.** A person described in paragraph 1, 3 or 6 of section 13 must pay the toll and related fees upon receiving a demand for payment to that effect.

Such a demand for payment must be sent to the person within 30 days of the passage of the road vehicle on the designated infrastructure and must

(1) set out the place, date and time the passage was recorded;

(2) state that the partner will send the person a photograph showing the road vehicle’s registration plate but not allowing the occupants of the vehicle to be seen and indicating the place, date and time the passage was recorded, upon receipt of a written request and the additional fee prescribed by government regulation; and

(3) specify that failure to pay within 30 days of the sending of the demand for payment or, as applicable, of the photograph may result in penal proceedings.

In the case of a person described in paragraph 1 or 3 of section 13, the demand for payment is sent to the last address the person gave to the partner.

In the case of a person described in paragraph 6 of section 13, the demand for payment is sent to the last address listed for the person in the records of the Société de l'assurance automobile du Québec or, if applicable, in the records kept outside Québec by the administrative authority responsible for the registration of the vehicle.

If the agreement between the partner and either the person in whose name a transponder is registered or the holder of a customer account, as applicable, provides that tolls for passages detected by the transponder are paid at the time of passage, a demand for payment referred to in the first paragraph is sent only if the person or holder is in default.

“20. The Minister may designate from among the partner’s employees who meet the conditions determined by government regulation a person to be entrusted with the enforcement of this Act for the purposes of drawing up offence reports referred to in article 62 of the Code of Penal Procedure (chapter C-25.1).

A person designated under the first paragraph is not authorized to exercise the powers provided for in Chapters II and III of that Code.”

HIGHWAY SAFETY CODE

15. Section 31.1 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended

(1) by striking out the second paragraph;

(2) by replacing “, if” in the fourth paragraph by “or if” and by striking out “or if, on the due date, the Société has not received the notice referred to in the second paragraph of section 23 of the Act respecting transport infrastructure partnerships (chapter P-9.001)” in that paragraph;

(3) by striking out “, and the Société must, in the case of a failure to pay a toll, have received the notice referred to in the second paragraph of section 23 of the Act respecting transport infrastructure partnerships” in the fifth paragraph.

16. Section 417.1 of the Code is amended by striking out “or the sum payable under the Act respecting transport infrastructure partnerships” at the end.

17. The Code is amended by inserting the following section after section 417.1:

“417.2. No person may drive a road vehicle on a public road subject to a toll under the Act respecting transport infrastructure partnerships (chapter P-9.001) unless the toll and fees are paid in accordance with that Act.”

18. The Code is amended by inserting the following section after section 509.1:

“509.2. Every person who contravenes section 417.2 is guilty of an offence and is liable to a fine of \$150 to \$250.”

19. Section 592 of the Code is amended by replacing “415 to 418” in the second paragraph by “415 to 417.1, 418”.

20. The Code is amended by inserting the following sections after section 592:

“592.0.1. A person in whose name a transponder is registered may be convicted of any offence under section 417.2 unless the person proves that, at the time of the offence, the transponder was in the possession of a third party without the person’s consent.

“592.0.2. A holder of a customer account with the partner may be convicted of any offence under section 417.2 unless the person proves that, at the time of the offence, the road vehicle associated with the customer account was in the possession of a third party without the person’s consent.”

21. The Code is amended by inserting the following section after section 592.4:

“592.5. In the case of an offence evidenced by a photograph taken by a camera approved by the Minister of Transport under section 595.1, the statement of offence and the photograph, indicating the place, date and time it was taken, must be sent to the owner of the road vehicle at the most recent address entered in the records of the Société or, if applicable, in the records kept outside Québec by an administrative authority responsible for registering the vehicle, or to the person in whose name the transponder is registered or the holder of the customer account at the last address that person or holder gave to the partner. The photograph must show the vehicle’s registration plate without making it possible to see the occupants of the vehicle.

In the case of a person described in paragraph 5 of section 13 of the Act respecting transport infrastructure partnerships (chapter P-9.001), the prosecutor must send to that person the statement of offence and the photograph, indicating the place, date and time it was taken, within 30 days after the passage of the road vehicle on a public road subject to a toll under that Act.”

22. The Code is amended by inserting the following sections after section 595:

“595.1. The cameras used to photograph the registration plates of road vehicles driven on a public road referred to in section 417.2 must be approved by the Minister of Transport and, if applicable, be verified or certified in accordance with a regulation made under subparagraph 5 of the first paragraph of section 11 of the Act respecting transport infrastructure partnerships (chapter P-9.001); they must also allow the place, date and time the photograph was taken to be determined.

The places where such cameras may be used must be announced by traffic signs or signals prescribed for that purpose by the Minister of Transport.

Any order made under this section is to be published in the *Gazette officielle du Québec*.

“595.2. In penal proceedings for an offence under section 417.2, a photograph of a road vehicle’s registration plate taken by a camera approved by the Minister of Transport is proof, in the absence of any evidence to the contrary, of the vehicle’s presence on the public road and of the other information displayed on the photograph.”

23. The Code is amended by inserting the following section after section 597.1:

“597.2. Section 597 does not apply to penal proceedings for an offence under section 417.2.”

24. Section 648 of the Code, amended by section 83 of chapter 40 of the statutes of 2007 and by section 98 of chapter 14 of the statutes of 2008, is again amended by adding the following paragraph at the end:

“However, the Government deducts from each fine collected under section 509.2 an amount it determines on the recommendation of the Minister of Transport. This amount is paid into the transport infrastructure partnership fund established under paragraph 3 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28) in order to reimburse the partner, if applicable, for the toll and fees imposed under the Act respecting transport infrastructure partnerships (chapter P-9.001).”

ACT RESPECTING ADMINISTRATIVE JUSTICE

25. Schedule IV to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by striking out paragraph 30.

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

26. Section 3 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended by replacing “is applied” in subparagraph *j* of the first paragraph by “and the Act respecting transport infrastructure partnerships (chapter P-9.001) are applied”.

27. Section 12.1 of the Act is amended by replacing “Minister and” by “Minister or of a partner in accordance with the Act respecting transport infrastructure partnerships (chapter P-9.001), and in respect”.

28. Section 12.1.1 of the Act is amended by adding “or by a partner in accordance with the Act respecting transport infrastructure partnerships (chapter P-9.001)” at the end.

29. Section 12.30 of the Act, amended by section 87 of chapter 40 of the statutes of 2007, is again amended by adding the following paragraph at the end:

“(3) the “transport infrastructure partnership fund”, to finance the construction and operation of transport infrastructures pursuant to a partnership agreement.”

30. The Act is amended by inserting the following after section 12.42:

“§3. — *Transport infrastructure partnership fund*

“**12.43.** The fund is made up of the following amounts, except interest:

(1) the tolls and fees collected by partners under the Act respecting transport infrastructure partnerships (chapter P-9.001);

(2) the sums paid by the Minister of Finance under the second paragraph of section 648 of the Highway Safety Code (chapter C-24.2);

(3) the sums paid by the Minister of Transport out of the appropriations granted for that purpose by Parliament;

(4) the sums paid by the Minister of Finance under the first paragraph of section 12.34 and section 12.35;

(5) the sums paid by a partner or a third party under a partnership agreement;

(6) the contributions, gifts and legacies paid into the fund to further the achievement of its objects.

“**12.44.** Sections 12.31 and 12.33 to 12.39 apply to the fund.”

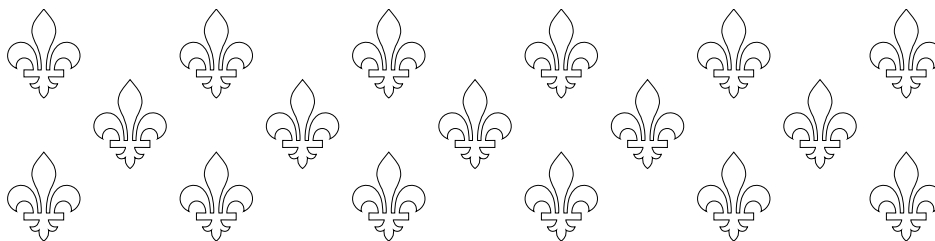
ACT RESPECTING ROADS

31. Section 1 of the Act respecting roads (R.S.Q., chapter V-9) is amended by adding the following paragraph at the end:

“It does not apply to a road infrastructure constructed or operated under a partnership agreement entered into pursuant to the Act respecting transport infrastructure partnerships (chapter P-9.001), except to the extent provided for in the agreement in accordance with section 8 of that Act.”

FINAL PROVISION

32. This Act comes into force on 4 December 2009.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 52
(2009, chapter 49)

An Act to amend the Act respecting the conservation and development of wildlife

Introduced 29 May 2009
Passed in principle 16 September 2009
Passed 3 December 2009
Assented to 4 December 2009

Québec Official Publisher
2009

EXPLANATORY NOTES

This Act amends the Act respecting the conservation and development of wildlife to give additional powers to the Minister in charge of its administration, in particular with regard to feeding and baiting, the disposal of pests, and the establishment of fish-stocking plans. In addition, certain regulatory powers are transferred from the Government to the Minister.

The Government is empowered to delegate certain regulatory powers to the Société des établissements de plein air du Québec or any other agency or body that is party to a contract with the Minister, on the conditions determined by the Government.

Persons who enforce wildlife laws in a province or State adjacent to Québec are recognized as wildlife protection officers ex officio, provided they are acting under the responsibility of a Québec wildlife protection officer.

Wildlife protection assistants and area wardens are empowered to establish the identity of a person so that a statement of offence may be drawn up.

Certain changes affecting the board of directors of the Fondation de la faune du Québec are made, in particular by providing for an audit committee subject to the rules of the Act respecting the governance of state-owned enterprises.

Lastly, new prohibitions in matters of wildlife management and adjustments of a technical and penal nature are introduced.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1);
- Parks Act (R.S.Q., chapter P-9).

REGULATION AMENDED BY THIS ACT:

- Code of ethics of Québec police officers (O.C. 920-90, 1990, G.O. 2, 1760).

Bill 52

AN ACT TO AMEND THE ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) is amended

(1) by inserting “aquatic” before “mollusc” in the definition of “fish”;

(2) by inserting the following definition after the definition of “to sell”:

“**“Société”** means the Société des établissements de plein air du Québec established under the Act respecting the Société des établissements de plein air du Québec (chapter S-13.01);”.

2. Section 1.1 of the Act is amended

(1) by replacing “a mollusc or a crustacean” in the first paragraph by “an aquatic mollusc or crustacean”;

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

“The same is true for species appearing on a list established under section 9 of the Act respecting threatened or vulnerable species (chapter E-12.01).”

3. Section 7 of the Act is amended

(1) by replacing “protection officer” wherever it occurs by “wildlife protection officer”;

(2) by adding the following paragraph:

“A person whose principal function is to enforce the laws concerning wildlife in the provinces and States adjacent to Québec is a wildlife protection officer, *ex officio*, if acting under the orders of a wildlife protection officer appointed under section 3.”

4. Section 8 of the Act is amended

(1) by adding, at the end of the third paragraph, “except the power granted under article 72 of the Code”;

(2) by replacing “protection assistants” in the fourth paragraph by “wildlife protection assistants”.

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

“30. No person may use a substance, object, animal or domestic animal to attract or attempt to attract an animal or class of animals, except on the conditions determined by regulation of the Minister.

No person may feed or attempt to feed an animal or class of animals except on the conditions determined by regulation of the Minister.”

6. The Act is amended by inserting the following section after section 30.3:

“30.4. No person may use a firearm, crossbow or bow to shoot or attempt to shoot at a representation of an animal or part of an animal installed by a wildlife protection officer for the purpose of enforcing this Act.”

7. Section 47 of the Act is amended by replacing “or 60” in the first paragraph by “, 60 or 67”.

8. Section 54 of the Act is amended by replacing “fixed by regulation” in the second paragraph by “determined by regulation of the Minister.”

9. Section 54.1 of the Act is replaced by the following section:

“54.1. The Minister may authorize a person, association or body to hold a draw for trapping licences or leases of exclusive trapping rights. The authorization may provide that all or some of the fees collected for the draw devolve upon the holder of the authorization.”

10. Section 67 of the Act is amended by adding the following paragraph:

“No person may kill or capture an animal that causes damage to property or must be moved in the public interest, except on the conditions determined by regulation of the Minister.”

11. Section 68 of the Act is amended

(1) by replacing the introductory clause by the following:

“68. In the cases described in section 67 or where an animal has been found or accidentally killed or captured, a person shall, without delay,”;

(2) by adding “or dispose of it according to the conditions determined by regulation of the Minister” at the end of paragraph 1;

(3) by replacing “protection officer” in paragraph 2 by “wildlife protection officer”.

12. Section 71 of the Act is amended by inserting “67,” after “60.”

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

“**73.1.** The Minister may establish a fish-stocking plan for a territory governed by Chapter IV, in conjunction with a lessee of exclusive fishing rights, an agency that is party to a memorandum of agreement, a Native community that is party to an agreement referred to in section 24.1, an agency or body that is party to a contract referred to in section 109, 118, 120, 126 or 127, or the Société.

Despite any regulation made under paragraph 1 or 3 of section 73, such a plan may contain different restrictions regarding fish that may be stocked.

A fish-stocking plan established by the Minister is published on the Internet site of the department or by any other means. It comes into force on the date of its publication or on any later date specified in the plan.”

14. Section 78.6 of the Act is amended

- (1) by replacing “Government” in the introductory clause by “Minister”;
- (2) by striking out paragraphs 1 to 3;
- (3) by inserting “outfitter’s” after “class of” in paragraph 4.

15. Section 78.7 of the Act is amended by striking out “also” in the first paragraph.

16. Section 84.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“The Minister may also delimit a territory for the purposes of subparagraph 3 of the third paragraph of section 56, subparagraph 2 of the fourth paragraph of section 56, paragraph 18 of section 162 or subparagraph 2 of the first paragraph of section 163.”

17. Section 106.0.2 of the Act is amended by replacing “subparagraph 2.1” in the first paragraph by “subparagraph 1”.

18. Section 110 of the Act is amended

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

“**110.** With regard to a controlled zone, the Government may, by regulation,

- (1) authorize or prohibit a recreational, hunting or fishing activity, on the conditions it determines;

(2) set the fees or maximum fees payable to carry on a recreational, hunting or fishing activity, to register for a draw or to travel about the territory;

(3) authorize or prohibit the use of recreational vehicles on the conditions it determines;

(4) set the maximum number or the categories of persons that may carry on a recreational, hunting or fishing activity in a sector of the territory, on the conditions it determines;

(5) authorize or prohibit the carrying, possession or transport of hunting or fishing gear on the conditions it determines;

(6) authorize or prohibit the presence of a dog or other domestic animal on the conditions it determines;

(7) divide the territory into sectors for the purposes of the standards prescribed under this section, which may vary according to the sector;

(8) determine the minimum and maximum fees payable for membership in an agency that is party to a memorandum of agreement; and

(9) allow any agency that is party to a memorandum of agreement to exercise all or some of the regulatory powers provided for in subparagraphs 1 to 4 and subparagraphs 7 and 8, on the conditions it determines.”;

(2) by replacing, in the second paragraph, “sought” by “hunted or fished” and “hunting, fishing or trapping” by “recreational, hunting or fishing”;

(3) by replacing “licences” in the second paragraph by “class of licence”.

19. Section 110.1 of the Act is amended

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

“**110.1.** The powers exercised by an agency that is party to a memorandum of agreement under subparagraph 9 of the first paragraph of section 110 must be exercised by by-law.”;

(2) by replacing “paragraph *b* of subparagraph 6” in the introductory clause of the second paragraph by “subparagraphs 2 and 7”;

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

“A copy of the by-law must be sent to the Minister for approval.

The by-law comes into force on the date the agency receives a notice of approval from the Minister or, failing such a notice, 30 days after the by-law was sent to the Minister.”

20. Section 110.2 of the Act is replaced by the following section:

“110.2. The Minister may amend or replace the by-law of an agency that is party to a memorandum of agreement if the by-law fails to comply with the conditions determined by government regulation or the rules provided for the adoption of the by-law are not followed.

A copy of the amended or replaced by-law is sent to the agency and comes into force on the date it is received by the agency.”

21. Section 110.3 of the Act is amended by replacing “Any by-law of an agency that is a party to a memorandum of agreement respecting the matters provided for in subparagraph 6 of the first paragraph of section 110” by “A by-law made by an agency that is party to a memorandum of agreement under subparagraph 9 of the first paragraph of section 110 or a by-law made by the Minister under section 110.2”.

22. Sections 110.4 and 110.5 of the Act are repealed.

23. Section 118.0.1 of the Act is amended by striking out “des établissements de plein air du Québec” in the first paragraph.

24. Section 121 of the Act is replaced by the following section:

“121. With regard to a wildlife sanctuary, the Government may, by regulation,

(1) authorize or prohibit a recreational, hunting or fishing activity, on the conditions it determines;

(2) set the fees or maximum fees payable to carry on a recreational, hunting or fishing activity, to register in a draw or to travel about the territory;

(3) authorize or prohibit the use of vehicles for recreational purposes, on the conditions it determines;

(4) authorize or prohibit the carrying, possession or transport of hunting or fishing gear, on the conditions it determines;

(5) authorize or prohibit the presence of a dog or other domestic animal, on the conditions it determines;

(6) divide the territory into sectors for the purposes of the standards prescribed under this section, which may vary according to the sector; and

(7) allow the Société or any body that is party to a contract referred to in section 118 or 120 to exercise all or some of the regulatory powers provided for in subparagraphs 1 to 3 and subparagraphs 5 and 6, on the conditions it determines.

The fees payable that may be set under this section may vary according to the category of persons or class of licence, a person's age, the activity being carried on, the wildlife species being hunted or fished, the length of stay, the sector or place where the recreational, hunting or fishing activity is carried on, and the period or date of the activity."

25. The Act is amended by inserting the following sections after section 121:

"121.1. The powers exercised by the Société or by a body that is party to a contract referred to in section 118 or 120 under subparagraph 7 of the first paragraph of section 121 must be exercised by by-law.

A copy of the by-law must be sent to the Minister for approval.

The by-law comes into force on the date the Société or body receives a notice of approval from the Minister or, failing such a notice, 30 days after the by-law was sent to the Minister.

"121.2. The Minister may amend or replace the by-law of the Société or of a body that is party to a contract referred to in section 118 or 120 if the Société or body fails to comply with the conditions determined by government regulation.

A copy of the amended or replaced by-law is sent to the Société or body and comes into force on the date it is received by the body or the Société.

"121.3. A by-law made by the Société or by a body that is party to a contract referred to in section 118 or 120 under subparagraph 7 of the first paragraph of section 121 or a by-law made by the Minister under section 121.2 must be posted near the place where users register and a copy must be given, on request, to each user who practises an activity in a wildlife sanctuary."

26. Section 125 of the Act is replaced by the following section:

"125. With regard to a wildlife preserve, the Government may, by regulation,

(1) authorize or prohibit a commercial, recreational, hunting or fishing activity on the conditions it determines;

(2) set the fees or maximum fees payable to carry on a recreational, hunting or fishing activity, to register for a draw or to travel about the territory;

(3) authorize or prohibit the use of any type of vehicle, on the conditions it determines;

(4) authorize or prohibit the carrying, possession or transport of hunting or fishing gear, on the conditions it determines;

(5) authorize or prohibit the presence of a dog or other domestic animal, on the conditions it determines; and

(6) divide the territory into sectors for the purposes of the standards prescribed by this section.

The fees payable that may be set under this section may vary according to the category of persons or class of licence, a person's age, the activity being carried on, the wildlife species being hunted or fished, the length of stay, the sector or place where the commercial, recreational, hunting or fishing activity is carried on, and the period or date of the activity."

27. Section 133 of the Act is replaced by the following section:

"133. The Foundation is administered by a board of directors consisting of 13 members appointed by the Government. The board is formed of the following members, seven of whom must be from regions other than the Montréal and Québec City regions:

(1) a chairman of the board and a president and director general;

(2) eight members appointed on the basis of the expertise and experience profiles approved by the board;

(3) three members from regional wildlife organizations chosen from a list provided by the Table nationale de la faune that gives preference to candidates who are on the board of directors of such an organization."

28. Section 135 of the Act is replaced by the following section:

"135. The members of the board of directors are appointed for a term not exceeding four years."

29. The Act is amended by inserting the following section after section 144:

"144.1. The board of directors of the Foundation must establish an audit committee. Sections 23 to 26 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) apply to such a committee."

30. Section 146 of the Act is replaced by the following section:

"146. The Foundation must send a three-year plan of its activities to the Minister for approval three months before the beginning of the first fiscal year covered by the plan.

The plan must include the Foundation's policy directions, priorities, objectives, strategies and budgetary policies. It must also comply with any instructions the Minister may give to the Foundation."

31. Section 162 of the Act is amended

- (1) by striking out paragraphs 1, 9, 10, 10.1, 12, 19 and 21;
- (2) by replacing “protection officer” in paragraph 3.1 by “wildlife protection officer”.

32. Section 163 of the Act is replaced by the following section:

“163. In addition to the other powers conferred upon the Minister by this Act, the Minister may make regulations

- (1) determining classes of licences, certificates, authorizations and leases, as well as their content and duration and the conditions for their issue, replacement, renewal or transfer;
- (2) limiting the number of licences or leases of each class for a zone, territory or place the Minister specifies, and determining the number of licences or leases of each class that a person is authorized to issue under section 54 for that zone, territory or place;
- (3) establishing the requirements that a holder of a licence, certificate, authorization or lease must satisfy;
- (4) setting the fees or maximum fees payable for the issue, replacement, renewal or transfer of a licence, certificate, authorization or lease, as well as the fees or maximum fees payable for late payments or for administrative services involved in the processing of applications;
- (5) setting the fees or maximum fees payable for registration in a draw for a trapping licence or a lease of exclusive trapping rights;
- (6) determining, for the purposes of section 30, the cases in which a person may attract or attempt to attract an animal or class of animals, for any reason, by the use of a substance, object, animal or domestic animal, on the conditions the Minister determines;
- (7) determining, for the purposes of section 30, the cases in which a person may feed or attempt to feed an animal or class of animals, on the conditions the Minister determines;
- (8) setting, for each pelt from an animal hunted or trapped, whether undressed, dressed or received on consignment by an intermediary for its sale or trade, the royalties that the holder of a licence referred to in section 53 must pay;
- (9) setting, for the purposes of the second paragraph of section 54 and the second paragraph of section 155.2, for each class of licence, the amount of the contribution toward the funding of the Fondation de la faune du Québec;

(10) determining, for the purposes of the second paragraph of section 67, the cases in which an animal that causes damage to property or must be moved in the public interest may be killed or captured, on the conditions the Minister determines;

(11) determining, for the purposes of section 68, the animals that must be released, reported to a wildlife protection officer or disposed of in any other manner, and the conditions governing their release or other manner of disposal; and

(12) determining among the provisions of a regulation made by the Minister under this Act those the violation of which constitutes an offence.

The Minister may, in exercising regulatory powers or for the purposes of this Act, determine classes of animals and the animals in each class, and vary fees according to the class of licence or category of persons, a person's age, the activity being carried on, the wildlife species being hunted, fished or trapped, and the duration of the recreational, hunting, fishing or trapping activity, the sector or place where the activity is carried on and the period or date of the activity."

33. Section 164 of the Act is amended

(1) by replacing “, 54.1 and 56” by “or 56 or under any of subparagraphs 1 to 3, 6, 7 and 10 to 12 of the first paragraph of section 163”;

(2) by adding the following paragraph:

“The following are not subject to the requirements of the Regulations Act: a by-law made by an agency that is party to a memorandum of agreement under subparagraph 9 of the first paragraph of section 110; a by-law made by the Société or by an agency or body that is party to a contract referred to in section 118 or 120 under subparagraph 7 of the first paragraph of section 121; a regulation made by the Minister under section 110.2 or 121.2; and a fish-stocking plan established by the Minister under section 73.1.”

34. Section 165 of the Act is amended by replacing “27 or 30.1” in subparagraph 2 of the first paragraph by “27, 30.1 or 30.4”.

35. Section 167 of the Act is amended

(1) by inserting “30.4,” after “30.1,” in subparagraph 1 of the first paragraph;

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

“(3) a fish-stocking plan established under section 73.1.”.

36. Section 171 of the Act is amended by striking out “110.4, 110.5,” in paragraph 2.

37. Section 171.5 of the Act is amended by inserting “and the judge has not exercised the power to make an order under section 171.5.1” after “section 171.2” in the first paragraph.

38. The Act is amended by inserting the following section after section 171.5:

“171.5.1. Where an offender has been convicted of an offence described in section 171.2, the judge may, provided an application for an order has been made in the offender’s presence or the offender has been given prior notice by the prosecutor, order that the offender, at the offender’s expense and within a specified time, take the measures necessary to restore the premises to the state they were in prior to the offence or, if applicable, to bring the work carried out into line with the regulatory requirements. The judge may also order the seizure of security furnished under section 128.7 by the holder of an authorization, until the order has been executed to the Minister’s satisfaction.

If the offender fails to comply with an order referred to in the first paragraph, the Minister may, at the offender’s expense, proceed with the restoration of the premises. To that end, any security furnished under section 128.7 is confiscated up to the amount of the costs occasioned by the restoration.

If the premises cannot be restored, the judge may, on an application by the prosecutor, order that an additional amount be paid to an organization dedicated to the conservation, protection, improvement, restoration or development of wildlife habitats so that it may create a replacement habitat or other type of wildlife habitat in the region where the offence was committed. The additional amount must reflect the degree of degradation of the premises. The judge may also order the confiscation of any security furnished under section 128.7, up to the additional amount.”

39. Section 171.6 of the Act is amended by replacing “shall be prescribed by two years from the date of the commission of the offence” by “may not be brought later than two years after the date the offence was committed, except an offence under the provisions of section 128.6 for which no penal proceedings may be brought later than two years after the date the offence was ascertained”.

40. Section 172 of the Act is amended by inserting “30.4,” after “30.2,” in the third paragraph.

41. Section 177 of the Act is amended

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

“(2) if the licence holder, including any shareholder, officer or director of a legal person that is the licence holder, has been convicted of an offence against this Act or its regulations, against any other Act or regulation concerning hunting, fishing, trapping or outfitting, or against the Environment Quality Act (chapter Q-2), the Consumer Protection Act (chapter P-40.1) or the Public Buildings Safety Act (chapter S-3).”

“(3) if the licence holder fails to provide the lodging, services or equipment necessary for the carrying on of the activity concerned and for which the person has paid.”

42. Section 191.2 of the Act is repealed.

43. The Act is amended

(1) by replacing “protection officers” wherever it occurs in sections 3, 6 and 8.1 by “wildlife protection officers”;

(2) by replacing “protection assistants” in section 8.1 by “wildlife protection assistants”;

(3) by replacing “protection officer” wherever it occurs in sections 12 to 13.1, 14, 15, 16 to 20, 22, 23, 45, 72 and 169 by “wildlife protection officer”;

(4) by replacing “protection assistant” wherever it occurs in sections 12 to 13.1, 16 to 18, 19, 20, 22, 23, 45, 72 and 169 by “wildlife protection assistant”.

ACT RESPECTING HUNTING AND FISHING RIGHTS IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

44. Section 4 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., chapter D-13.1) is amended

(1) by replacing “protection officer” wherever it occurs by “wildlife protection officer”;

(2) by replacing “protection assistant” in the first paragraph by “wildlife protection assistant”.

PARKS ACT

45. Section 15 of the Parks Act (R.S.Q., chapter P-9) is amended by replacing “protection officer” by “wildlife protection officer”.

TRANSITIONAL AND FINAL PROVISIONS

46. Section 1 of the Code of ethics of Québec police officers, enacted by Order in Council 920-90 dated 27 June 1990 (1990, G.O. 2, 1760), is amended by inserting “every peace officer within the meaning of section 6 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1),” after “applies to” in the second paragraph.

47. Government regulations made under section 78.6 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1) before 4 December 2009 are, as of that date, deemed to have been made by the Minister of Natural Resources and Wildlife under that section or under subparagraph 1 or 3 of the first paragraph of section 163 of that Act, as replaced by section 32 of this Act.

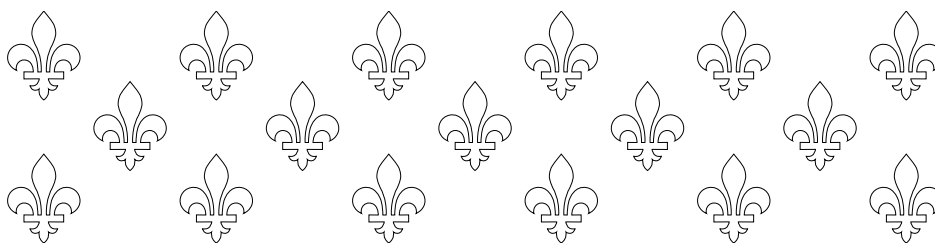
48. Government regulations made under any of paragraphs 1, 9 to 10.1, 12 and 21 of section 162 of the Act respecting the conservation and development of wildlife before 4 December 2009 are, as of that date, deemed to have been made by the Minister of Natural Resources and Wildlife under subparagraph 3, 4, 8, 9 or 11 of the first paragraph of section 163 of that Act, or under the second paragraph of that section, as replaced by section 32 of this Act.

49. Regulations made by the Minister of Natural Resources and Wildlife under section 54.1 of the Act respecting the conservation and development of wildlife before 4 December 2009 are, as of that date, deemed to have been made by the Minister under subparagraph 1 or 2 of the first paragraph of section 163 of that Act, as replaced by section 32 of this Act.

50. The members of the board of directors of the Fondation de la faune du Québec in office on 4 December 2009 continue in office on the same terms, for the unexpired portion of their term, until they are replaced or reappointed.

51. The Regulation respecting the prohibition of hunting and trapping in certain territories, enacted by Order in Council 347-87 dated 11 March 1987 (1987, G.O. 2, 1116), remains in force until repealed or replaced by a regulation made by the Minister of Natural Resources and Wildlife under section 56 of the Act respecting the conservation and development of wildlife.

52. This Act comes into force on 4 December 2009, except section 5, which comes into force on the date of coming into force of the first regulation made for the purposes of section 30 of the Act respecting the conservation and development of wildlife, as replaced by section 5 of this Act, and section 29, which comes into force on 1 April 2010. However, section 46 has effect as of 1 January 2009.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 53
(2009, chapter 50)

**An Act to create the office of
Commissioner for complaints concerning
mechanisms for the recognition of
professional competence**

**Introduced 10 June 2009
Passed in principle 30 September 2009
Passed 1 December 2009
Assented to 4 December 2009**

**Québec Official Publisher
2009**

EXPLANATORY NOTES

This Act provides for the creation of the office of Commissioner for complaints concerning mechanisms for the recognition of professional competence within the Office des professions du Québec. The Commissioner is to receive and examine complaints against professional orders concerning the mechanisms for the recognition of professional competence established within the professional orders. The Commissioner must also, among other functions, monitor the operation of such mechanisms.

Under the Act, the Office, in cooperation with the Ministère de l'Éducation, du Loisir et du Sport, is responsible for taking measures to encourage educational institutions and professional orders to collaborate so that if a professional order requires a person to acquire additional training, the training is offered by an educational institution. The Office is to report each year to the Government on the measures taken and make any recommendations it considers appropriate.

LEGISLATION AMENDED BY THIS ACT:

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

Bill 53

AN ACT TO CREATE THE OFFICE OF COMMISSIONER FOR COMPLAINTS CONCERNING MECHANISMS FOR THE RECOGNITION OF PROFESSIONAL COMPETENCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Professional Code (R.S.Q., chapter C-26) is amended by inserting the following after the heading of Chapter II:

“DIVISION I

“GENERAL PROVISIONS”.

2. Section 5 of the Code is amended by inserting “, the Commissioner for complaints concerning mechanisms for the recognition of professional competence” after “secretary”.

3. Section 12 of the Code, amended by sections 1 and 2 of chapter 11 of the statutes of 2008, is again amended by inserting the following subparagraphs after subparagraph 7 of the third paragraph:

“(7.1) take measures, in cooperation with the Ministère de l’Éducation, du Loisir et du Sport, to encourage educational institutions and professional orders to collaborate so that if a professional order requires a person to acquire training under a regulation made under paragraph *c*, *c.1* or *c.2* of section 93, paragraph *i* of section 94 as regards standards of equivalence, or paragraph *q* or *r* of that section, the training is offered by an educational institution;

“(7.2) report each year to the Government on the measures taken under subparagraph 7.1, making any recommendations it considers appropriate;”.

4. Section 16.1 of the Code is amended by inserting “, which must include the contents of the annual activity report mentioned in section 16.19” at the end of the first paragraph.

5. The Code is amended by inserting the following division after section 16.8:

“DIVISION II

“COMMISSIONER FOR COMPLAINTS CONCERNING MECHANISMS FOR THE RECOGNITION OF PROFESSIONAL COMPETENCE

“16.9. The office of Commissioner for complaints concerning mechanisms for the recognition of professional competence is created within the Office.

“16.10. The functions of the Commissioner are

(1) to receive and examine complaints against professional orders concerning the operation of the mechanisms for the recognition of professional competence;

(2) to monitor the operation of the mechanisms referred to in subparagraph 1; and

(3) to monitor the measures provided for in subparagraph 7.1 of the third paragraph of section 12 and, if necessary, to make the recommendations to the Office and the Ministère de l'Éducation, du Loisir et du Sport that the Commissioner judges appropriate, in particular concerning the time it takes before the training referred to in that subparagraph is offered.

In this Code, “mechanisms for the recognition of professional competence” means the mechanisms established within the professional orders under section 41, paragraphs 2, 2.1 and 3 of section 42, sections 42.1, 42.2 and 42.4, paragraphs *c*, *c.1* and *c.2* of section 93, paragraph *i* of section 94 as regards standards of equivalence, paragraphs *q* and *r* of that section and any sections of the Acts constituting the professional orders that concern the issue of restrictive or temporary permits.

“16.11. The Commissioner may conduct an inquiry in the exercise of the functions of office. In such cases, the Commissioner is vested with the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions, except the power to impose a term of imprisonment.

Section 14.3 applies, with the necessary modifications, to inquiries conducted by the Commissioner.

“16.12. The Commissioner shall establish a procedure for examining complaints.

“16.13. The Commissioner may, upon summary examination, dismiss a complaint if, in the Commissioner’s opinion, it is excessive, frivolous or clearly unfounded.

The Commissioner may refuse or cease to examine a complaint

(1) if the Commissioner has reasonable grounds to believe the Commissioner’s intervention would serve no purpose;

(2) if the plaintiff refuses or neglects to provide information or documents requested; or

(3) if the length of time having elapsed between the events that gave rise to the dissatisfaction of the plaintiff and the filing of the complaint makes it impossible to examine the complaint.

In such cases, the Commissioner must so inform the plaintiff and include the reasons for the decision, within a maximum of 30 days.

“16.14. If the Commissioner has not completed the examination of a complaint within 90 days after receiving it, the Commissioner must, at the end of that period, inform the plaintiff, in writing, that the examination has not been completed and report to the plaintiff on the progress of the examination. Until the examination has been completed, the Commissioner must, every 30 days after the expiry of the 90-day period, inform the plaintiff, in writing, that the examination has not been completed and report to the plaintiff on the progress of the examination.

“16.15. After examining a complaint, the Commissioner shall inform the plaintiff and, if necessary, the professional order concerned of the findings and send them any recommendations made, including any recommendation to review the application of the mechanisms for the recognition of professional competence.

Within 60 days after receiving a recommendation, the professional order shall inform the Commissioner in writing of the actions it intends to take as a result of the recommendation or, if it has decided not to act upon the recommendation, of the reasons for that decision.

“16.16. Answers given or statements made by a person during the examination of a complaint or the monitoring of the operation of the mechanisms for the recognition of professional competence, including any information or document supplied in good faith in response to a request by the Commissioner, may not be used or admitted as evidence against the person in a judicial proceeding or a proceeding before a person or body exercising adjudicative functions.

“**16.17.** Nothing contained in a plaintiff’s complaint record or in a record relating to the monitoring of the operation of the mechanisms for the recognition of professional competence, including the conclusions and any related recommendations, may be construed as a declaration, recognition or extrajudicial admission of professional, administrative or other misconduct capable of establishing the civil liability of a party in a judicial proceeding.

“**16.18.** The Commissioner may require any professional order to furnish, within the time and in the manner the Commissioner specifies, any document, report or information the Commissioner needs to carry out the functions of office.

“**16.19.** The Commissioner shall file an activity report with the Office annually and, at the Office’s request, at any other time.

The annual activity report must include the number, nature and outcome of the complaints examined by the Commissioner, the actions taken by the Commissioner to monitor the operation of the mechanisms for the recognition of professional competence, the Commissioner’s conclusions, any recommendations made, and the steps taken further to such recommendations.

“**16.20.** The Office shall take steps to preserve at all times the independence of the Commissioner in the exercise of the functions of office.

“**16.21.** Nothing in this division may be construed as conferring on the Commissioner jurisdiction over the decisions made by a professional order.”

6. This Act comes into force on 4 December 2009.

Draft Regulations

Draft Regulation

Education Act
(R.S.Q., c. I-13.3)

Basic adult general education — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Basic adult general education regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation replaces, as of 1 July 2010, the conditions for the issue of Secondary School Diplomas to adults set out in the regulation.

The draft Regulation has no negative impact on the public and on small and medium-sized businesses.

Further information may be obtained by contacting Hélène Martel, Direction du secteur de la formation générale des adultes, Ministère de l'Éducation, du Loisir et du Sport, 1035, rue De La Chevrotière, 13^e étage, Québec (Québec) G1R 5A5; telephone: 418 643-9754, extension 2424; e-mail: helene.martel@mels.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Michelle Courchesne, Minister of Education, Recreation and Sports, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5. For that purpose, an online questionnaire and explanatory document are available at the following address: https://sondage.mels.gouv.qc.ca/cwx.cgi?CONSFGA_RP30_V2

MICHELLE COURCHESNE,
Minister of Education, Recreation and Sports

Regulation to amend the Basic adult general education regulation*

Education Act
(R.S.Q., c. I-13.3, s. 448)

1. The Basic adult general education regulation is amended by replacing section 30 by the following:

“**30.** The Minister shall award a Secondary School Diploma to adults who earn at least 54 credits at the Secondary IV or V level including at least 20 credits at the Secondary V level, and among those 54 credits, the following credits:

(1) 12 credits in language of instruction, including at least 6 at the Secondary V level;

(2) 8 credits in second language, including at least 4 at the Secondary V level;

(3) 4 credits in a Secondary IV or Secondary V program of studies established by the Minister in the field of social universe; and

(4) 8 credits in a Secondary IV or Secondary V program of studies established by the Minister in the field of mathematics, science and technology, including 4 in mathematics.

The number of credits earned in language of instruction and in second language may not exceed 36.

Credits earned at the Secondary IV and V levels are taken into account when awarding the diploma, that is, credits earned for elective subjects in general education programs or a vocational training program leading to a Diploma of Vocational Studies or in a vocational training program leading to an Attestation of Vocational Specialization, and the equivalent learning recognized in accordance with section 250 of the Education Act (R.S.Q., c. I-13.3).

* The Basic adult general education regulation, made by Order in Council 652-2000 dated 1 June 2000 (2000, G.O. 2, 2604), was amended once by the regulation made by Order in Council 489-2005 dated 25 May 2005 (2005, G.O. 2, 1663).

Holders of a Secondary School Vocational Diploma or an Attestation of Vocational Specialization who earned the credits in Secondary IV language of instruction, second language and mathematics are, for the purposes of this section, deemed to have obtained the credits set out in subparagraphs 3 and 4 of the first paragraph.

Adults must have earned credits for at least 1 course at the Secondary IV or V level given by an adult education centre.”.

2. Despite section 1, in respect of adults who have successfully completed a Secondary Cycle Two course at an adult education centre before 1 July 2010, section 30 of the regulation is replaced by the following until 1 July 2011:

“**30.** The Minister shall award a Secondary School Diploma to adults who earn at least 54 credits at the Secondary IV and V levels, divided as follows:

(1) 12 credits in language of instruction, including at least 6 at the Secondary V level;

(2) 6 credits in Secondary IV or Secondary V English, second language, for adults whose language of instruction is French;

(3) 6 credits in Secondary V French, second language, for adults whose language of instruction is English;

(4) 36 credits in elective subjects, including at least 18 at the Secondary V level.

The number of credits earned in language of instruction and in second language may not exceed 36.

For the awarding of a Secondary School Diploma:

(1) the credits earned in a vocational training program are considered as credits earned at the Secondary V level, with the exception of credits earned in a vocational training program leading to a semi-skilled trade;

(2) adults must have obtained credits for at least 1 course at the Secondary IV or V level given by an adult education centre.”.

3. This Regulation comes into force on 1 July 2010.

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

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