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**Québec**

**Part**

**2**

**No. 3**

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**Laws and Regulations**

Volume 143

**Summary**

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**PROVINCE OF QUÉBEC**

1ST SESSION

39TH LEGISLATURE

QUÉBEC, 2 DECEMBER 2010

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## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 2 December 2010*

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

- 109 Municipal Ethics and Good Conduct Act
- 122 An Act to amend the Building Act mainly to modernize safety standards
- 124 An Act to amend various pension plans in the public sector

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



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**PROVINCE OF QUÉBEC**

1ST SESSION

39TH LEGISLATURE

QUÉBEC, 8 DECEMBER 2010

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## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 8 December 2010*

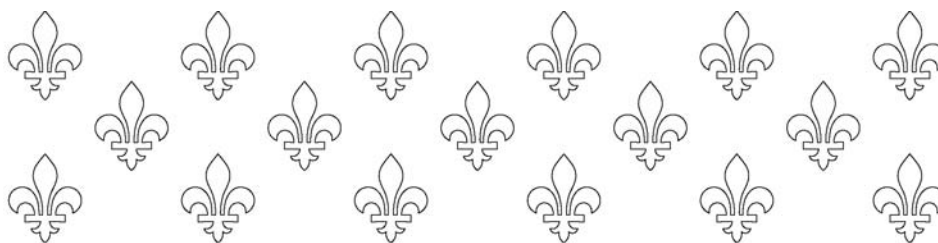
This day, at eight minutes past five o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 48 Code of ethics and conduct of the Members of the National Assembly
- 107 An Act respecting the Agence du revenu du Québec
- 113 An Act to put a stop to election contributions in the name of another
- 121 An Act to improve relations between the people living along off-highway vehicle club trails and the users of those trails and to improve user safety

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







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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 48  
(2010, chapter 30)

## **Code of ethics and conduct of the Members of the National Assembly**

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**Introduced 14 May 2009  
Passed in principle 25 November 2009  
Passed 3 December 2010  
Assented to 8 December 2010**

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**Québec Official Publisher  
2010**

## EXPLANATORY NOTES

*This Act enacts the Code of ethics and conduct of the Members of the National Assembly, which contains measures applicable to all MNAs in the exercise of their functions as well as rules applicable to those who are also Cabinet Ministers in the exercise of their ministerial functions.*

*It first affirms the principal values embraced by the Members and establishes ethical principles that delimit the scope of those values.*

*It then establishes the rules of conduct to be observed by Members on such matters as incompatible offices or posts, conflicts of interest, remuneration, gifts and benefits, attendance at Parliament, and the use of State property and services. It also sets out special rules of conduct for Cabinet Ministers with respect to exclusivity of duties, remuneration, conflicts of interest and post-term issues.*

*The Code also requires Members to file a statement disclosing their private interests and those of their family members, and provides for the publication of a summary of such interests.*

*In addition, the Code provides for the appointment by the National Assembly of an Ethics Commissioner, who is to be responsible for the administration of the Code. The Ethics Commissioner's functions include providing advisory opinions to Members, on their request, concerning their obligations under the Code and conducting inquiries into any violation of the rules of conduct established by the Code according to the procedure set by the Code.*

*The Code also provides for the appointment of a jurisconsult responsible for providing advisory opinions on ethics and professional conduct to any Member who requests it. The advisory opinions will not be binding on the Ethics Commissioner.*

*Lastly, certain Acts are amended as regards the ethical obligations of ministerial staff members, House officer staff members and the personnel working for MNAs. This Act also includes a number of technical and consequential amendments.*

**LEGISLATION AMENDED BY THIS ACT:**

- Act respecting the National Assembly (R.S.Q., chapter A-23.1);
- Executive Power Act (R.S.Q., chapter E-18);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Public Protector Act (R.S.Q., chapter P-32).



## Bill 48

### CODE OF ETHICS AND CONDUCT OF THE MEMBERS OF THE NATIONAL ASSEMBLY

AS, in their capacity as representatives of the people of Québec, Members of the National Assembly take part in the passage of legislation and the making of regulations, exercise the National Assembly's power of supervision over the actions of the Government and its departments, bodies and agencies, assist individuals and groups who request help in their relations with the State, and participate in public debate;

AS, because of those functions, the people of Québec expect Members to embrace the values of the National Assembly and to observe certain rules of conduct, including, if they are members of the Conseil exécutif, when carrying out their duties as Ministers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### PRELIMINARY TITLE

##### PURPOSE, APPLICATION AND INTERPRETATION

**1.** The purpose of this Code is to affirm the principal values of the National Assembly embraced by its Members, to set out the rules of conduct which they must observe, and to provide for the application and enforcement of those rules.

**2.** This Code applies to all Members of the National Assembly ("Members"). It also applies to the members of the Conseil exécutif ("Cabinet Ministers") when carrying out their duties as Ministers.

For the purposes of this Code,

(1) a Cabinet Minister who has not been elected to the National Assembly,  
or

(2) as far as the imposition of a sanction for a violation of this Code is concerned, a person who has ceased to be a Member

is deemed to be a Member.

**3.** The Ethics Commissioner is responsible for the administration of this Code and comes under the National Assembly.

The Ethics Commissioner exercises the duties of office within the framework of the rights, privileges and immunities of the National Assembly.

This Code does not operate to limit the rights, privileges or immunities of the National Assembly.

**4.** This Code in no way affects the authority conferred by law on the Office of the National Assembly.

**5.** For the purposes of this Code,

(1) “public body” means

(a) a government agency or a government enterprise governed by the Auditor General Act (R.S.Q., chapter V-5.01);

(b) a body referred to in section 6 of that Act, a public or private institution under agreement governed by the Act respecting health services and social services (R.S.Q., chapter S-4.2) or the regional council established by the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5); or

(c) any person designated by the National Assembly to carry out duties that come under the National Assembly and any body to which the National Assembly or a committee of the National Assembly appoints the majority of members;

(2) “family member” means the Member’s spouse within the meaning of the Interpretation Act (R.S.Q., chapter I-16), or a dependent child of the Member or the Member’s spouse.

## **TITLE I**

### **VALUES AND ETHICAL PRINCIPLES**

**6.** The following are the values of the National Assembly:

(1) commitment to improving the social and economic situation of Quebecers;

(2) high regard for and the protection of the National Assembly and its democratic institutions; and

(3) respect for other Members, public servants and citizens.

The conduct of Members must be characterized by benevolence, integrity, adaptability, wisdom, honesty, sincerity and justice. Consequently, Members

(1) show loyalty towards the people of Québec;

- (2) recognize that it is their duty to serve the citizens;
- (3) show rigour and diligence;
- (4) seek the truth and keep their word; and
- (5) preserve the memory of how the National Assembly and its democratic institutions function.

**7.** Members embrace the values set out in this Title.

**8.** Members recognize that these values must guide them in carrying out their duties of office and determining the rules of conduct applicable to them, and be taken into account in interpreting those rules. They strive for consistency between their actions and the values set out in this Title, even when their actions do not in themselves contravene the applicable rules of conduct.

**9.** Members recognize that their adherence to these values is essential to maintain the confidence of the people in them and the National Assembly and enable them to fully achieve their mission of serving the public interest.

## **TITLE II**

### **RULES OF CONDUCT APPLICABLE TO ALL MEMBERS**

#### **CHAPTER I**

##### **INCOMPATIBLE OFFICES OR POSTS**

**10.** The office of member of a municipal council or a school board is incompatible with the office of Member.

**11.** Employment, a position or any other post to which remuneration or a benefit in lieu of remuneration is attached is incompatible with the office of Member if it is held with

- (1) the Government or one of its departments or a public body;
- (2) the Government of Canada, the government of another province or of a territory, or a department or agency of such a government, except the regular Armed Forces or the Reserve;
- (3) a foreign country; or
- (4) an international non-profit organization.

However, being a Cabinet Member is not incompatible with the office of Member.

This section does not prohibit engaging in remunerated teaching activities or practising a profession within a body referred to in subparagraph *b* of paragraph 1 of section 5, subject to the Member having informed, and obtained permission from, the Ethics Commissioner.

**12.** The post of director or officer of a legal person, partnership or association engaged in professional, commercial, industrial or financial activities is incompatible with the office of President of the National Assembly.

**13.** A Member who, when elected, holds an incompatible office or post within the meaning of section 10 or 11 must resign from that office or post before taking the oath of office.

If a post incompatible with the office of Member devolves on a Member during his or her term, the Member must resign from one or the other within 30 days. Meanwhile, the Member is barred from sitting in the National Assembly.

**14.** A Member must not engage in lobbying within the meaning of the Lobbying Transparency and Ethics Act (R.S.Q., chapter T-11.011).

However, this section does not prohibit any activities normally engaged in by Members acting in their official capacity.

In determining whether a Member has engaged in lobbying, the Ethics Commissioner must consult the Lobbyists Commissioner.

## CHAPTER II

### CONFLICTS OF INTEREST

**15.** A Member must not place himself or herself in a situation where his or her private interests may impair independence of judgment in carrying out the duties of office.

**16.** When carrying out the duties of office, a Member must not

(1) act, attempt to act or refrain from acting, so as to further his or her private interests or those of a family member or non-dependent child, or to improperly further another person's private interests; or

(2) use the position of Member to influence or attempt to influence another person's decision so as to further the Member's private interests or those of a family member or non-dependent child, or to improperly further another person's private interests.

**17.** A Member must not use, communicate or attempt to use or communicate information obtained in or in connection with the carrying out of the duties of



office that is not generally available to the public so as to further the Member's or another person's private interests.

**18.** No Member may, directly or indirectly, be party to a contract with the Government or a department or public body.

However, a Member may

(1) have interests in an enterprise that is party to such a contract, subject

(a) in the case of an enterprise whose securities are not listed on an exchange and for which there is no published market, to informing the Ethics Commissioner as soon as the Member becomes aware of the contract and to the Ethics Commissioner authorizing the Member to retain the interest, on the conditions specified by the Commissioner, such as the creation of a blind trust managed by an independent trustee or the establishment of a blind management agreement with an independent mandatary; and

(b) in the case of any other enterprise, to collusion or undue influence being unlikely given the extent of the interests or the circumstances in which the contract is made;

(2) receive a loan, a reimbursement, a grant, an indemnity or any other benefit from the Government or a department or public body under any Act, regulation or program; and

(3) hold securities issued by the Government or a public body on the same terms as are applicable to all.

**19.** A Member may claim and receive remuneration or a benefit resulting from a contract mentioned in the first paragraph of section 18 if the contract was entered into and carried out before the Member's election.

**20.** If the Government or a department or public body acquires property belonging in whole or in part to a Member, or a real right affecting such property, the purchase price or indemnity must be set by the Administrative Tribunal of Québec. The Member informs the Ethics Commissioner within 30 days.

**21.** A Member may, in the course of professional or similar activities, receive remuneration to which he or she is entitled even if it is paid in whole or in part by the Government or a department or public body, provided that the service recipient is not the Government or a department or public body.

This section does not prohibit engaging in remunerated teaching activities or practising a profession within a body referred to in subparagraph *b* of paragraph 1 of section 5, subject to the Member having informed, and obtained permission from, the Ethics Commissioner.

**22.** A Member whose election places him or her in a conflict of interest situation must inform the Ethics Commissioner without delay and put an end to that situation within 60 days, unless a different compliance period is set by the Ethics Commissioner.

**23.** A Member placed in a conflict of interest situation during his or her term by the operation of an Act or by entering into a marriage, civil union or de facto union or by accepting a gift, a legacy or the office of liquidator of a succession must inform the Ethics Commissioner without delay and put an end to that situation within 60 days unless a different compliance period is set by the Ethics Commissioner.

**24.** A Member placed in a conflict of interest situation without his or her knowledge or against his or her will must inform the Ethics Commissioner without delay and put an end to that situation within 60 days after becoming aware of it, unless a different compliance period is set by the Ethics Commissioner.

**25.** A Member who knowingly has a private financial interest, not shared by the other Members or the general public, in a matter that is being discussed in the National Assembly or a committee of which he or she is a member must, if present, publicly and without delay declare the general nature of the interest and withdraw from the meeting or sitting without participating in debate or voting on the matter.

The Member must also inform the Secretary General of the National Assembly and the Ethics Commissioner.

**26.** A Member who, while in office, holds another post must avoid any conflict between the duties of that post and the duties of office.

### CHAPTER III

#### REMUNERATION

**27.** A Member must not receive, directly or indirectly, any form of salary, indemnity, financial assistance or other benefit from a political party or party authority.

A Member may, however, be reimbursed by a political party or party authority authorized under the Election Act (R.S.Q., chapter E-3.3) for reasonable expenses incurred in the course of a partisan activity.

**28.** A former Member must inform the Ethics Commissioner in writing, within 60 days, of any salary, indemnity, financial assistance or other benefit arising from the Member's prior office that is paid directly or indirectly to him or her. The Ethics Commissioner gives public notice of the information within 15 days after receiving it.

## CHAPTER IV

### GIFTS AND BENEFITS

**29.** A Member must not solicit, elicit, accept or receive any benefit, whether for himself or herself or for another person, in exchange for speaking or taking a certain position on any issue, including one that may be brought before the National Assembly or a committee.

**30.** A Member must refuse or, at the first opportunity and after requesting an advisory opinion from the Ethics Commissioner, return to the donor or deliver to the Ethics Commissioner any gift, hospitality or other benefit, whatever its value, that may impair his or her independence of judgment in carrying out the duties of office, or that may compromise the Member's integrity or that of the National Assembly. If the Member refuses such a benefit, he or she so informs the Ethics Commissioner in writing.

**31.** A Member who receives, directly or indirectly, a gift, hospitality or other benefit that has a value of more than \$200 and chooses not to return it to the donor or not to deliver it to the Ethics Commissioner must, within 30 days, file with the Ethics Commissioner a disclosure statement containing an accurate description of the gift, hospitality or benefit received and specifying the name of the donor and the date on which and circumstances under which it was received.

The Ethics Commissioner keeps a public register in which such statements are recorded.

If a Member returns a thing to the donor, the Member so informs the Ethics Commissioner in writing.

**32.** Section 31 does not apply to gifts, hospitality or other benefits received by a Member in the context of a purely private relationship.

**33.** For the purposes of sections 30 and 31, the repeated receipt of gifts, hospitality and other benefits from the same source must be taken into account.

For the purposes of section 31, the \$200 is computed over a 12-month period.

**34.** The things delivered to the Ethics Commissioner under this chapter are turned over to the Secretary General of the National Assembly. The Secretary General disposes of them as appropriate.

## CHAPTER V

### ATTENDANCE RECORD

**35.** A Member must maintain a good attendance record in carrying out the duties of office. He or she may not be absent from sittings of the National Assembly for an unreasonable length of time without a valid reason.

## CHAPTER VI

### USE OF STATE PROPERTY AND SERVICES

**36.** A Member uses, and allows the use of, State property, including property leased by the State and services made available to the Member by the State, for activities related to the carrying out of the duties of office.

## CHAPTER VII

### DISCLOSURE STATEMENT

**37.** Within 60 days after the notice of his or her election is published in the *Gazette officielle du Québec*, and annually on or before the date set by the Ethics Commissioner, a Member must file with the Ethics Commissioner a statement disclosing his or her private interests and those of his or her family members. The statement is kept at the office of the Ethics Commissioner.

**38.** The disclosure statement must

(1) state the value of all income and all benefits that the Member has received during the 12 months preceding the disclosure statement and is entitled to receive during the next 12 months for services already provided, as well as the nature and source of that income and those benefits;

(2) identify the immovable property, situated in Québec and elsewhere, in which the Member or a family member possesses a real right for purposes other than personal residential use;

(3) mention any notice of expropriation issued for property in which the Member or a family member possesses a real right, whether or not it is property described in paragraph 2;

(4) state the name, occupation and address of any person, other than a financial institution or a family member, who owes money to the Member or a family member or to whom the Member or a family member owes money as a result of a loan in excess of \$3,000, and state the balance owing if in excess of \$20,000;

(5) state the nature of any professional, commercial or industrial activity engaged in by the Member or a family member during the 12 months preceding

the disclosure statement, other than a dependent child's employment that generated income not exceeding \$10,000, and state the name of the employer or enterprise on whose behalf the activity was engaged in or the fact that the activity was engaged in on the Member's or family member's own account;

(6) state all benefits that the Member or a family member has received during the 12 months preceding the disclosure statement, and is entitled to receive during the next 12 months, from a contract with the Government or a department or public body, other than a contract described in subparagraph 2 or 3 of the second paragraph of section 18, and describe the subject-matter, value and nature of each such contract;

(7) state the name of any enterprise whose securities are listed on an exchange or for whose securities there is a published market and in which the Member or a family member has an interest, including shares, stocks or pecuniary benefits, and specify the nature and value of that interest;

(8) state the name of any enterprise, other than an enterprise described in paragraph 7, in which the Member or a family member has an interest, including shares, stocks or pecuniary benefits, and specify the nature and value of that interest; the Member must provide any of the following information about any such enterprise that the Member is able to obtain by making reasonable inquiries:

(a) the enterprise's activities and sources of income;

(b) the ties that may exist between the enterprise and the Government, a department or a public body;

(c) the name and address of the persons who have interests in the enterprise; and

(d) the names of any legal persons related to the enterprise;

(9) list all legal persons, associations and partnerships of which the Member or a family member has been a director, an officer or a partner, including a general or special partner, during the 12 months preceding the disclosure statement;

(10) provide information concerning any succession or trust under which the Member or a family member is a beneficiary entitled to a value of \$10,000 or more; and

(11) include any other information that the Ethics Commissioner may require.

**39.** After reviewing a Member's disclosure statement filed under section 37, the Ethics Commissioner may request a meeting with the Member to ensure that adequate disclosure has been made and to discuss the Member's obligations under this Code.

**40.** A disclosure summary of the private interests of each Member is prepared by the Ethics Commissioner after consulting with the Member. The summary must state the general nature of the interests mentioned in the disclosure statement and be made public by the Ethics Commissioner.

The summary must

(1) set out the nature and source of the income and benefits mentioned in the disclosure statement other than

(a) a source of income or benefits if the total of the income and benefits from that source during the 12 months before the relevant date is less than \$10,000; or

(b) any other source of income or benefits that the Ethics Commissioner determines should not be disclosed;

(2) identify any immovable property in which the Member possesses a real right and for which a notice of expropriation has been issued;

(3) state the nature of any professional, commercial or industrial activity engaged in by the Member during the 12 months preceding the disclosure statement and state the name of the employer or enterprise on whose behalf the activity was engaged in or the fact that the activity was engaged in on the Member's own account;

(4) describe the subject-matter and nature of any contract described in paragraph 6 of section 38;

(5) identify any interest with respect to which a blind trust or a blind management agreement has been created in accordance with section 18, and state the name and address of the trustee or mandatary and the date of the trust deed or management agreement;

(6) list the names of any enterprises, legal persons, partnerships, associations, successions and trusts mentioned in the Member's disclosure statement, and state the nature of the interest; and

(7) provide any other information that the Ethics Commissioner sees fit to make public.

## **CHAPTER VIII**

### **ACTS CONTRARY TO THIS CODE**

**41.** A Member acts contrary to this Code if he or she

(1) refuses or fails to respond to a written request of the Ethics Commissioner within a reasonable time;

(2) refuses or fails to provide within a reasonable time information or a document the Ethics Commissioner has required in writing;

(3) misleads or attempts to mislead the Ethics Commissioner in the exercise of the Ethics Commissioner's functions; or

(4) in any way hinders the Ethics Commissioner in the exercise of the Ethics Commissioner's functions.

### **TITLE III**

#### **SPECIAL RULES OF CONDUCT APPLICABLE TO CABINET MINISTERS**

##### **CHAPTER I**

###### **INTERPRETATION**

**42.** For the purposes of this Title, a Member who is not a Cabinet Minister but is authorized to sit in the Cabinet is considered a Cabinet Minister.

##### **CHAPTER II**

###### **EXCLUSIVITY OF DUTIES**

**43.** Cabinet Ministers must devote themselves exclusively to the duties of office. No Cabinet Minister may, for example, hold the post of director or officer of a legal person, partnership or association.

**44.** A Cabinet Minister must, as soon as possible after being sworn in, resign as a director or officer of any legal person, partnership or association and cease any activity other than carrying out the duties of office. Meanwhile, the Cabinet Minister is barred from taking part in Cabinet meetings and in meetings of Cabinet committees or the Conseil du trésor.

##### **CHAPTER III**

###### **CONFLICTS OF INTEREST**

**45.** A Cabinet Minister must, within 60 days after appointment to the Cabinet or after being conferred interests in an enterprise whose securities are listed on an exchange or for whose securities there is a published market, either dispose of such interests, place them in a blind trust managed by an independent trustee or entrust them to an independent mandatary under a blind management agreement. The Cabinet Minister must also comply with any other measure or condition imposed by the Ethics Commissioner.

However, this section does not apply in respect of an investment in an open-ended mutual fund, a guaranteed investment certificate or similar financial instrument, an interest in a pension plan, a registered retirement savings plan

that is not self-directed, an employee benefit plan, a life insurance policy or similar annuity, an investment in the Fonds de solidarité des travailleurs du Québec (F.T.Q.) or Fondation, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi or any similar interest which the Ethics Commissioner considers should be excluded from the application of this section.

**46.** A Cabinet Minister who, either directly or indirectly, has interests in an enterprise other than an enterprise described in the first paragraph of section 45 must, within 60 days after appointment to the Cabinet or after being conferred any such interests and subject to the exception provided in subparagraph 3 of the second paragraph of section 18, see to it that the enterprise abstain from becoming, directly or indirectly, party to a contract with the Government or a department or public body.

The first paragraph also applies, with the necessary modifications, if such interests are held by a family member of a Cabinet Minister. However, if, in the Ethics Commissioner's opinion, there is no resulting risk of the Cabinet Minister violating this Code or of the public interest not being served, the Ethics Commissioner may, after informing the Secretary General of the Conseil exécutif, authorize contracts or certain types of contracts between an enterprise in which a family member of a Cabinet Minister has interests and the Government or a department or public body, provided that

(1) neither the department or a public body under the Cabinet Minister's responsibility nor the Ministère du Conseil exécutif are involved in such a contract;

(2) the enterprise has already been a party to such contracts or types of contracts and the general conditions applicable to them remain identical, even if the department or a public body under the Cabinet Minister's responsibility or the Ministère du Conseil exécutif is involved in the contract;

(3) no such contract is entered into by mutual agreement between the enterprise and the Government or a department or public body;

(4) the enterprise is not a sole source supplier with respect to such contracts or types of contracts;

(5) the Cabinet Minister concerned undertakes never to discuss, with Cabinet colleagues or any other interested person, even privately, any file even remotely connected to a contract that has been or could be made, directly or indirectly between the Government or a department or public body and the enterprise, not to exert or attempt to exert, directly or indirectly, any influence in relation to such a file and to withdraw from any Cabinet meeting or meeting of a Cabinet committee or the Conseil du trésor while such a file is being discussed;



(6) the Cabinet Minister concerned attaches to his or her disclosure statement a signed document identifying the enterprise, and stating the interests the family member holds in it; and

(7) the Cabinet Minister concerned informs the deputy minister of the department and the chief executive officers of the public bodies under the Cabinet Minister's responsibility, in writing, that there are to be no contracts between the department or such a public body and an enterprise identified in the document attached to the Cabinet Minister's disclosure statement.

In addition, the Ethics Commissioner may at any time impose any requirement the Ethics Commissioner considers appropriate, limit the contracts or types of contracts authorized or ask that authorized contracts be terminated.

Public notice of any authorization granted under this section or any change made to such an authorization must be given by the Ethics Commissioner without delay and must include the grounds for the authorization or change, the name of the enterprise, the name of the Cabinet Minister and the family member concerned, the nature of the contracts or types of contracts and the conditions imposed by the Ethics Commissioner.

**47.** No Cabinet Minister may acquire, for speculation purposes, land in Québec, interests in land in Québec or interests in a land development company that carries on business in Québec.

**48.** A Cabinet Minister must inform the Ethics Commissioner in writing of any serious effort he or she makes or participates in with respect to an appointment the Cabinet Minister could accept or to any employment, position or post the Cabinet Minister could hold after cessation of office.

In such a case, the Ethics Commissioner may request the Cabinet Minister either to terminate the effort or to comply with conditions the Ethics Commissioner determines. In the latter case, the Ethics Commissioner informs the Premier.

**49.** As soon as a Cabinet Minister becomes aware of a situation described in section 22, 23 or 24, he or she must inform the Ethics Commissioner and the Secretary General of the Conseil exécutif. The Cabinet Minister must undertake in writing to abstain, for as long as the situation is not regularized, from discussing with Cabinet colleagues, even privately, any file even remotely connected to the interest concerned, not to exert or attempt to exert, directly or indirectly, any influence in relation to such a file and to withdraw from any Cabinet meeting or meeting of a Cabinet committee or the Conseil du trésor while such a file is being discussed. The Cabinet Minister must also expressly direct the deputy minister of the department and the chief executive officers of the public bodies under the Cabinet Minister's responsibility never to bring to the Cabinet Minister's attention any information concerning such a file, to deal themselves with such information and to make any decision relating to such a file on their own.

Moreover, if the Ethics Commissioner sets a compliance period different from that provided for in sections 22, 23 and 24, the Ethics Commissioner informs the Secretary General of the Conseil exécutif.

#### **CHAPTER IV**

##### **REMUNERATION**

**50.** Despite section 27, a Cabinet Minister who has not been elected to the National Assembly may receive from an authorized political party or an authorized party authority, from the date he or she becomes a Cabinet Minister until he or she ceases to be a Cabinet Minister or is elected as a Member, whichever occurs first, an amount not exceeding the amount the Cabinet Minister would receive under section 1 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) if he or she were a Member.

That amount must not be taken into account in computing allowances, pensions or benefits provided for by that Act. However, the amount is a salary for the purposes of subparagraph 11 of the first paragraph of article 553 of the Code of Civil Procedure (R.S.Q., chapter C-25).

#### **CHAPTER V**

##### **DISCLOSURE STATEMENT**

**51.** Within 60 days after being sworn in as a Cabinet Minister, and annually on or before the date set by the Ethics Commissioner, a Member must file with the Ethics Commissioner a statement disclosing his or her private interests and those of his or her family members. The statement is kept at the office of the Ethics Commissioner.

Such a statement must be filed even if the Cabinet Minister has already filed a Member's statement under section 37.

**52.** The disclosure statement must

(1) state the income, benefits, assets and liabilities of the Cabinet Minister and his or her family members, and their value, including

(a) the movable and immovable property, situated in Québec and elsewhere, in which the Cabinet Minister or a family member possesses a real right and the immovable property of which the Cabinet Minister or a family member is the lessee, except movable property intended for personal use; however, any property for which a notice of expropriation has been issued must be added to the disclosure statement;

(b) the value of all income and all benefits that the Cabinet Minister or a family member has received during the 12 months preceding the disclosure statement, and is entitled to receive during the next 12 months for services already provided, other than a dependent child's income not exceeding \$10,000, as well as the nature and source of that income and those benefits;

(c) information concerning any succession or trust under which the Cabinet Minister or a family member is a beneficiary entitled to a value of \$10,000 or more;

(d) the name, occupation and address of any person, other than a financial institution or a family member, who owes money to the Cabinet Minister or a family member or to whom the Cabinet Minister or a family member owes money as a result of a loan in excess of \$3,000, and the balance owing if in excess of \$10,000;

(e) the amount of any other debt or surety bond, except

i. a debt or surety bond of \$10,000 or less;

ii. a debt on movable property intended for personal use; or

iii. the balance on a credit card;

(2) state the nature of any professional, commercial or industrial activity engaged in by the Cabinet Minister during the 12 months preceding his or her swearing in and state the name of the employer or enterprise on whose behalf the activity was engaged in or the fact that the activity was engaged in on the Cabinet Minister's own account;

(3) state the nature of any professional, commercial or industrial activity engaged in by a family member of the Cabinet Minister during the 12 months preceding the disclosure statement, other than a dependent child's employment that generated income not exceeding \$10,000, and state the name of the employer or enterprise on whose behalf the activity was engaged in or the fact that the activity was engaged in on the family member's own account;

(4) state all benefits that the Cabinet Minister has received during the 12 months preceding his or her swearing in, and is entitled to receive subsequently, from a contract entered into with the Government or a department or public body before his or her swearing in, other than a reimbursement or indemnity described in subparagraph 2 of the second paragraph of section 18 or a contract described in subparagraph 3 of that paragraph, and describe the subject-matter, value and nature of each such contract;

(5) state all benefits that a family member of the Cabinet Minister has received during the 12 months preceding the disclosure statement, and is entitled to receive during the next 12 months, from a contract with the Government or a department or public body, other than a reimbursement or indemnity described in subparagraph 2 of the second paragraph of section 18 or a contract described

in subparagraph 3 of that paragraph, and describe the subject-matter, value and nature of each such contract;

(6) state the name of any enterprise whose securities are listed on an exchange or for whose securities there is a published market and in which the Cabinet Minister or a family member has an interest, including shares, stocks or pecuniary benefits, and specify the nature and value of that interest;

(7) state the name of any enterprise, other than an enterprise described in paragraph 6, in which the Cabinet Minister or a family member has an interest, including shares, stocks or pecuniary benefits, specify the nature and value of that interest, and include any of the following information about any such enterprise that the Cabinet Minister is able to obtain by making reasonable inquiries:

(a) the enterprise's activities and sources of income;

(b) the ties that may exist between the enterprise and the Government, a department or a public body;

(c) the name and address of the persons who have interests in the enterprise; and

(d) the names of any legal persons related to the enterprise;

(8) list all legal persons, associations and partnerships of which the Cabinet Minister has been a director, an officer or a partner, including a general or special partner, during the 12 months preceding his or her swearing in;

(9) list all legal persons, associations and partnerships of which a family member of the Cabinet Minister has been a director, an officer or a partner, including a general or special partner, during the 12 months preceding the disclosure statement;

(10) provide information concerning proceedings before a court of law or adjudicative body in respect of which the Cabinet Minister is involved as a party;

(11) disclose any amount received under section 50; and

(12) include any other information that the Ethics Commissioner may require.

**53.** A Cabinet Minister must inform the Ethics Commissioner in writing of any material change in the information required in his or her disclosure statement within 60 days after the change occurs.

**54.** After reviewing a Cabinet Minister's disclosure statement filed under section 51, the Ethics Commissioner may request a meeting with the Cabinet

Minister to ensure that adequate disclosure has been made and to discuss the Cabinet Minister's obligations under this Code.

**55.** A disclosure summary is prepared by the Ethics Commissioner for each Cabinet Minister and his or her family members after consulting with the Cabinet Minister. The summary must state the general nature of the interests mentioned in the disclosure statement and be made public by the Ethics Commissioner.

With respect to the Cabinet Minister, the summary must

(1) state the nature and source of income, benefits, assets and liabilities other than

(a) an asset or liability with a value of less than \$10,000;

(b) a source of income or benefits if the total of the income and benefits from that source during the 12 months before the relevant date is less than \$10,000; and

(c) any other asset, liability or source of income or benefits that the Ethics Commissioner determines should not be disclosed;

(2) identify any immovable property among the Cabinet Minister's assets for which a notice of expropriation has been issued;

(3) state the name, occupation and address of a person described in subparagraph *d* of paragraph 1 of section 52, if the Cabinet Minister owes money to that person, and state the balance owing if in excess of \$20,000;

(4) state the nature of any professional, commercial or industrial activity engaged in by the Cabinet Minister during the 12 months preceding his or her swearing in and state the name of the employer or enterprise on whose behalf the activity was engaged in or the fact that the activity was engaged in on the Cabinet Minister's own account;

(5) describe the subject-matter and nature of any contract described in paragraph 4 of section 52;

(6) identify any interest with respect to which a blind trust or a blind management agreement has been created, and state the name and address of the trustee or mandatary and the date of the trust deed or management agreement;

(7) list the names of any enterprises, legal persons, partnerships and associations mentioned in the Cabinet Minister's disclosure statement, and state the nature of the interest;

(8) state the nature and source of any benefit received under section 50; and

(9) provide any other information that the Ethics Commissioner sees fit to make public.

With respect to each family member of the Cabinet Minister, the summary must

(1) state the names of the enterprises described in paragraph 6 of section 52, unless the interests in those enterprises have been transferred to a blind trust or a blind management agreement; in the latter case, the summary must state the name and address of the trustee or mandatary and the date of the trust deed or management agreement;

(2) state the names of the enterprises described in paragraph 7 of section 52;

(3) provide a list of all immovable property having a value of \$10,000 or more in which the family member possesses a real right for purposes other than personal residential use;

(4) identify any immovable property included in the family member's assets for which a notice of expropriation has been issued;

(5) provide information concerning any succession or trust under which the family member is a beneficiary entitled to a value of \$10,000 or more;

(6) state the name, occupation and address of a person described in subparagraph *d* of paragraph 1 of section 52, if the family member owes money to that person, and state the balance owing if in excess of \$20,000; and

(7) provide any other information that the Ethics Commissioner sees fit to make public.

## CHAPTER VI

### POST-TERM ISSUES

**56.** For the purposes of this chapter, “State entity” means any of the following persons, agencies, bodies, enterprises or institutions:

(1) any public body, government agency or government enterprise within the meaning of the Auditor General Act (R.S.Q., chapter V-5.01);

(2) the Université du Québec and its constituent universities, research institutes and superior schools within the meaning of the Act respecting the Université du Québec (R.S.Q., chapter U-1);

(3) any university-level institution referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1), other than those mentioned in paragraph 2;

(4) any general and vocational college established under the General and Vocational Colleges Act (R.S.Q., chapter C-29);

(5) any school board governed by the Education Act (R.S.Q., chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) or the Comité de gestion de la taxe scolaire de l'île de Montréal;

(6) any private institution accredited for purposes of subsidies under the Act respecting private education (R.S.Q., chapter E-9.1);

(7) any other educational institution more than half of whose expenditures are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(8) any public or private institution that is a party to an agreement referred to in the Act respecting health services and social services (R.S.Q., chapter S-4.2);

(9) the regional council established under the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);

(10) any municipality or any body referred to in section 18 or 19 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);

(11) any regional conference of elected officers established under the Act respecting the Ministère des Affaires municipales et des Régions (R.S.Q., chapter M-22.1) or any local development centre established under the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01);

(12) any agency described in paragraph 4 of section 4 of the Lobbying Transparency and Ethics Act (R.S.Q., chapter T-11.011).

**57.** Former Cabinet Ministers must conduct themselves so as not to obtain undue benefit from their prior office.

**58.** Former Cabinet Ministers must not disclose confidential information obtained in or in connection with the carrying out of the duties of office, and must not give advice to any person based on information not available to the public, obtained in or in connection with the carrying out of the duties of office.

**59.** Cabinet Ministers who acted in connection with a proceeding, negotiation or other transaction may not act for or on behalf of anyone else in the same proceeding, negotiation or other transaction after leaving office.

**60.** Cabinet Ministers may not, in the two years after they leave office,

(1) accept any appointment to a board of directors or as a member of any body, agency, enterprise or other entity that is not a State entity and with which they had official, direct and significant dealings in the year preceding the cessation in office, or accept employment, a position or any other post within such an entity; and

(2) unless they are still Members and subject to the prohibition set out in section 14, intervene on behalf of anyone else with any department or other State entity with which they had official, direct and significant dealings in the year preceding their cessation in office.

**61.** A Cabinet Minister in office must, upon discovering that another person who is subject to this chapter is violating a provision of section 59 or paragraph 2 of section 60 in connection with a proceeding, negotiation or other transaction, abstain from dealing with that person within the context of the proceeding, negotiation or other transaction, and inform the Ethics Commissioner in writing. The Cabinet Minister must also see to it that the Minister's staff and the personnel of the department or any State entity under the Minister's responsibility also abstain from dealing with that person within the context of the proceeding, negotiation or other transaction.

#### **TITLE IV**

#### **ADMINISTRATION AND ENFORCEMENT**

#### **CHAPTER I**

#### **ETHICS COMMISSIONER**

#### **DIVISION I**

#### **APPOINTMENT, FUNCTIONS AND ORGANIZATION**

**62.** On the joint motion of the Premier and the Leader of the Official Opposition, after consulting with the Leaders of the other authorized parties represented in the National Assembly and with the approval of two thirds of the Members, the National Assembly appoints an Ethics Commissioner to be responsible for the administration of this Code.

**63.** The Assembly determines in the same manner the remuneration, employment benefits and other conditions of employment of the Ethics Commissioner.

**64.** The Ethics Commissioner exercises the duties of office exclusively and on a full-time basis.

The Ethics Commissioner exercises any other function assigned by law to the Ethics Commissioner.



**65.** In exercising the duties of office, the Ethics Commissioner focusses on information and prevention and maintains high standards of confidentiality, objectivity and impartiality.

In all interventions and more particularly in determining the rules of conduct applicable to Members, the Ethics Commissioner takes into account the Members' adherence to the values of the National Assembly and the principles set out in Title I.

**66.** The Ethics Commissioner is appointed for a fixed term of five years or less. At the expiry of the term, the Ethics Commissioner remains in office until reappointed or replaced.

The Ethics Commissioner may resign at any time by giving notice in writing to the President of the National Assembly. The Ethics Commissioner may only be removed by a resolution of the Assembly approved by two thirds of the Members.

**67.** If the Ethics Commissioner leaves office or is unable to act, the Government, after consulting with the Leaders of the authorized parties that are represented in the National Assembly, may designate a person to act as Ethics Commissioner for a period not exceeding six months. The Government determines the designated person's remuneration and conditions of employment.

**68.** Before entering into office, the Ethics Commissioner must take the oath set out in the schedule before the President of the National Assembly.

**69.** The Ethics Commissioner may not

(1) be related by blood, or connected by marriage or civil union, to a Member of the National Assembly, a person described in the second paragraph of section 2 or the Premier's chief of staff up to the third degree inclusively; or

(2) be a member of a federal, provincial or municipal political party or be a candidate on a ticket in a school election.

**70.** The Ethics Commissioner must not place himself or herself in a situation involving any direct or indirect conflict between the Ethics Commissioner's private interests and the Ethics Commissioner's duties of office.

**71.** The Office of the National Assembly may, by a regulation adopted by a unanimous decision, establish rules applicable to the Ethics Commissioner concerning conflicts of interest.

The Ethics Commissioner must make a disclosure statement every year in accordance with section 38 and publish a disclosure summary in accordance with section 40.

**72.** If, in a specific case, the Ethics Commissioner finds that he or she cannot act in particular because of a conflict of interest situation or because his or her impartiality could be questioned, the Ethics Commissioner, after consulting with the Leaders of the authorized parties that are represented in the National Assembly, refers the case to an ad hoc commissioner.

The provisions applicable to the Ethics Commissioner apply, with the necessary modifications, to the ad hoc Commissioner, and any advisory opinion or report of the ad hoc Commissioner has the same effect as if it had been produced by the Ethics Commissioner.

**73.** Subject to the appropriations voted by the Office of the National Assembly, the Ethics Commissioner determines the maximum number of staff members needed for the exercise of the Ethics Commissioner's functions, their assignment and the level of their positions.

Ethics Commissioner staff members are appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

## **DIVISION II**

### **FINANCIAL AND ADMINISTRATIVE PROVISIONS**

**74.** The Ethics Commissioner prepares budget estimates every year and submits them before 1 April to the Office of the National Assembly, which approves them with or without modification.

At the Ethics Commissioner's request, the Office of the National Assembly may determine the human, physical, financial and information management resource services to be provided at no charge to the Ethics Commissioner by the National Assembly.

**75.** If, during a fiscal year, the Ethics Commissioner foresees that the budget estimates approved by the Office of the National Assembly will be exceeded, the Ethics Commissioner prepares supplementary budget estimates and submits them to the Office of the National Assembly, which approves them with or without modification.

**76.** Chapter III, Chapter IV with the exception of section 44, of the second and fourth paragraphs of section 45, of sections 46 and 53 and of the third paragraph of section 57, Chapter VI and section 73 of the Public Administration Act (R.S.Q., chapter A-6.01) apply to the Ethics Commissioner.

The Office of the National Assembly may, however, by a regulation adopted by a unanimous decision, derogate from that Act by specifying the provisions derogated from and the provisions that are to apply in their place.

**77.** The provisions of the Financial Administration Act (R.S.Q., chapter A-6.001) applicable to budget-funded bodies, except sections 30 and 31, apply to the management of the financial resources of the Ethics Commissioner.

The Office of the National Assembly may, however, by a regulation adopted by a unanimous decision, derogate from that Act by specifying the provisions derogated from and the provisions that are to apply in their place.

**78.** The Ethics Commissioner may, by regulation, determine the conditions applicable to the contracts of the Ethics Commissioner.

A regulation under this section comes into force on the date it is approved by the Office of the National Assembly, and is published in the *Gazette officielle du Québec*.

**79.** On or before 30 September each year, the Ethics Commissioner must submit a report on the Ethics Commissioner's activities to the President of the National Assembly, together with financial statements for the preceding fiscal year.

The President of the National Assembly lays the reports and the financial statements before the National Assembly within the next 15 days or, if the Assembly is not sitting, within 15 days of resumption.

**80.** The sums required for the administration of this Code and for the carrying out of the duties of office assigned by law to the Ethics Commissioner are taken out of the consolidated revenue fund.

### **DIVISION III**

#### **MISCELLANEOUS**

**81.** The Ethics Commissioner retains his or her authority in respect of a former Member for a period of five years after the end of the person's term. Even after the expiry of that period, the Ethics Commissioner may continue an inquiry that had already begun.

**82.** The Ethics Commissioner must retain all documents relating to a Member for a period of 60 months after he or she ceases to be a Member. The documents are then to be destroyed unless an inquiry under this Code is in progress or has been suspended or a charge has been laid against the Member under an Act, and the documents may be relevant.

**83.** The Ethics Commissioner and the Ethics Commissioner's staff members may not be prosecuted for an act or omission in good faith in the exercise of their functions.

**84.** No civil action may be brought by reason of the publication of a report of the Ethics Commissioner or the publication, in good faith, of an extract from or summary of such a report.

**85.** The Ethics Commissioner and the persons the Ethics Commissioner has authorized to conduct an inquiry may not be compelled to give testimony relating to information obtained in the exercise of their functions or to produce a document containing such information.

**86.** No remedy under the Code of Civil Procedure (R.S.Q., chapter C-25), including an extraordinary recourse, may be exercised nor any injunction granted against the Ethics Commissioner or the persons the Ethics Commissioner has authorized to conduct an inquiry.

A judge of the Court of Appeal may, on a motion, annul by a summary proceeding any decision rendered or order or injunction issued contrary to the first paragraph.

## CHAPTER II

### ADVISORY OPINIONS OF THE ETHICS COMMISSIONER

**87.** In response to a request in writing from a Member on any matter respecting the Member's obligations under this Code, the Ethics Commissioner provides the Member with a written advisory opinion containing reasons and any recommendations the Ethics Commissioner considers appropriate. The advisory opinion must be given within 30 days after the Member's request, unless otherwise agreed by the Member and the Ethics Commissioner.

An advisory opinion of the Ethics Commissioner is confidential and may only be made public by the Member or with the Member's written consent, subject to the Ethics Commissioner's power to conduct an inquiry and report on the facts alleged in or discovered in connection with the Member's request.

**88.** An act or omission by a Member is deemed not to be a breach of this Code if he or she previously requested an advisory opinion from the Ethics Commissioner and the advisory opinion concluded that the act or omission did not contravene this Code, so long as the facts relevant to the request were fully and accurately presented to the Ethics Commissioner.

**89.** The Ethics Commissioner may publish guidelines for the Members regarding the application of this Code, provided that no personal information is included.

**90.** The Ethics Commissioner organizes educational activities for Members and the general public on the role of the Ethics Commissioner and the application of this Code.

## CHAPTER III

### INQUIRY AND REPORT

**91.** A Member who has reasonable grounds for believing that another Member has violated a provision of Chapters I to VII of Title II or a provision of Title III may request that the Ethics Commissioner conduct an inquiry into the matter.

The request must be made in writing and set out the reasonable grounds for the belief that this Code has not been complied with. The Ethics Commissioner sends a copy of the request to the Member named in it.

**92.** The Ethics Commissioner may, on the Ethics Commissioner's own initiative and after giving the Member concerned reasonable written notice, conduct an inquiry to determine whether the Member has violated this Code.

**93.** If the Ethics Commissioner considers it necessary, the Ethics Commissioner may specially authorize a person to conduct an inquiry.

The Ethics Commissioner and any such specially authorized person have, for the purposes of an inquiry, the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

**94.** The Ethics Commissioner may make agreements with other persons such as the Auditor General and the Lobbyists Commissioner for the conduct of joint inquiries, each under the legislative provisions that person administers.

**95.** If, after a verification, the Ethics Commissioner is of the opinion that there are no grounds for a request for an inquiry, the Ethics Commissioner terminates the inquiry process and records that fact in the report on the matter. Section 98 applies, with the necessary modifications, to the report.

**96.** The Ethics Commissioner must conduct inquiries in private and with due dispatch. The Ethics Commissioner must allow the Member concerned to present a full and complete defence, including an opportunity to submit observations and, if the Member so requests, to be heard

(1) first, on whether the Member has violated this Code; and

(2) after being informed of the Ethics Commissioner's conclusion and the grounds for it, on the sanction that could be imposed.

The Ethics Commissioner must not comment publicly on a verification or inquiry but may confirm that a request for a verification or an inquiry has been received or that a verification or inquiry is under way or has been completed. The Ethics Commissioner may also state why, after a verification, the Ethics Commissioner decided not to conduct an inquiry.

**97.** The Ethics Commissioner may, on the Ethics Commissioner's own initiative or at the request of the Member who was the subject of a request for an inquiry that led to a decision under section 95, conduct verifications to determine whether the complaint was made in bad faith or with intent to harm.

**98.** Following an inquiry, the Ethics Commissioner reports without delay to the President of the National Assembly, the Member under inquiry and the leader of the authorized party to which the Member belongs. The report must include reasons for its conclusions and recommendations.

However, if the Ethics Commissioner conducted the inquiry under section 92, no report is required.

The President of the National Assembly lays the report before the National Assembly within the next three days or, if the Assembly is not sitting, within three days of resumption.

**99.** If the Ethics Commissioner concludes that a Member has violated this Code, the Ethics Commissioner so states in the report and, according to the circumstances, may recommend that no sanction or one or more of the following sanctions be imposed:

- (1) a reprimand;
- (2) a penalty, specifying the amount;
- (3) the return to the donor, delivery to the State or reimbursement of the value of the gift, hospitality or benefit received;
- (4) the reimbursement of any unlawful profit;
- (5) the reimbursement of the indemnities, allowances or other sums received as a Member or a Cabinet Minister while the violation of this Code continued;
- (6) a suspension of the Member's right to sit in the National Assembly, together with a suspension of any indemnity or allowance, until the Member complies with a condition imposed by the Ethics Commissioner;
- (7) the loss of his or her seat as a Member;
- (8) the loss of his or her position as a Cabinet Minister, if applicable.

**100.** If the Ethics Commissioner concludes that a request for an inquiry was made in bad faith or with intent to harm, the Ethics Commissioner may recommend in the report on the matter that one or more of the sanctions provided for in section 99 be imposed.

**101.** The Ethics Commissioner may include in the report any guidelines for the general interpretation of this Code and any recommendations for revision of this Code.

## CHAPTER IV

### DECISION OF THE NATIONAL ASSEMBLY

**102.** A person who is the subject of a report of the Ethics Commissioner and is a Member at that time has the right to reply to the report, within five sitting days after the tabling of the report in the National Assembly, by making a statement not exceeding 20 minutes at the time set aside during Routine Proceedings for complaints of breach of privilege or contempt and personal explanations.

If the person who is the subject of the report is not a Member, he or she may address a written notice to the President of the National Assembly within the time set out in the first paragraph asking to be heard by the Assembly. The President convenes the appropriate committee without delay to hear the person's statement, which must not exceed 20 minutes. The report of the committee is then laid before the National Assembly.

**103.** At the sitting following the reply or the tabling of a committee report under section 102, or, if no reply is made or report tabled, on the expiry of the time specified in that section, the National Assembly votes, during Deferred Divisions, on the report of the Ethics Commissioner if the latter recommended the imposition of a sanction. No debate or amendments to the report are admissible.

**104.** Any sanction recommended in a report of the Ethics Commissioner is applicable upon adoption of the report by the National Assembly by the vote of two thirds of the Members.

**105.** The National Assembly is fully competent to apply a sanction under this chapter.

**106.** If the National Assembly orders the payment or reimbursement of a sum of money or the delivery or reimbursement of the value of a benefit, it may have its decision homologated by the Superior Court or the Court of Québec, according to the amount or value involved.

In that case, the decision becomes enforceable as a judgment of that court in civil matters.

**107.** Any sum of money collected under this Code is paid into the consolidated revenue fund.

## CHAPTER V

### ADVISORY OPINION OF JURISCONSULT

**108.** The Office of the National Assembly appoints a juriconsult by a unanimous vote of its members to be responsible for providing advisory opinions on ethics and professional conduct to any Member who requests it. The juriconsult may not be a Member.

**109.** The advisory opinions provided by the juriconsult are confidential, unless the Member concerned consents to their being disclosed.

**110.** The advisory opinions provided by the juriconsult are not binding on the Ethics Commissioner.

The juriconsult may not provide an advisory opinion to a Member who is under verification or under inquiry until the verification process or inquiry process is completed.

The Ethics Commissioner notifies the juriconsult of the beginning and termination of a verification or inquiry. Such a notification is confidential.

**111.** The Office of the National Assembly determines, if need be, the remuneration, employment benefits and other conditions of employment of the juriconsult and of the personnel the juriconsult requires.

Sections 69 and 70 and the first paragraph of section 71 apply, with the necessary modifications, to the juriconsult.

**112.** The juriconsult is appointed for a term of five years or less. On the expiry of the term, the juriconsult remains in office until reappointed or replaced.

## TITLE V

### MISCELLANEOUS, AMENDING, TRANSITIONAL AND FINAL PROVISIONS

**113.** Despite section 168 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), that Act does not apply to this Code or to any other legislative provision that assigns a function to the Ethics Commissioner.

**114.** No later than (*insert the date that is three years after the date of coming into force of this section*) and every five years after that, the Ethics Commissioner must report on the carrying out of this Code and the advisability of amending it.



The report is submitted to the President of the National Assembly, who tables it in the Assembly within 15 days or, if the Assembly is not sitting, within 15 days of resumption. The competent committee of the National Assembly subsequently examines the report.

**115.** Section 17 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) is amended by replacing “sections 84, 134 and 136” in the second paragraph by “section 134 and in the Code of ethics and conduct of the Members of the National Assembly (2010, chapter 30)”.

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

(1) by replacing “the Government departments and the public bodies contemplated in section 66” in the second paragraph by “government departments and public bodies”;

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

“For the purposes of this section, a public body is a body to which the National Assembly, the Government or a minister appoints the majority of the members, to which, by law, the personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1), or whose capital forms part of the domain of the State.”

**117.** The headings of Divisions II, III, IV and V of Chapter III and sections 57 to 84 of the Act are repealed.

**118.** Section 85.1 of the Act is amended by replacing “jurisconsult of the National Assembly” in the third paragraph by “jurisconsult appointed under the Code of ethics and conduct of the Members of the National Assembly”.

**119.** The Act is amended by inserting the following section after section 124.2:

**124.3.** The Office of the National Assembly shall, by a unanimous decision, after consultation with the Ethics Commissioner appointed under the Code of ethics and conduct of the Members of the National Assembly, adopt rules of ethics applicable to the office staff of the House officers of the National Assembly and the staff of the Members referred to in section 124.1. The Office shall publish the rules on the website of the National Assembly.”

**120.** Section 132 of the Act is amended by replacing “and public bodies” by “, government agencies and government enterprises governed by the Auditor General Act (chapter V-5.01), including bodies referred to in section 6 of that Act, public or private institutions under agreement governed by the Act respecting health services and social services (chapter S-4.2), the regional council established by the Act respecting health services and social services for Cree Native persons (chapter S-5)”.

**121.** Sections 134 to 136 of the Act are replaced by the following section:

“**134.** A Member who commits an act or omission described in section 55, 56 or 85 is guilty of an offence and liable to one or more of the following sanctions, as determined by the Assembly:

- (1) a reprimand;
- (2) a penalty, specifying the amount;
- (3) the reimbursement of any unlawful profit;
- (4) the reimbursement of the indemnities, allowances or other sums received as a Member while the offence continued;
- (5) the loss of his or her seat.

A sanction is applicable as soon as the Assembly imposes it.”

**122.** Section 137 of the Act is amended by replacing “sections 134 to 136” by “section 134”.

**123.** The Executive Power Act (R.S.Q., chapter E-18) is amended by inserting the following sections after section 11.6:

“**11.7.** The Ethics Commissioner appointed under the Code of ethics and conduct of the Members of the National Assembly (2010, chapter 30) shall, by regulation, after consultation with the Premier, adopt rules of ethics applicable to office staff. The regulation is published in the *Gazette officielle du Québec*.

“**11.8.** In response to a request in writing from an office staff member, the Ethics Commissioner shall provide a written advisory opinion, with reasons and any recommendations the Ethics Commissioner considers appropriate, on any matter respecting the obligations of the staff member under the rules of ethics.

The advisory opinion is confidential and may only be made public by the person who requested it or with the person’s written consent, subject to the power of the Ethics Commissioner to conduct an inquiry and report on the facts alleged in or discovered in connection with the request for an advisory opinion.

Section 88 of the Code of ethics and conduct of the Members of the National Assembly applies, with the necessary modifications, to an advisory opinion provided to an office staff member by the Ethics Commissioner.

**“11.9.** The Ethics Commissioner may publish guidelines for the office staff regarding the application of the rules of ethics, provided that no personal information is included.

**“11.10.** In response to a request in writing from the Premier, the Minister responsible, or on the Ethics Commissioner’s own initiative, the Ethics Commissioner may conduct an inquiry to determine whether an office staff member has violated the rules of ethics.

Sections 92 to 96 and 101 of the Code of ethics and conduct of the Members of the National Assembly apply, with the necessary modifications.

The inquiry report of the Ethics Commissioner is sent to the staff member concerned, the Minister responsible and the Premier. If applicable, the Ethics Commissioner informs the person who submitted the request for an inquiry of the Ethics Commissioner’s findings.”

**124.** Division III of the Act is repealed.

**125.** Schedule II to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing “68 of the Act respecting the National Assembly (chapter A-23.1)” in paragraph 2 by “20 of the Code of ethics and conduct of the Members of the National Assembly (2010, chapter 30)”.

**126.** Section 15 of the Public Protector Act (R.S.Q., chapter P-32) is amended by inserting “and the Ethics Commissioner” after “the Chief Electoral Officer” in paragraph 1.

**127.** The Règlement sur les conflits d’intérêts du juriconsulte, made on 23 November 1983 by Decision 57 of the Office of the National Assembly, applies to the juriconsult appointed under section 108.

**128.** Until the coming into force of rules of ethics adopted under section 124.3 of the Act respecting the National Assembly, sections 56 to 61 of this Code apply, except in respect of support staff, to the office staff of the House officers of the National Assembly and the staff of the Members referred to in section 124.1 of the Act respecting the National Assembly if they work for a Member referred to in section 42 of this Code; however, the two-year compliance period prescribed in section 60 is reduced to one year.

**129.** Until the coming into force of rules of ethics adopted under section 11.7 of the Executive Power Act, the following provisions stand in lieu of such rules for the staff of a minister’s office:

(1) sections 35 and 36 of the Directive concernant le recrutement, la nomination, la rémunération et les autres conditions de travail du personnel des cabinets de ministre (Directive 4-83 consolidated by C.T. 164805 dated 30 June 1987); and

(2) sections 56 to 61 of this Code, except in respect of support staff; however, the two-year compliance period prescribed in section 60 is reduced to one year.

Sections 35 and 36 referred to in subparagraph 1 of the first paragraph cease to have effect on the date of coming into force of the rules of ethics adopted under section 11.7 of the Executive Power Act.

**130.** A Cabinet Minister in office on 1 July 2011 must, not later than 30 September 2011, file a disclosure statement with the Ethics Commissioner in accordance with section 51.

A Member who is not a Cabinet Minister and is in office on 1 October 2011 must, not later than 31 December 2011, file a disclosure statement with the Ethics Commissioner in accordance with section 37.

**131.** No request for an advisory opinion submitted by a Member who is not a Cabinet Minister may be accepted by the Ethics Commissioner before 1 October 2011.

**132.** The Office of the National Assembly may appoint a juriconsult in accordance with section 108 before 1 July 2011. However, no request for an advisory opinion submitted by a Cabinet Minister may be accepted by the juriconsult before 1 July 2011, and no such request submitted by a Member who is not a Cabinet Minister may be accepted by the juriconsult before 1 October 2011.

**133.** This Code comes into force on 8 December 2010, except

(1) sections 42 and 51 to 55, the second paragraph of section 71, sections 87, 88 and 108 to 112, which come into force on 1 July 2011;

(2) sections 37 to 40, which come into force on 1 October 2011; and

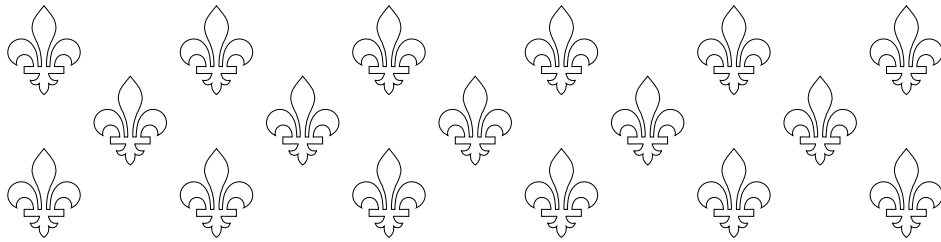
(3) sections 10 to 36, 41, 43 to 50, 56 to 61, 79, 91 to 107 and 114 to 129, which come into force on the date to be set by the Government, which may not be later than 1 January 2012.

**SCHEDULE***(Section 68)***OATH**

I, *(name)*, declare under oath that I will exercise the functions of Ethics Commissioner with honesty and justice.

I further declare under oath that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in or in connection with the exercise of my functions.





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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 107  
(2010, chapter 31)

## **An Act respecting the Agence du revenu du Québec**

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**Introduced 8 June 2010**  
**Passed in principle 21 October 2010**  
**Passed 8 December 2010**  
**Assented to 8 December 2010**

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**Québec Official Publisher  
2010**

## EXPLANATORY NOTES

*This Act establishes the Agence du revenu du Québec which replaces the Ministère du Revenu.*

*The mission of the Agency is to support the Minister of Revenue in administering and enforcing any Act under the Minister's administration and in fulfilling the Minister's other responsibilities. The Agency collects sums to be allocated to fund public services of the State and participates in the Government's economic and social missions, particularly by administering funds collection and redistribution programs.*

*The Agency is under the Minister's responsibility and its board of directors supervises its administration. In carrying out its mission, the Agency exercises the functions and powers of the Minister. However, the Minister may issue directives to the board of directors on matters which relate to public interest issues or the Agency's policy of collaboration with central public bodies offering certain government services such as information-based services, or which could affect public finances.*

*The president and chief executive officer is responsible for the management and administration of the Agency. The president and chief executive officer exercises, to the exclusion of the board of directors, the functions and powers of the Minister with regard to any person or entity and those relating to the collection, use and communication of information concerning any person or entity.*

*The Agency is an independent entity, accountable to the Government. It is given a governance framework and all the powers required to fulfill its mission. Employees are appointed by the Agency in accordance with the staffing plan it establishes. The Agency determines the standards and scales of remuneration, the employee benefits and the other conditions of employment of its employees, in compliance with the rules defined by the Government or, as the case may be, in compliance with the applicable rules.*



*The Act provides a financial framework for the Agency's activities. It establishes the Tax Administration Fund in order to pay for the services that are rendered to the Minister by the Agency.*

*In addition to amending and miscellaneous provisions, the Act contains the transitional measures necessary for the creation of the Agency, including provisions concerning the transfer of Ministère du Revenu employees to the Agency. As well, it grants the right to return to the public service to any employee who, on being transferred to the Agency on 31 March 2011, is either a public servant with permanent tenure or a public servant having the status of temporary employee on 31 December 2010 or a later date in certain circumstances.*

**LEGISLATION AMENDED BY THIS ACT:**

- Civil Code of Québec;
- Financial Administration Act (R.S.Q., chapter A-6.001);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Public Curator Act (R.S.Q., chapter C-81);
- Tobacco Tax Act (R.S.Q., chapter I-2);
- Taxation Act (R.S.Q., chapter I-3);
- Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act to facilitate the payment of support (R.S.Q., chapter P-2.2);
- Public Protector Act (R.S.Q., chapter P-32);

- Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45);
- 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);
- Act respecting the enterprise registrar (R.S.Q., chapter R-17.1);
- Fuel Tax Act (R.S.Q., chapter T-1);
- Act respecting the legal publicity of enterprises (2010, chapter 7).

**ORDER IN COUNCIL AMENDED BY THIS ACT:**

- Order in council 430-93 (1993, G.O. 2, 2389) concerning the pension plan for federal employees transferred to employment with the gouvernement du Québec.

## **Bill 107**

### **AN ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **CONSTITUTION**

**1.** An agency is established under the name “Agence du revenu du Québec” (the “Agency”).

It may be designated as “Revenu Québec”.

**2.** The Agency is a legal person and a mandatary of the State.

The Agency’s property forms part of the domain of the State, but the execution of the Agency’s own obligations may be levied against its property.

The Agency binds none but itself when it acts in its own name in the performance of its own obligations.

**3.** The head office of the Agency is located in the territory of Ville de Québec, at the place it determines.

Notice of the location and any relocation of the head office is published in the *Gazette officielle du Québec*.

#### **CHAPTER II**

##### **MISSION**

**4.** The mission of the Agency is to support the Minister of Revenue in administering and enforcing any Act under the Minister’s administration and in fulfilling the Minister’s other responsibilities under any Act, regulation, order, order in council or agreement. The Agency collects sums to be allocated to fund public services of the State and participates in the Government’s economic and social missions, particularly by administering funds collection and redistribution programs.

## CHAPTER III

### ORGANIZATION AND OPERATION

#### DIVISION I

##### RESPONSIBILITIES

**5.** The Agency is under the Minister's responsibility.

**6.** A board of directors supervises the administration of the Agency and is accountable to the Government for the Agency's decisions, and the chair is answerable to the Minister for such decisions.

The Minister may issue written directives to the board of directors on matters which, in the Minister's opinion, relate to public interest issues or the collaboration policy referred to in subparagraph 12 of the second paragraph of section 26, or could affect public finances.

Such directives require the approval of the Government and come into force on the date of their approval. Once approved, they are binding on the Agency and the Agency must comply with them.

**7.** In carrying out its mission, the Agency exercises the functions and powers of the Minister.

**8.** The president and chief executive officer exercises the functions and powers of the Minister relating to the application or enforcement of any Act, regulation, order, order in council or agreement with regard to any person or entity.

The president and chief executive officer also exercises the functions and powers of the Minister relating to the collection, use and communication of information concerning any person or entity that relates to the application or enforcement of any Act under the Minister's administration or to any other responsibility conferred on the Minister by any Act, regulation, order, order in council or agreement.

In exercising these functions and powers, the president and chief executive officer has the authority of the Minister and may delegate, and authorize the subdelegation of, the exercise of that authority to another employee or to a class of employees of the Agency.

These functions and powers may be exercised only by employees of the Agency. However, the president and chief executive officer, if of the opinion that it is necessary for a particular matter, may authorize that the services of a person who is not an employee of the Agency be hired by contract.

## **DIVISION II**

### **BOARD OF DIRECTORS**

**9.** The board of directors is composed of 15 members, including the chair of the board and the president and chief executive officer.

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

**10.** A person may not be appointed as a member of the board of directors or remain a member of the board if

(1) the person was convicted of an offence under any of the laws listed in section 47 during the five years prior to appointment or at any time while in the office of director, to the extent that the offence is incompatible with the office of director, unless the person has been pardoned;

(2) the person did not file, for a given period, a return or report that ought to have been filed under a fiscal law within the meaning assigned by section 1 of the Tax Administration Act (R.S.Q., chapter M-31) on the date set by that fiscal law, though the person was required to do so under section 39 of the Tax Administration Act; or

(3) the person owes an amount exigible under a fiscal law within the meaning assigned by section 1 of the Tax Administration Act, unless the person has entered into an agreement for the payment of the amount and complies with it, or the recovery of the amount has been suspended legally.

**11.** The Government appoints the members of the board of directors and does so, except in the case of the chair of the board and the president and chief executive officer, on the basis of the expertise and experience profiles approved by the board.

**12.** The composition of the board of directors must tend towards gender parity.

**13.** At least eight members of the board of directors, including the chair, must qualify as independent directors in the opinion of the Government.

Board members qualify as independent directors if they have no direct or indirect relationships or interests, for example of a financial, commercial, professional or philanthropic nature, which are likely to interfere with the quality of their decisions as regards the interests of the Agency.

A board member

(1) who is in the employ of the Agency or has been in such employ in the three years preceding appointment to office,

(2) who is in the employ of the Government or a government agency or enterprise within the meaning of sections 4 and 5 of the Auditor General Act (R.S.Q., chapter V-5.01), or

(3) whose immediate family member is a senior officer of the Agency

is deemed not to be an independent director.

The Government may adopt a policy concerning situations it intends to examine to determine if a board member qualifies as an independent director. The Government may specify the meaning it intends to assign to the expression “immediate family member”.

A board member appointed as an independent director must disclose in writing to the board and to the Minister any situation likely to affect the member’s status.

**14.** At least eight members of the board of directors, including the chair and the president and chief executive officer, must have sufficient experience, in the opinion of the Government, acquired as a high-ranking public servant or a senior officer of a department, agency or enterprise of a government.

At least four of the members mentioned in the first paragraph, other than the president and chief executive officer, must be in the employ either of a government department, agency or enterprise, within the meaning of sections 4 and 5 of the Auditor General Act, to which the Agency provides collection services, or of the Ministère des Finances, as deputy minister, assistant deputy minister, associate deputy minister, president, vice-president or chair or vice-chair. Any additional member who is so employed must also be from a government department, agency or enterprise to which the Agency provides collection services and hold such a position.

The board of directors must include a member who is a member of one of the professional orders of accountants listed in the Professional Code (R.S.Q., chapter C-26) and another who is a member of the Barreau du Québec or the Chambre des notaires du Québec, appointed after consultation with those professional orders.

**15.** The Government appoints the chair of the board of directors for a term of up to five years. The chair may be reappointed twice to serve in that capacity.

**16.** Board members, except the chair of the board and the president and chief executive officer, are appointed for a term of up to four years and may be reappointed twice to serve in that capacity.

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

**17.** A vacancy on the board of directors is filled in accordance with the rules of appointment to the board.

Non-attendance at a number of board meetings determined by the by-laws of the Agency, in the cases and circumstances specified, constitutes a vacancy.

**18.** The board of directors designates a vice-chair from among its members who qualify as independent directors to act as chair if the chair of the board is absent or unable to act.

**19.** Board members, other than the president and chief executive officer and the members mentioned in the second paragraph of section 14, receive a remuneration on the conditions and to the extent determined by the Government.

They are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

**20.** The chair of the board calls and presides at meetings of the board of directors, sees to the proper conduct of the board's proceedings and exercises any other functions assigned by the board.

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

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

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

**23.** If all agree, the members of the board of directors may take part in a meeting of the board by means of equipment enabling all participants to communicate directly with one another.

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

**25.** The president and chief executive officer may not have a direct or indirect interest in a body, enterprise or association or in relation with any matter that puts his or her personal interests in conflict with the Agency's interests. On the devolution of such an interest, including by succession or gift, the president and chief executive officer must renounce or dispose of it with dispatch.

Any other board member who has a direct or indirect interest in a body, enterprise or association or in relation with any matter that puts the board member's personal interests in conflict with the Agency's interests must, on pain of removal from office, disclose it in writing to the Minister and to the chair of the board and abstain from participating in any discussion or decision involving that body, enterprise, association or matter. The board member must also withdraw from a meeting for the duration of the discussion or vote on the issue.

**26.** The board of directors determines the Agency's strategic directions, sees to their implementation and inquires into any issue it considers important.

For those purposes, the functions of the board include, in particular,

(1) adopting the strategic plan and approving the statement of services to individuals and businesses;

(2) approving the capital plan, financial statements, annual management report and annual budget of the Agency;

(3) approving the staffing level and the staffing plan;

(4) approving the governance rules of the Agency;

(5) approving the code of ethics and conduct applicable to board members, officers and employees of the Agency, subject to any regulation under sections 3.0.1 and 3.0.2 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);

(6) approving the expertise and experience profiles to be used in appointing board members;

(7) approving the criteria for assessing the performance of the board;

(8) establishing policies for management of the risks associated with the operations of the Agency;

(9) seeing to it that the board committees exercise their functions properly;

(10) approving, in accordance with section 42, human resources policies as well as the standards and scales of remuneration, including, where applicable, a variable pay policy, and the other conditions of employment of employees appointed by the Agency; these conditions of employment must include, in the case of an employee who is not governed by a collective agreement, a remedy against a decision rendered in his or her regard with respect to a condition of employment other than classification, staffing or evaluation, or with respect to a dismissal or other disciplinary sanction, except if a remedy is available under this Act;



(11) approving the information technology investment plan and an information resource management and security policy;

(12) establishing a policy of collaboration with bodies offering government services, with regard to the optimal use of information technologies, electronic service delivery and shared services;

(13) adopting measures to assess the effectiveness and performance of the Agency, including benchmarking against similar bodies; and

(14) determining the delegation and subdelegation of powers and signing authority in all matters connected with the board's functions and powers.

The board also reports to the Minister on any matter submitted to it by the Minister, and makes recommendations to the Minister concerning the efficient use of Agency resources.

**27.** The board of directors reviews the integrity of internal controls, information disclosure controls and information systems, and approves a financial disclosure policy.

**28.** The Agency must make public the code of ethics and conduct referred to in subparagraph 5 of the second paragraph of section 26.

**29.** The Agency submits the variable pay policy referred to in subparagraph 10 of the second paragraph of section 26 to the Government for approval.

**30.** The board of directors must establish the following committees:

- (1) a governance and ethics committee;
- (2) an audit committee, of which at least one member must be a member of one of the professional orders of accountants governed by the Professional Code; and
- (3) a human resources committee.

The board of directors may also establish other committees to examine specific issues relating to its powers and duties.

The chair of the board may take part in committee meetings.

The functions of a committee established under the first paragraph are the functions provided for in sections 22 to 27 of the Act respecting the governance of state-owned enterprises (R.S.Q., chapter G-1.02) with respect to such a committee, with the necessary modifications.

**31.** In no case may the board of directors or any of its members, other than the president and chief executive officer, exercise the functions and powers described in section 8.

No information may be communicated to the board of directors or one of its members, other than the president and chief executive officer, which, even indirectly, reveals the identity of a person or entity who is subject to the application or enforcement of any Act under the Minister's administration or any Act, regulation, order, order in council or agreement that confers a responsibility on the Minister.

**32.** Subject to sections 39 and 40, no deed, document or writing binds the Minister or the Agency, or may be attributed to them, unless it is signed by a person authorized to do so by by-law of the board of directors.

The by-law may allow that a facsimile of the signature of a person referred to in the first paragraph be affixed on the documents specified in the by-law. Such a facsimile has the same force as the signature itself.

### **DIVISION III**

#### **PRESIDENT AND CHIEF EXECUTIVE OFFICER**

**33.** The president and chief executive officer is responsible for the management and administration of the Agency.

**34.** The president and chief executive officer is appointed by the Government and is assisted by one or more vice-presidents, also appointed by the Government.

They are appointed for a term of up to five years. At the end of their term, they remain in office until they are replaced or reappointed.

The offices of president and chief executive officer and of vice-president are full-time positions.

**35.** The Government determines the remuneration, the employee benefits and the other conditions of employment of the president and chief executive officer and of the vice-presidents.

**36.** In French, the president and chief executive officer may be designated by the title "président-directeur général" or "président et chef de la direction".

**37.** If the president and chief executive officer is absent or unable to act, the Minister may designate a vice-president to act in the president and chief executive officer's place.

**38.** The president and chief executive officer designates a vice-president to act as chief information officer.

**39.** The signature of the president and chief executive officer gives force and authority to any document within the jurisdiction of the Agency.

**40.** With respect to the functions and powers conferred on the Minister and referred to in section 8, a deed, document or writing binds the Minister or the Agency, or may be attributed to them, only if it is signed by the Minister, the president and chief executive officer, a vice-president or another employee of the Agency, but in the latter case, only to the extent determined by a regulation of the Minister.

The regulation of the Minister may allow that a facsimile of the signature of a person mentioned in the first paragraph be affixed on the documents specified in the regulation. Such a facsimile has the same force as the signature itself.

The regulation of the Minister comes into force on the date it is made or on any later date specified in the regulation. The regulation is published in the *Gazette officielle du Québec*.

If it so provides, the regulation of the Minister may also apply to a period prior to its publication.

**41.** Documents and copies of documents emanating from the Agency or forming part of its records are authentic if they are signed or certified by an authorized employee of the Agency.

## **DIVISION IV**

### **HUMAN RESOURCES**

**42.** Employees are appointed by the Agency in accordance with the staffing plan it establishes.

Subject to the third paragraph, the Agency determines the standards and scales of remuneration, the employee benefits and the other conditions of employment of its employees, in accordance with the conditions defined by the Government.

The Agency negotiates and agrees to the clauses of a collective agreement between itself and an association of employees, in accordance with Chapter IV of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2).

**43.** The Agency establishes a mode of organization of human resources intended to promote

(1) the efficiency of the Agency and the optimum utilization and development of human resources;

(2) the exercise of the powers of human resources management at the least possible hierarchical remove from the persons concerned and the application of a system under which the person vested with such management powers is accountable for his or her acts, within the means put at the person's disposal;

(3) equal opportunity for employment with the Agency for all citizens;

(4) impartiality and fairness in decisions affecting employees;

(5) the competence of persons in recruitment, promotion and evaluation matters; and

(6) optimum contribution of the various components of Québec society.

**44.** Employees of the Agency must exercise their functions in the public interest, loyally, with honesty, impartiality and to the best of their ability, and treat the public with consideration and diligence.

In no case may they accept any sum of money or other consideration for the exercise of their functions over and above the amount allocated to them for that purpose under this Act.

In no case may employees of the Agency directly or indirectly grant, solicit, or accept, in that capacity, any undue favour or benefit for themselves or another person, or use for their own benefit any property of the Agency or any information obtained as an employee of the Agency.

In no case may employees of the Agency have a direct or indirect interest in any undertaking that causes their personal interest to conflict with their duties of office.

Where such an interest devolves to an employee by succession or gift, it must be renounced or disposed of with all possible dispatch.

**45.** Subject to the provisions relating to the protection of confidential information, employees of the Agency are bound to confidentiality regarding any matter brought to their knowledge in the exercise of their functions.

**46.** Employees of the Agency must be politically neutral in exercising their functions, and act with reserve in any public display of their political opinions.

Nothing in this Act prohibits an employee of the Agency from being a member of a political party, attending a political meeting or making, in accordance with the law, a contribution to a political party or a party authority or to a candidate in an election.

**47.** Despite any inconsistent provision of any Act, regulation, collective agreement within the meaning of the Labour Code (R.S.Q., chapter C-27) or arbitration award in lieu thereof, the president and chief executive officer may refuse that a position in the Agency be filled by a person who, in the preceding five years, has been convicted of an offence under any of the following laws, to the extent that the offence is incompatible with the position to be filled, unless the person has been pardoned:

(1) a fiscal law, within the meaning assigned by section 1 of the Tax Administration Act;

(2) an Act of the Parliament of Canada or of another province that provides for the imposition or collection of a tax or a duty of that nature;

(3) the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46);

(4) the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27);

(5) the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19).

**48.** No employee appointed by the Agency may, without the express permission of the president and chief executive officer, engage in gainful work or hold employment or a remunerated office that is not part of his or her functions within the Agency.

Permission may be given if it is established that such work, employment or office is not likely to entail a conflict of interest between the employee's personal interest and his or her functions within the Agency.

**49.** If a member of the board of directors, the president and chief executive officer, a vice-president or any other employee of the Agency is sued by a third person for an act or omission in the exercise of his or her functions, the Agency will take up his or her defence unless the person has committed a gross fault.

**50.** No group of employees of the Agency may strike unless the essential services and the manner of maintaining them have been determined by an agreement between the parties or, failing such an agreement, by a decision of the Conseil des services essentiels established under the Labour Code.

Sections 111.15.1 and 111.15.2 of the Labour Code apply, with the necessary modifications, if the parties are unable to reach an agreement on their own.

The Agency must, without delay, send a copy of any agreement made under this section to the Conseil des services essentiels.

No person may derogate from any of the provisions of an agreement or a decision referred to in this section.

In the event of a contravention of the first or third paragraph, the penal provisions set out in section 142 of the Labour Code apply.

In the event of a contravention of the fourth paragraph, the penal provisions set out in section 146.2 of the Labour Code apply.

## **DIVISION V**

### **OTHER POWERS**

**51.** The Agency may provide collection services or any other service or product related to its expertise and mission.

**52.** The Government may confer on the Minister of Revenue, to the extent it specifies, the power to audit, inspect or inquire under an Act the administration of which is the responsibility of another minister.

The terms governing the exercise of the power conferred on the Minister of Revenue must be stipulated in an agreement.

**53.** The Agency may, in accordance with the applicable legislative provisions, enter into an agreement with a government other than the Gouvernement du Québec, a department of such a government, an international organization or a body of such a government or organization.

## **CHAPTER IV**

### **FINANCIAL PROVISIONS**

**54.** Each year, the Agency submits its budgetary estimates for the following fiscal year to the Minister, in accordance with the form, content and the schedule determined by the Minister.

The estimates are submitted to the Government for approval.

**55.** The operations of the Agency are funded by the following income:

(1) the payments it receives under sections 56 and 57;

(2) the other sums the Minister or the Agency are entitled to under any Act, regulation, order, order in council or agreement as consideration for the services rendered by the Agency;

(3) the fees and charges provided for in sections 12.0.3.1 and 12.1 of the Tax Administration Act; and

(4) the financial compensation paid by the Government of Canada under an agreement entered into under section 9.0.1 of the Tax Administration Act.

**56.** The Tax Administration Fund is established at the Ministère des Finances in order to pay for the services referred to in section 4 that are rendered to the Minister by the Agency, except in cases where payment is otherwise provided.

**57.** The Agency pays into the Fund, from the sums collected for the Minister under the Taxation Act (R.S.Q., chapter I-3), the sums fixed by the Government on the joint recommendation of the Minister of Finance and the Minister, on the dates and in the manner determined by the Government.

**58.** The Government determines, on the joint recommendation of the Minister of Finance and the Minister, how and on what terms payments from the Fund are to be made to the Agency.

**59.** The management of the sums that make up the Fund is entrusted to the Minister of Finance. The sums are paid to the order of the Minister of Finance and deposited with the financial institutions designated by the Minister of Finance.

The Agency keeps the books of account of the Fund and records the financial commitments chargeable to it. It ensures that such commitments and the payments arising from such commitments do not exceed and are consistent with the available balances.

**60.** The Minister of Finance may, as manager of the Fund, borrow out of the financing fund established under the Act respecting the Ministère des Finances (R.S.Q., chapter M-24.01).

**61.** The Minister of Finance may, with the authorization of the Government and on the conditions it determines, make advances to the Fund out of the consolidated revenue fund.

The Minister may, conversely, make advances to the consolidated revenue fund, on a short-term basis and subject to the conditions the Minister determines, out of the sums making up the Fund that are not required for its operation.

Any advance made to a fund is repayable out of that fund.

**62.** The fiscal year of the Fund ends on 31 March.

**63.** Despite any provision to the contrary, the Minister of Finance must, in the event of a deficiency in the consolidated revenue fund, pay out of the Tax Administration Fund the sums required for the execution of a judgment against the State that has become *res judicata*.

**64.** The Agency retains any surplus, unless the Government decides otherwise.

**65.** The Minister and the Minister of Finance enter into an agreement concerning the management of the income of the Agency.

**66.** 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; or

(3) acquire or dispose of assets in excess of the limits or in contravention of the terms and conditions determined by the Government.

The Agency may not accept any gift or legacy.

**67.** The Government may, subject to the 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 the Agency's obligations or the pursuit of its mission.

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

**68.** Money collected and received by the Agency is deposited, in the name of the Minister of Finance, with the financial institutions designated by the Minister of Finance, in accordance with the rules established by the Conseil du trésor.

The Agency keeps a record of the money referred to in the first paragraph and of the financial claims it administers. The Agency makes the proper entries in the government accounting system, in accordance with the rules established by the Conseil du trésor, except with respect to its own income and expenditures.

**69.** The Government's revenue for a fiscal year derived from the carrying out of a fiscal law, within the meaning assigned by section 1 of the Tax Administration Act, is reduced by the amount of all bad debts recorded during that year in connection with that fiscal law.



## CHAPTER V

### STRATEGIC PLAN AND SERVICE STATEMENT

**70.** The Agency must adopt a strategic plan in accordance with the form, content and schedule determined by the Government.

**71.** The Agency's strategic plan must be submitted to the Government for approval.

**72.** The Agency must publish a service statement setting out its objectives with regard to its services and the quality of its services.

The statement must specify the time frame within which services are to be provided and provide clear information on their nature and accessibility.

**73.** The Agency must

- (1) remain receptive to the expectations of its clients;
- (2) simplify service delivery rules and procedures to the greatest extent possible; and
- (3) encourage its employees to provide quality services and to collaborate in achieving the results targeted.

## CHAPTER VI

### ACCOUNTS AND REPORTS

**74.** The fiscal year of the Agency ends on 31 March.

**75.** Not later than 31 December each year, the Agency must file its financial statements and a management report for the preceding fiscal year with the Minister.

The financial statements and the management report must include all the information required by the Minister.

The management report must also comprise a section on governance of the Agency, including information concerning the board members, as specified in section 38 of the Act respecting the governance of state-owned enterprises.

**76.** The Minister lays the management report and the financial statements of the Agency before the National Assembly within 30 days of their receipt or, if the Assembly is not sitting, within 30 days of resumption.

**77.** The Auditor General audits the books and accounts of the Agency each year and whenever so ordered by the Government.

The Auditor General's report must be submitted with the financial statements of the Agency.

The Auditor General may also conduct a value-for-money audit without obtaining the prior concurrence provided for in the second paragraph of section 28 of the Auditor General Act.

**78.** The Agency must provide the Minister with any information the Minister may require on its operations.

## CHAPTER VII

### MISCELLANEOUS PROVISIONS

**79.** Chapter I of Title I of the Act respecting administrative justice (R.S.Q., chapter J-3) applies to Agency decisions.

**80.** Section 37 of the Public Administration Act (R.S.Q., chapter A-6.01) applies to the Agency.

The Agency is deemed to be a public body described in subparagraph 4 of the first paragraph of section 4 of the Act respecting contracting by public bodies (R.S.Q., chapter C-65.1).

## CHAPTER VIII

### AMENDING PROVISIONS

#### CIVIL CODE OF QUÉBEC

**81.** Article 3068 of the Civil Code of Québec is amended by replacing “of the Minister or Deputy Minister of Revenue or of a person designated by the Minister of Revenue,” in the second paragraph by “of the Minister of Revenue, or a person designated by the Minister of Revenue,”.

#### FINANCIAL ADMINISTRATION ACT

**82.** Section 12 of the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by replacing “or budget-funded body” by “, a budget-funded body or the Agence du revenu du Québec”.

**83.** Schedule 2 to the Act is amended by inserting “Agence du revenu du Québec” in alphabetical order.

#### CITIES AND TOWNS ACT

**84.** Section 548 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing “Deputy Minister of Revenue” in the second paragraph by “Minister of Revenue”.

## MUNICIPAL CODE OF QUÉBEC

**85.** Article 1073 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing “Deputy Minister of Revenue” in the third paragraph by “Minister of Revenue”.

## PUBLIC CURATOR ACT

**86.** Section 76.2 of the Public Curator Act (R.S.Q., chapter C-81) is replaced by the following section:

“**76.2.** Despite any provision to the contrary, a penal proceeding or civil action in relation to the provisional administration of property entrusted by law to the Minister of Revenue is instituted by the Agence du revenu du Québec, under the designation “Agence du revenu du Québec”.

Despite any provision to the contrary, any person having a remedy against the Minister, the Agence du revenu du Québec or the State in relation to the provisional administration of property entrusted by law to the Minister of Revenue must direct it against the Agence du revenu du Québec, under the designation “Agence du revenu du Québec”.

Sections 72.4 and 77 of the Tax Administration Act (chapter M-31) and the second and third paragraphs of section 93 of that Act apply to such proceedings or actions, with the necessary modifications.”

## TOBACCO TAX ACT

**87.** Section 2 of the Tobacco Tax Act (R.S.Q., chapter I-2) is amended by striking out the definition of “Ministère du Revenu”.

## TAXATION ACT

**88.** Section 1010.1 of the Taxation Act (R.S.Q., chapter I-3) is amended by replacing “in prescribed form and in duplicate, addressed to the Deputy Minister, is filed by registered mail” by “is filed with the Minister in prescribed form and in duplicate, by registered mail”.

**89.** The Act is amended by replacing “Ministère du Revenu” wherever it appears in sections 965.74, 965.76, 965.85, 1029.8.9, 1029.8.9.0.1, 1029.8.9.0.1.1 and 1029.8.16.1 by “Minister”.

## EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

**90.** Section 220 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is amended by replacing “Deputy Minister of Revenue” in subsection 5 by “Minister of Revenue”.

## ACT RESPECTING THE MINISTÈRE DU REVENU

**91.** The title of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is replaced by the following title:

“TAX ADMINISTRATION ACT”.

**92.** Section 1 of the Act is replaced by the following section:

“**1.** In this Act and the regulations, unless the context indicates a different meaning,

“Agency” means the Agence du revenu du Québec;

“duties” means, in addition to its ordinary meaning, the fees, price or cost of licences or permits, taxes and other imposts and contributions provided for by a fiscal law;

“fiscal law” means this Act, the Act respecting property tax refund (chapter R-20.1) or any other Act imposing duties that is under the Minister’s administration;

“Minister” means the Minister of Revenue;

“person” means a natural person, a corporation, a partnership, a trust, a government department, a body, a succession or any other entity that is a person within the meaning of another fiscal law;

“president and chief executive officer” means the president and chief executive officer of the Agency; and

“regulation” means any regulation made under this Act by the Government.”

**93.** Section 1.1 of the Act is amended by replacing “Deputy Minister” by “president and chief executive officer”.

**94.** The heading of Chapter II of the Act is replaced by the following heading:

“MINISTER OF REVENUE”.

**95.** Section 2 of the Act, amended by section 215 of chapter 7 of the statutes of 2010 and by section 227 of chapter 25 of the statutes of 2010, is replaced by the following section:

“**2.** The Minister of Revenue is responsible for the administration of fiscal laws.

The Minister assumes any other responsibility assigned to the Minister by another Act or by the Government.”

**96.** Sections 3 to 8, 9.0.7 and 9.1 of the Act are repealed.

**97.** Section 12 of the Act is amended by striking out “; subject to paragraph *b* of section 97.2, the amounts collected under such a fiscal law shall form part of the consolidated revenue fund” in the first paragraph.

**98.** Section 13 of the Act is amended by replacing “the Deputy Minister” in the third paragraph by “the Agency”.

**99.** Section 24.0.1 of the Act is amended by striking out “in favour of the Deputy Minister” in subparagraph *a* of the first paragraph.

**100.** Section 25.3 of the Act is amended by replacing “in prescribed form and in duplicate, addressed to the Deputy Minister, is filed by registered mail” by “is filed with the Minister in prescribed form and in duplicate, by registered mail”.

**101.** Section 31 of the Act is amended by replacing “the Ministère du Revenu” in the fourth paragraph by “the Agency”.

**102.** Section 31.1.5 of the Act is amended by striking out “or a person authorized specifically by the Minister for that purpose” in the second paragraph.

**103.** Section 31.1.6 of the Act is amended

(1) by replacing “The Minister shall record the name of the department” by “The name of the department”;

(2) by inserting “are recorded” after “is intended”.

**104.** Section 38 of the Act is amended by replacing “Deputy Minister” in the third paragraph by “Minister”.

**105.** Section 40.1.3 of the Act is amended

(1) by replacing “a public servant of the Ministère du Revenu” in the first and fifth paragraphs by “an employee of the Agency”;

(2) by replacing “a public servant” in the second paragraph by “the employee”.

**106.** Section 69 of the Act is amended by replacing the fourth paragraph by the following paragraph:

“A record created for the administration, direction or management of the Agency, or in connection with an offence under any of sections 71.3.1 to 71.3.3, is not a tax record.”

**107.** Section 69.0.0.1 of the Act is amended by striking out “by the Minister” in the second paragraph.

**108.** Section 69.0.0.5 of the Act is amended by replacing “allowing the Minister to process the document or information” in the first paragraph by “the processing of the document or information”.

**109.** Section 69.0.0.6 of the Act is amended, in the first paragraph,

(1) by replacing “Within the Ministère du Revenu, information” in the portion of text preceding subparagraph *a* by “Information”;

(2) by replacing “Deputy Minister” in subparagraph *a* by “president and chief executive officer”;

(3) by replacing “to a public servant or employee of the Ministère du Revenu” in subparagraph *b* by “to an employee of the Agency”;

(4) by adding the following subparagraph after subparagraph *b*:

“(c) to the board of directors of the Agency insofar as the document does not reveal, even indirectly, the identity of the person concerned and the information is necessary for the exercise of the functions of the board.”

**110.** Section 69.0.0.7 of the Act, amended by section 219 of chapter 7 of the statutes of 2010, is again amended

(1) by replacing “the Ministère du Revenu” in the portion before subparagraph *a* of the first paragraph by “the Agency”;

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

“(d) the administration, direction or management of the Agency or the application of sections 71.3.1 to 71.3.3;”;

(3) by replacing “the Minister” in subparagraph *e* of the first paragraph by “the Agency”;

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

“For the purposes mentioned in subparagraph e of the first paragraph, the Agency shall prepare a three-year plan for the surveys it intends to carry out which involve the use of information contained in a tax record. The Agency shall submit the plan to the Commission d'accès à l'information for an opinion.”;

(5) by replacing “the Minister” in the fifth paragraph by “the Agency”.

**111.** Section 69.0.0.8 of the Act is amended by replacing “that the Minister uses” by “that is used”.

**112.** Section 69.0.0.9 of the Act is amended by replacing “The Minister” by “The Agency” and by replacing “the Ministère du Revenu states its position with respect to the application or enforcement of a fiscal law” by “its position with respect to the application or enforcement of a fiscal law is stated”.

**113.** Section 69.0.0.11 of the Act is amended

(1) by replacing “A public servant or employee of the Ministère du Revenu” in the first paragraph by “An employee of the Agency” and “the public servant or employee” in that paragraph by “the employee”;

(2) by striking out “within the Ministère du Revenu” in the fourth paragraph;

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

“The president and chief executive officer shall determine the terms and conditions according to which the information may be communicated.”

**114.** Section 69.0.0.12 of the Act is amended by replacing “A public servant or employee of the Ministère du Revenu” in the first paragraph by “An employee of the Agency”.

**115.** Section 69.0.0.13 of the Act is amended by striking out “from the Ministère du Revenu” in the first paragraph.

**116.** Section 69.0.0.14 of the Act is amended by replacing “to a public servant or employee” by “to an employee”.

**117.** Section 69.0.0.16 of the Act is amended

(1) by replacing “a public servant or employee of the Ministère du Revenu” by “an employee of the Agency”;

(2) by replacing “the Ministère du Revenu, one of its public servants or employees” by “the Agency or one of its employees”.

**118.** Section 69.0.0.17 of the Act is amended

(1) by replacing “Where the Minister, for a purpose provided for in section 69.0.0.7, awards to a person a contract that involves the communication of information contained in a tax record,” in the first paragraph by “Where, for a purpose provided for in section 69.0.0.7, a contract that involves the communication of information contained in a tax record is awarded to a person,”;

(2) by replacing “the Deputy Minister or of a person designated by the Deputy Minister” in the second paragraph by “the president and chief executive officer or of a person designated by the president and chief executive officer”;

(3) by replacing “the Deputy Minister or by a person designated by the Deputy Minister” in subparagraph *b* of the third paragraph by “the president and chief executive officer or by a person designated by the president and chief executive officer”;

(4) by replacing “to a public servant or employee” in subparagraph *d* of the third paragraph by “to an employee”;

(5) by replacing “the Ministère du Revenu” in subparagraphs *d* to *f* of the third paragraph by “the Agency”;

(6) by replacing “the Deputy Minister or a person designated by the Deputy Minister” in subparagraph *e* of the third paragraph by “the president and chief executive officer or a person designated by the president and chief executive officer”;

(7) by replacing “to the Deputy Minister or to a person designated by the Deputy Minister” in subparagraph *f* of the third paragraph by “to the president and chief executive officer or to a person designated by the president and chief executive officer”;

(8) by replacing “the Deputy Minister or a person designated by the Deputy Minister” in subparagraph *g* of the third paragraph by “the president and chief executive officer or a person designated by the president and chief executive officer”;

(9) by replacing “the Deputy Minister or a person designated by the Deputy Minister” in subparagraph *h* of the third paragraph by “the president and chief executive officer or a person designated by the president and chief executive officer”.

**119.** Section 69.0.2 of the Act is amended

(1) by striking out “or a public servant designated by the Minister” in the first paragraph;



(2) by striking out “or a public servant designated by the Minister” in the fifth paragraph;

(3) by striking out “or a public servant designated by the Minister” in the sixth paragraph.

**120.** Section 69.0.3 of the Act is amended by striking out “or a public servant designated by the Minister” in the portion before subparagraph *a* of the first paragraph and in the fourth paragraph.

**121.** Section 69.1 of the Act, amended by section 220 of chapter 7 of the statutes of 2010, is again amended by striking out “assigned to him by the Minister” in subparagraph *h* of the second paragraph.

**122.** Section 69.3 of the Act is amended

(1) by replacing “the Minister communicates information, other than information used solely to identify a person,” in the first paragraph by “information, other than information used solely to identify a person, is communicated”;

(2) by replacing “the Minister communicates information” in the second paragraph by “information is communicated”.

**123.** Section 69.9 of the Act is amended, in the first paragraph,

(1) by replacing “, or a public servant or employee of the Ministère du Revenu” in the portion before subparagraph *a* by “, a member of the board of directors of the Agency or an employee of the Agency”;

(2) by replacing “the Deputy Minister” in subparagraph *c* by “the Agency”;

(3) by replacing “a public servant or employee of the Ministère du Revenu or of a person referred to in section 69.1 or 69.2, or a former public servant or former employee of the department or of such a person” in subparagraph *f* by “an employee or former employee of the Agency, a public servant or an employee of a person referred to in section 69.1 or 69.2 or a former public servant or former employee of such a person or of the Ministère du Revenu”.

**124.** Section 69.10 of the Act is amended by replacing “the Deputy Minister or an assistant deputy minister or director general of the Ministère du Revenu” in the first paragraph by “a member of the board of directors of the Agency, the president and chief executive officer or a vice-president”.

**125.** Section 69.12 of the Act is replaced by the following section:

**“69.12.** Article 323 of the Code of Penal Procedure (chapter C-25.1) does not apply in respect of the competent authority of the Agency or in respect of an employee of the Agency or a person to whom information contained in a tax record has been communicated.”

**126.** Section 71.0.2 of the Act is replaced by the following section:

**“71.0.2.** A request for information under section 71 includes a request for an information file.”

**127.** Section 71.0.6 of the Act is amended

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

**“71.0.6.** The Agency shall submit to the Commission d'accès à l'information, for each fiscal year, a report of activities concerning the information files obtained under section 71 for purposes of comparisons, pairing or cross-matching. The report and the opinion of the Commission must be tabled in the National Assembly within 30 days after the opinion is issued or, if the Assembly is not sitting, within 30 days of resumption.”;

(2) by striking out “to the Minister” in the second paragraph.

**128.** Section 71.0.7 of the Act is amended

(1) by replacing “The Minister shall enter” in the portion before subparagraph *a* of the first paragraph by “The following shall be entered”;

(2) by striking out “awarded by the Minister” in subparagraph *a* of the first paragraph;

(3) by replacing “the Minister has entered into an agreement or made a contract” in subparagraph *c* of the second paragraph by “an agreement or a contract has been made”.

**129.** Section 71.0.11 of the Act is repealed.

**130.** Section 71.2 of the Act is amended by striking out “, within the Ministère du Revenu,” in the second and third paragraphs.

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

**“72.** Despite any provision to the contrary, a penal proceeding or civil action in relation to the application or enforcement of a fiscal law is instituted by the Agency, under the designation “Agence du revenu du Québec”.

Subject to article 34 of the Code of Penal Procedure (chapter C-25.1), no person may intervene in first instance or in appeal, or replace the Agency, in any penal proceeding instituted in its name.”

**132.** Section 72.1 of the Act is amended by replacing “Deputy Minister” in the second paragraph by “Minister”.

**133.** Section 72.2 of the Act is amended by replacing “Deputy Minister” in the second paragraph by “Minister”.

**134.** Section 72.3.1 of the Act is amended

(1) by replacing “Deputy Minister” in the portion before subparagraph *a* of the first paragraph by “Minister”;

(2) by replacing “of the Deputy Minister” in the second paragraph by “of the Agency”.

**135.** Section 72.4 of the Act is amended

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

“**72.4.** Where penal proceedings are instituted in relation to the application or enforcement of a fiscal law, the statement of offence is signed and issued by an employee of the Agency authorized by the president and chief executive officer, and proof of the quality, signature or authorization of the employee is not necessary, except if the defendant contests it and the judge considers it necessary to furnish such proof.”;

(2) by striking out “or second” in the third paragraph.

**136.** Section 72.6 of the Act is amended by replacing “A public servant of the Ministère du Revenu authorized by the Deputy Minister” by “An employee of the Agency authorized by the president and chief executive officer”.

**137.** Section 77 of the Act is replaced by the following section:

“**77.** The Agency shall be represented, for all purposes, by the advocate appearing in its name and the latter need not prove his quality.”

**138.** The Act is amended by inserting the following section after section 85:

“**85.1.** A notice of assessment or a notice attesting that no duty is payable, made out by virtue of a fiscal law and unsigned, is valid, binds the Minister and is attributable to the Minister in the same manner as if it were signed by the Minister, if it bears the official title of the president and chief executive officer.”

**139.** Section 86 of the Act is amended

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

**“86.** Every document made out under a fiscal law and bearing the name in writing of the Minister, the president and chief executive officer or another authorized employee of the Agency is deemed to be a document signed, made and issued by the Minister, the president and chief executive officer or the employee unless it has been declared invalid by the Minister or any person acting on the Minister’s behalf.”;

(2) by striking out the second paragraph.

**140.** Section 93 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

**“93.** Despite any provision to the contrary, any person having a remedy against the Minister, the Agency or the State in relation to or as a result of the application or enforcement of a fiscal law shall direct it against the Agency, under the designation “Agence du revenu du Québec”, except if the remedy is exercised as a result of the application by the Régie des rentes du Québec of Division II.11.2 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act (chapter I-3).

Any proceeding to which the Agency is a party shall be served upon the Agency at the Montréal or Québec office of its legal department, by leaving a copy of the proceeding with a person in charge of that office.”

**141.** Section 93.1.19.1 of the Act is amended by replacing “the Deputy Minister” by “the Agency”.

**142.** Section 93.1.19.2 of the Act is amended by replacing “the Deputy Minister” by “the Agency”.

**143.** Section 93.1.19.3 of the Act is amended by replacing “The Deputy Minister” by “The Agency”.

**144.** Section 93.18 of the Act is amended by replacing “the Deputy Minister may be represented only by a public servant” in the first paragraph by “the Agency may be represented only by an employee”.

**145.** Divisions II.1 and II.2 of Chapter V of the Act are repealed.

**146.** The Act is amended

(1) by replacing “public servant” wherever it appears in sections 11, 27.1, 27.1.1, 40, 40.1.0.1, 40.1.1, 41, 42, 69.0.4, 78.1, 78.2, 79, 80, 81, 82, 83, 84, 91.1 and 92 by “employee”, with the necessary modifications;

(2) by replacing “the Ministère du Revenu” and “the Ministère” wherever they appear in sections 11, 27.1, 27.1.1, 40, 40.1.0.1, 40.1.1, 41, 69.0.4, 79, 80, 81, 82, 83, 84, 91.1 and 92, and in the heading of subdivision 3 of Division VIII of Chapter III, by “the Agency”;

(3) by replacing “Deputy Minister” in sections 21, 39.1, 50, 51, 52, 68.1, 93.1.23 and 93.9 by “Minister”;

(4) by replacing “public servant” in sections 40, 40.1 and 40.1.1 by “employee”, with the necessary modifications;

(5) by striking out “from the Minister” wherever it appears in sections 69.4, 69.5, 69.5.1, 69.6 and 69.7;

(6) by replacing “ce ministère” in the French text of sections 83 and 84 by “l’Agence”.

#### GOVERNMENT DEPARTMENTS ACT

**147.** Section 1 of the Government Departments Act (R.S.Q., chapter M-34) is amended by striking out paragraph 6.

#### ACT RESPECTING LABOUR STANDARDS

**148.** Section 39.0.1 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by inserting the following paragraph after paragraph 15 of the definition of “employer subject to contribution”:

“(15.1) the Agence du revenu du Québec;”.

#### ACT TO FACILITATE THE PAYMENT OF SUPPORT

**149.** Section 38 of the Act to facilitate the payment of support (R.S.Q., chapter P-2.2) is amended

(1) by replacing “at the Ministère du Revenu” in the portion before paragraph 1 by “at the Agence du revenu du Québec”;

(2) by striking out “by the Minister,” in paragraph 6.

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

**151.** Section 43 of the Act is replaced by the following section:

“**43.** The management of the sums that make up the Fund is entrusted to the Agence du revenu du Québec. The Agency shall keep the books of account of the Fund and record the financial commitments chargeable to it. The Agency shall also ensure that such commitments and the payments arising from them do not exceed and are consistent with the available balances.”

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

**“78.** Despite any provision to the contrary, any penal proceeding or civil action in relation to the application or enforcement of this Act is instituted by the Agence du revenu du Québec, under the designation “Agence du revenu du Québec”.

Despite any provision to the contrary, any person having a remedy against the Minister, the Agence du revenu du Québec or the State in relation to or as a result of the application or enforcement of this Act shall direct it against the Agence du revenu du Québec, under the designation “Agence du revenu du Québec”.

Sections 72.4 and 77 of the Tax Administration Act (chapter M-31) and the second and third paragraphs of section 93 of that Act apply, with the necessary modifications, to such a proceeding or action.”

#### PUBLIC PROTECTOR ACT

**153.** Section 15 of the Public Protector Act (R.S.Q., chapter P-32) is amended by adding the following paragraph after paragraph 7:

“(8) the Agence du revenu du Québec.”

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

**154.** Section 74 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) is amended by replacing “the Minister” in the second paragraph by “the enterprise registrar”.

#### ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

**155.** 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 Agence du revenu du Québec” in alphabetical order.

#### ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

**156.** Section 223 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing “to the Ministère du Revenu” and “those departments are responsible” in the second paragraph by “to the Minister of Revenue” and “that department or Minister is responsible”, respectively.

**157.** Schedule I to the Act is amended by inserting “the Agence du revenu du Québec” in paragraph 1, in alphabetical order.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT  
PERSONNEL

**158.** Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by inserting “the Agence du revenu du Québec” in paragraph 1, in alphabetical order.

ACT RESPECTING THE ENTERPRISE REGISTRAR

**159.** Section 1 of the Act respecting the enterprise registrar (R.S.Q., chapter R-17.1) is amended

(1) by replacing “a public servant to act as enterprise registrar” in the first paragraph by “the enterprise registrar, who is an employee of the Agence du revenu du Québec”;

(2) by replacing “public servants” in the second paragraph by “employees of the Agence du revenu du Québec”;

(3) by replacing “those public servants” in the third paragraph by “those employees”.

**160.** Section 11 of the Act is amended by replacing “the public servants assisting the enterprise registrar” by “the employees of the Agence du revenu du Québec assisting the enterprise registrar”.

**161.** Section 14 of the Act is amended by replacing “public servant” in the first paragraph by “employee of the Agence du revenu du Québec”.

**162.** Section 23 of the Act is amended by replacing “public servants” by “employees of the Agence du revenu du Québec”.

**163.** Section 24 of the Act is amended by replacing “a public servant” in the first paragraph by “an employee of the Agence du revenu du Québec”.

**164.** Section 25 of the Act is amended by replacing “a public servant” by “an employee of the Agence du revenu du Québec”.

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

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

**“32.** Except in the case of a fiscal law within the meaning of the Tax Administration Act (chapter M-31), any person having a remedy against the Minister, the Agence du revenu du Québec or the State in relation to or as a result of the application of a provision of an Act in respect of which responsibilities are entrusted to the enterprise registrar must direct it, despite any provision to the contrary, against the enterprise registrar, under the designation “the enterprise registrar”, if the subject matter of the remedy concerns the exercise of the functions or responsibilities of the enterprise registrar.”;

(2) by replacing “legal department of the Ministère du Revenu” in the second paragraph by “legal department of the Agence du revenu du Québec”.

#### FUEL TAX ACT

**166.** Section 1 of the Fuel Tax Act (R.S.Q., chapter T-1) is amended by striking out subparagraphs *i* and *r* of the first paragraph.

#### ACT RESPECTING THE LEGAL PUBLICITY OF ENTERPRISES

**167.** Section 1 of the Act respecting the legal publicity of enterprises (2010, chapter 7) is amended by replacing “A public servant is appointed by the Minister of Revenue to act as enterprise registrar.” by “The Minister of Revenue appoints the enterprise registrar, who is an employee of the Agence du revenu du Québec.”

**168.** Section 4 of the Act is amended by replacing “Public servants” in the first sentence and “The public servants” in the second sentence by, respectively, “Employees of the Agence du revenu du Québec” and “Those employees”.

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

(1) by replacing “public servants other than those designated under section 4 or to other employees” in the first paragraph by “persons other than the employees designated under section 4”;

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

“A delegation to persons other than employees under the responsibility of the Agence du revenu du Québec must be the subject of an agreement entered into by the Minister.”

**170.** Section 99 of the Act is amended by replacing “Minister” wherever it appears in the second paragraph by “registrar”.

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



**“142.** Despite any provision to the contrary, any penal proceeding or civil action in relation to the application or enforcement of an Act that confers responsibilities on the registrar is instituted by the registrar, under the designation “the enterprise registrar”, if the subject matter of the proceeding or action concerns the exercise of the functions or responsibilities of the registrar.

However, despite any provision to the contrary, any proceeding or action relating to the application or enforcement of section 85 is instituted by the Agence du revenu du Québec, under the designation “Agence du revenu du Québec”.”

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

**“146.** Despite any provision to the contrary, any remedy against the Minister, the Agence du revenu du Québec or the State in relation to or as a result of the application or enforcement of a provision of an Act that confers responsibilities on the registrar must be directed against the registrar, under the designation “the enterprise registrar”, if the subject matter of the remedy concerns the exercise of the functions or responsibilities of the registrar.

However, despite any provision to the contrary, a remedy exercised in relation to or as a result of the application or enforcement of section 85 must be exercised against the Agence du revenu du Québec, under the designation “Agence du revenu du Québec”.”

**173.** The Act is amended

- (1) by replacing “public servants” in sections 5 and 6 by “employees”;
- (2) by replacing “a public servant” in sections 8, 9 and 124 by “an employee”.

ORDER IN COUNCIL 430-93 CONCERNING THE PENSION PLAN  
FOR FEDERAL EMPLOYEES TRANSFERRED TO EMPLOYMENT  
WITH THE GOUVERNEMENT DU QUÉBEC

**174.** Section 10 of Order in Council 430-93 dated 31 March 1993 (1993, G.O. 2, 2389) concerning the pension plan for federal employees transferred to employment with the gouvernement du Québec is amended by adding the following paragraph after the first paragraph:

“For the purposes of the first paragraph, an employee of the Agence du revenu du Québec is deemed to be subject to the Public Service Act.”

## CHAPTER IX

### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**175.** Unless the context indicates otherwise, in any other Act, regulation, order, order in council, proclamation, administrative remedy, judicial proceeding, judgment, ordinance, contract, agreement, accord or other document,

(1) a reference to the Ministère du Revenu is a reference to the Agence du revenu du Québec;

(2) a reference to the Deputy Minister of Revenue or an Assistant Deputy Minister of Revenue is a reference to the president and chief executive officer of the Agence du revenu du Québec or one of its vice-presidents, respectively;

(3) a reference to a public servant or an employee of the Ministère du Revenu is a reference to an employee of the Agence du revenu du Québec; and

(4) a reference to the Act respecting the Ministère du Revenu or one of its provisions is a reference to the Tax Administration Act or the corresponding provision of that Act.

**176.** Proceedings to which the Minister of Revenue, the Deputy Minister of Revenue or the Ministère du Revenu is a party are continued by the Agency without continuance of suit.

**177.** The Agence du revenu du Québec established by section 1 replaces the Ministère du Revenu.

For the purposes of the Act to promote workforce skills development and recognition (R.S.Q., chapter D-8.3), the Agency is not a new employer.

**178.** The policies, directives, standards and rules applicable within the Ministère du Revenu and subsequent amendments become, with the necessary modifications, those of the Agency. If such a policy, directive, standard or rule provides for the authorization or decision of a third party, the authorization or decision of the Agency is sufficient in matters within its jurisdiction.

**179.** The Agency may use, for a period of 18 months beginning 1 April 2011, a list of the candidates declared qualified established before that date by the Chair of the Conseil du trésor in accordance with the Règlement sur la tenue de concours, enacted by Order in Council 2290-85 (1985, G.O. 2, 6362, French only), to which the Ministère du Revenu would have had access.

**180.** The person holding the position of Deputy Minister of Revenue on 31 March 2011 and those holding the position of Assistant Deputy Minister of Revenue on that date become, respectively, president and chief executive

officer and vice-presidents of the Agency on the same conditions until they are appointed as such or replaced by the Government.

During that time, they are, if applicable, on leave without pay from the public service.

**181.** Subject to the applicable conditions of employment, any person who, on 31 March 2011, is in the employ of the Ministère du Revenu or is a public servant in the legal directorate or the public relations and communications directorate of that department becomes an employee of the Agency.

**182.** The employees of the Agency continue to be represented by the certified associations representing them on 31 March 2011 and the collective agreements in force at that date, or the provisions in lieu of a collective agreement, continue to apply until their date of expiry.

A person who becomes an employee of the Agency after 31 March 2011 is governed by the same conditions of employment as those applicable to the group of employees to which he or she belongs.

**183.** Any employee who, on the date he or she was transferred to the Agency under section 181, was a public servant with permanent tenure may apply for a transfer to a position in the public service or enter a competition for promotion in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

Section 35 of the Public Service Act applies to an employee who participates in such a competition for promotion.

**184.** An employee transferred to the Agency under section 181 may apply for a transfer to a position in the public service or enter a competition for promotion in accordance with the Public Service Act if, on 31 December 2010, the employee is a public servant, other than a casual employee, who has not obtained permanent tenure and, at the time of the transfer or promotion, has successfully completed the probationary period required under section 13 of the Public Service Act.

The period served as an employee of the Agency is taken into account in calculating the length of the probationary period and the period of continuous employment required for the purposes of section 14 of the Public Service Act.

Section 35 of the Public Service Act applies to an employee who participates in such a competition for promotion.

**185.** An employee transferred to the Agency under section 181 may apply for a transfer to a position in the public service or enter a competition for promotion in accordance with the Public Service Act if the employee obtains the status of temporary employee following the first operation carried out under

a letter of agreement between the Chair of the Conseil du trésor and the Syndicat de la fonction publique du Québec or the Syndicat de professionnelles et professionnels du gouvernement du Québec to allow certain casual or seasonal employees to obtain that status, to the extent that the letter of agreement becomes applicable.

However, at the time of the transfer or promotion, the employee must have successfully completed the probationary period required under section 13 of the Public Service Act.

The period served as an employee of the Agency accumulated after obtaining the status of temporary employee in accordance with the first paragraph is taken into account in calculating the length of the probationary period and the period of continuous employment required for the purposes of section 14 of the Public Service Act.

Section 35 of the Public Service Act applies to an employee who participates in such a competition for promotion.

**186.** An employee referred to in any of sections 183 to 185 who applies for a transfer or enters a competition for promotion may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take account of the classification that the employee had in the public service on the date of transfer, as well as the years of experience and the level of schooling attained while in the employ of the Agency.

If an employee is transferred into the public service under any of sections 183 to 185, the deputy minister or chief executive officer whom the employee comes under must assign to the employee a classification compatible with the assessment provided for in the first paragraph.

If an employee is promoted under any of sections 183 to 185, the employee must be given a classification on the basis of the criteria set out in the first paragraph.

**187.** If some or all of the operations of the Agency are discontinued, an employee referred to in section 181 is entitled to be placed on reserve in the public service with the same classification the employee had before the date on which the employee was transferred to the Agency, if the employee was a public servant with permanent tenure on the date of the transfer.

In such a case, the Chair of the Conseil du trésor determines the employee's classification on the basis of the criteria set out in the first paragraph of section 186.

**188.** A person referred to in section 181 who, in accordance with the applicable conditions of employment, refuses to be transferred to the Agency is assigned to the Agency until the Chair of the Conseil du trésor is able to

place the person in accordance with section 100 of the Public Service Act. A person placed on reserve under the first paragraph of section 187 remains in the employ of the Agency until the Chair of the Conseil du trésor is able to place the person in accordance with section 100 of the Public Service Act.

The first paragraph applies, with the necessary modifications, to a person holding a legal management position.

For the purposes of this section, the employment conditions of a person holding a legal management position that pertain to a right to refuse a transfer are the same as those of the other management personnel.

**189.** Subject to remedies available under a collective agreement, or the provisions in lieu of a collective agreement, an employee referred to in section 181 who is dismissed may bring an appeal under section 33 of the Public Service Act if, on the date of the transfer to the Agency, the employee was a public servant with permanent tenure.

**190.** The conditions of employment of an employee of the Ministère du Revenu transferred to the Agency under section 181 who is not governed by a collective agreement continue to apply, with the necessary modifications, until they are modified by the Agency.

**191.** The president and chief executive officer exercises the powers of the board of directors until the board of directors is established.

**192.** The Minister must give the board of directors, before 31 March 2012, a written directive under section 6 concerning the collaboration policy referred to in subparagraph 12 of the second paragraph of section 26.

**193.** For the first appointment of the members of the board of directors, section 11 is to read as follows:

**“11.** The Government appoints the members of the board of directors bearing in mind that, except in the case of the chair of the board and the president and chief executive officer, they must, as a group, have the appropriate expertise and experience in the following fields:

- (1) financial management;
- (2) internal control systems;
- (3) risk management;
- (4) information technologies;
- (5) the management of complex and multidimensional customer services;

(6) human resources management, labour relations and organizational development; and

(7) ethics and governance.”

**194.** For the first appointment of the members of the board of directors, section 19 is to read as follows:

“**19.** Board members, other than the president and chief executive officer and the members mentioned in the second paragraph of section 14, receive a remuneration made up of a basic annual amount plus an allowance for each meeting of the board and of the various committees under the authority of the board they attend, as follows:

(1) the chair of the board receives an annual remuneration of \$17,064, plus a flat-rate attendance allowance of \$800 per meeting of the board and of the various board committees;

(2) the other board members receive an annual remuneration of \$8,532, plus a flat-rate attendance allowance of \$533 per meeting of the board and of the various board committees;

(3) board members who chair one of the three committees established under the first paragraph of section 30 receive an additional \$3,200 annually;

(4) the attendance allowance per meeting of the board and of the various board committees is reduced by half for special brief meetings of the board or of a board committee held by telephone conference or some other means of distance communication;

(5) the remuneration set under this section is increased, from the year 2011, by a percentage equal to the percentage of increase applicable to the salary scales for management personnel in the public service and on the same dates;

(6) the remuneration of a retired public sector employee who is appointed to the board of directors is reduced by half of the amount of the pension received by the person from the public sector, which reduction applies to all remuneration, including attendance allowances;

(7) the chair of the board is entitled, on presentation of vouchers, to reimbursement of entertainment expenses incurred in the exercise of his or her functions, up to the maximum amount to be set by the Agency and in accordance with the rules and scales adopted by the Agency;

(8) board members are entitled to reimbursement of travel and living expenses incurred in the exercise of their functions, in accordance with the rules and scales adopted by the Agency.

The remuneration payable under this section may be modified by the Government.”

**195.** The ownership of corporeal and incorporeal movable property at the disposal of the Ministère du Revenu on 31 March 2011 is transferred, at book value, to the Agency, except

(1) the property that belongs to the Société immobilière du Québec under the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1);

(2) the property at the disposal of the Ministère du Revenu under a leasing contract.

**196.** The assets, including accumulated surpluses, and liabilities of the Collection Fund established under section 97.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), as they stand on 31 March 2011, are transferred to the Agency.

The responsibilities arising from the loans and advances made under sections 97.5 and 97.6 of the Act respecting the Ministère du Revenu, and from the contracts and agreements entered into by the Minister, as manager of the Fund, for the purposes of the Fund’s activities, as they stand on 31 March 2011, are transferred to the Agency.

As regards the responsibilities transferred under the second paragraph, the Agency replaces the Minister and acquires the Minister’s rights and obligations.

**197.** The assets, including accumulated surpluses, and liabilities of the Information Technologies Fund of the Ministère du Revenu established by Order in Council 1540-96 dated 11 December 1996 (1996, G.O. 2, 7497, French only), as they stand on 31 March 2011, are transferred to the Agency.

**198.** The assets, including accumulated surpluses, and liabilities of the Supply of Goods and Services Fund established by Order in Council 216-2005 dated 23 March 2005 (2005, G.O. 2, 1209, French only), as they stand on 31 March 2011, are transferred to the Agency.

**199.** Until the coming into force of the regulation of the Minister referred to in section 40, Division II of the Regulation respecting fiscal administration (R.R.Q., chapter M-31, r. 1), as it reads on 31 March 2011 and with the necessary modifications, constitutes the regulation of the Minister and meets the publication requirement under that section.

Until the coming into force of the by-law of the board of directors referred to in section 32, Division II of the Regulation respecting fiscal administration, as it reads on 31 March 2011 and with the necessary modifications, constitutes that by-law as regards the matters under the responsibility of the board.

**200.** Five 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. The report must include recommendations concerning the implementation of this Act and the updating of the Agency's mission.

The report must contain an assessment of the effectiveness and performance of the Agency, including benchmarking measures.

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

**201.** The Minister of Revenue is responsible for the administration of this Act.

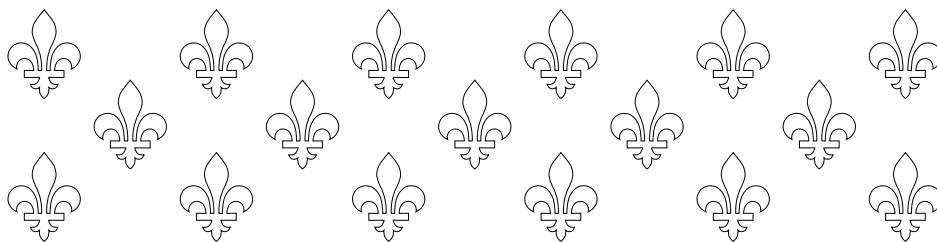
**202.** This Act comes into force on 1 April 2011, except

(1) sections 10, 13, 14 and 194 where they apply to the chair of the board of directors, sections 15 and 56, sections 57 and 58 where they concern the making of an order by the Government and sections 60, 61, 65 and 67, which come into force on 8 December 2010;

(2) sections 167 to 172, which come into force on the later of 1 April 2011 and the date set by the Government for the coming into force of each of sections 1, 4, 7, 99, 142 and 146 of chapter 7 of the statutes of 2010, respectively; and

(3) section 173, which comes into force, in respect of each section of chapter 7 of the statutes of 2010 mentioned in that section, on the later of 1 April 2011 and the date set by the Government for the coming into force of each such section.





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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 109  
(2010, chapter 27)

## **Municipal Ethics and Good Conduct Act**

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**Introduced 10 June 2010**  
**Passed in principle 23 September 2010**  
**Passed 30 November 2010**  
**Assented to 2 December 2010**

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**Québec Official Publisher**  
**2010**

## EXPLANATORY NOTES

*This Act places local municipalities and regional county municipalities whose warden is elected by universal suffrage under a new obligation to adopt a code of ethics and conduct applicable to their elected officers and to revise it after each general election. It imposes a further obligation to adopt a code of ethics and conduct applicable to municipal employees.*

*The codes are to set out the main ethical values of the municipality concerned and the rules of conduct that must be observed by elected municipal officers or municipal employees, as the case may be.*

*The rules framed in the code of ethics and conduct of elected municipal officers must address such issues as independence of judgment versus private interests, favouritism, embezzlement, breach of trust and other misconduct, gifts and other benefits and the use of municipal resources as well as post-term issues.*

*The Act prescribes the formalities to be observed in adopting a code of ethics and conduct of elected municipal officers. If a municipality fails to adopt such a code, the Minister of Municipal Affairs, Regions and Land Occupancy may make any regulation that is required to remedy the failure. A regulation made to that end is deemed to be a by-law adopted by the council of the municipality.*

*Under the Act, every member of a council of a municipality who has not already participated in a professional development program on municipal ethics and good conduct is required to participate in such a program. Council members are also required to make an oath that they will fulfill the duties of their office in accordance with the code of ethics and conduct and that they undertake to observe post-term rules.*

*In addition, anyone may ask the Minister to examine the conduct of an elected officer if it is believed to be in violation of the code of ethics and conduct of the municipality concerned. The Act establishes rules for the examination of the conduct by the Minister and for the referral of the matter to the Commission municipale du Québec for an inquiry.*

*The Act further establishes certain rules that are to guide the Commission inquiries. If the Commission finds that the conduct of a member of the council of a municipality constitutes a violation of the applicable code, it will have the power to impose a sanction from among those provided for in the Act.*

*Lastly, various adjustments are made to the Act respecting the Commission municipale and the Act respecting elections and referendums in municipalities in light of the new obligations and requirements.*

**LEGISLATION AMENDED BY THIS ACT:**

- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1).



## **Bill 109**

### **MUNICIPAL ETHICS AND GOOD CONDUCT ACT**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **PURPOSE**

**1.** The purpose of this Act is to ensure that the members of every council of a municipality explicitly adhere to the main ethical values of the municipality, and to provide for the adoption of rules of conduct and the application and enforcement of those rules.

#### **CHAPTER II**

##### **CODES OF ETHICS AND CONDUCT**

##### **DIVISION I**

##### **MUNICIPALITIES CONCERNED**

**2.** Every municipality must have the codes of ethics and conduct described in Divisions II and III.

The first paragraph does not apply

- (1) to a northern, Cree or Naskapi village;
- (2) to a municipality whose council, in accordance with the Act establishing or governing the municipality, is not composed of persons elected by its citizens; or
- (3) with respect to the code described in Division II, to a regional county municipality whose warden is not elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9).

**DIVISION II****CODE OF ETHICS AND CONDUCT OF ELECTED MUNICIPAL OFFICERS**§1. — *Scope*

**3.** A code of ethics and conduct adopted under this division applies to every member of any council of the municipality.

However,

(1) the code of ethics and conduct of a regional county municipality applies only to its warden elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization; and

(2) the code of ethics and conduct of the central municipality of an urban agglomeration that is subject to the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) does not apply to the urban agglomeration council members who do not represent the central municipality.

§2. — *Content of code of ethics and conduct*A. — *Ethics*

**4.** The code of ethics and conduct must set out the main ethical values of the municipality, including the following values:

- (1) the integrity of the members of every council of the municipality;
- (2) the honour attached to the office of council member;
- (3) prudence in the pursuit of the public interest;
- (4) the respect to be shown to the other council members, to the employees of the municipality and to the citizens of the municipality;
- (5) loyalty to the municipality; and
- (6) the quest for equity.

The values set out in the code must guide council members in their understanding of the rules of conduct that apply to them.

B. — *Conduct*

**5.** The code of ethics and conduct must also set out

(1) the rules that must guide the conduct of individuals as members of a council, committee or commission of the municipality or as members of another body in their capacity as council member;

(2) the rules that must guide the conduct of those individuals after the expiry of their term as council member.

The rules must, in particular, aim to prevent

(1) any situation where the private interest of a council member might impair his or her independence of judgment in carrying out the duties of office;

(2) any situation that would be contrary to sections 304 and 361 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2); and

(3) favouritism, embezzlement, breach of trust or other misconduct.

**6.** The code of ethics and conduct must include rules prohibiting a member of a council of the municipality from

(1) acting or attempting to act, or omitting to act, in any way, in carrying out the duties of office, so as to further his or her private interests or improperly further those of another person;

(2) using his or her position to influence or attempt to influence another person's decision so as to further his or her private interests or improperly further those of another person;

(3) soliciting, eliciting, accepting or receiving any benefit, whether for himself or herself or for another person, in exchange for taking a position on a matter that may be brought before a council, a committee or a commission on which the council member sits;

(4) accepting any gift, hospitality or other benefit, whatever its value, that may impair his or her independence of judgment in carrying out the duties of office, or that may compromise his or her integrity;

(5) using the resources of the municipality or of any other body referred to in subparagraph 1 of the first paragraph of section 5 for personal purposes or for purposes other than activities related to the duties of office;

(6) using or communicating, or attempting to use or communicate, whether during or after his or her term, information obtained in or in connection with the carrying out of the duties of office that is not generally available to the public so as to further his or her private interests or those of another person; and

(7) within 12 months after the expiry of his or her term, serve as a director or officer or senior executive of a legal person or hold employment or any other position so as to obtain for himself or herself or another person undue benefit from his or her prior office as council member.

The rules must also require a member of a council of the municipality to file a disclosure statement in writing with the clerk or the secretary-treasurer of the municipality within 30 days after receiving a gift, hospitality or other benefit not prohibited under subparagraph 4 of the first paragraph that is not of a purely private nature and whose value exceeds the value specified in the code, which may not be greater than \$200. The disclosure statement must contain an accurate description of the gift, hospitality or benefit received and specify the name of the donor and the date on which and the circumstances under which it was received.

The clerk or the secretary-treasurer keeps a public register in which such disclosure statements are recorded.

At the last regular council sitting in the month of December, the clerk or the secretary-treasurer tables an extract from the register containing the disclosure statements filed since the last sitting at which such an extract was tabled.

**7.** The code of ethics and conduct must reproduce section 31, with the necessary modifications.

§3. — *Formalities*

**8.** Any decision relating to the adoption of the code of ethics and conduct is made by a by-law adopted in accordance with this subdivision.

**9.** In the case of the central municipality of an urban agglomeration that is subject to the Act respecting the exercise of certain municipal powers in certain urban agglomerations, only its regular council may adopt a by-law under section 8.

**10.** The by-law must be adopted at a regular council sitting; its adoption must be preceded by the tabling of a draft by-law and the publication of a public notice as required by sections 11 and 12.

**11.** The draft by-law must be tabled at a sitting of the council by the council member giving the notice of motion; in the case of a regional county municipality, only the warden may give the notice of motion.

The notice of motion may not be replaced as provided for by the fourth paragraph of section 445 of the Municipal Code of Québec (R.S.Q., chapter C-27.1).

**12.** After the tabling of the draft by-law, the clerk or the secretary-treasurer must, in accordance with the Act governing the municipality, give a



public notice containing a summary of the draft by-law and setting forth the date, time and place of the sitting at which the by-law is to be adopted.

The notice must be published not later than seven days before the sitting.

In addition to being posted, the notice given by the secretary-treasurer of a regional county municipality must be published in a newspaper circulating in its territory, on or before the same deadline.

§4. — *Obligation to revise code of ethics and conduct*

**13.** Every municipality must, before 1 March following a general election, adopt a revised code of ethics and conduct to replace the one in force, with or without amendments.

§5. — *Miscellaneous provisions*

**14.** If a municipality has failed to fulfill its obligation to have a code of ethics and conduct or to adopt a revised code of ethics and conduct within the time specified in section 13, the clerk or the secretary-treasurer informs the Minister of Municipal Affairs, Regions and Land Occupancy in writing as soon as possible.

The Minister may, without further formality, make any regulation that is required to remedy the failure; the regulation is deemed to be a by-law adopted by the council of the municipality.

Despite any provision to the contrary, a regulation made by the Minister comes into force on the date a notice to that effect is published by the Minister in the *Gazette officielle du Québec*.

**15.** Any member of a council of a municipality who has not already participated in a professional development program on municipal ethics and good conduct must participate in such a professional development program within six months after the beginning of his or her term.

The professional development program must, among other aims, encourage participants to reflect on municipal ethics and adhere to the values set out in the code of ethics and conduct, and help them acquire the competencies they need to understand and observe the rules set out in the code.

Failure to participate in such a professional development program is an aggravating factor for the purposes of section 26.

Within 30 days after participating in such a professional development program, a council member must report his or her participation to the clerk or the secretary-treasurer of the municipality, who in turn reports it to the council.

### **DIVISION III**

#### **CODE OF ETHICS AND CONDUCT OF MUNICIPAL EMPLOYEES**

**16.** Every municipality must have a code of ethics and conduct setting out the main ethical values of the municipality and the rules that must guide the conduct of its employees.

**17.** The code of ethics and conduct must reproduce section 19, with the necessary modifications.

**18.** Any decision relating to the adoption of the code of ethics and conduct is made by by-law. The adoption of the by-law must be preceded by the tabling of a draft by-law, an employee consultation on the draft by-law and the publication of a public notice as required by section 12.

**19.** A violation by an employee of a rule of the code of ethics and conduct referred to in section 16 may, on a decision of the municipality and subject to any contract of employment, entail any sanction warranted by the nature and seriousness of the violation.

### **CHAPTER III**

#### **MECHANICS AND ENFORCEMENT**

### **DIVISION I**

#### **PRELIMINARY EXAMINATION**

**20.** Any person who has reasonable grounds for believing that a member of a council of a municipality has violated a rule of the applicable code of ethics and conduct may raise the matter with the Minister not later than within three years after the end of the member's term.

The person must do so by means of a request which, to be complete, must be made in writing and under oath, contain reasons and include any supporting documents.

The Minister has 15 working days to carry out a preliminary examination of the request, once it is complete. If the preliminary examination is still underway after that time has expired, the Minister so informs the person who made the request.

**21.** The Minister may dismiss a request if the Minister is of the opinion that it is frivolous, vexatious or clearly unfounded or if the person who made it refuses or fails to provide the Minister with information or documents the Minister requires.

If the Minister dismisses the request, the Minister so informs the person who made it and the council member concerned in writing.

**22.** If the Minister does not dismiss the request, the Minister refers it to the Commission municipale du Québec for an inquiry.

The Minister so informs the person who made the request and the council member concerned in writing.

## **DIVISION II**

### **INQUIRIES**

**23.** The vice-president of the Commission municipale du Québec assigned to matters relating to municipal ethics and conduct and another member designated by the president of the Commission hold an inquiry into the request.

If the vice-president is unable to act, the president designates another member of the Commission to replace the vice-president.

At least one of the two members holding the inquiry must be an advocate or a notary.

**24.** The inquiry is held *in camera* and the council member whose conduct is under examination is given the opportunity to make representations and produce documents.

**25.** The values set out in the code of ethics and conduct and the aims stated in the second paragraph of section 5 must guide the Commission in its understanding of the applicable rules of conduct.

**26.** If the Commission concludes that the council member's conduct constitutes a violation of a rule of the code of ethics and conduct, the Commission imposes one or more of the sanctions set out in section 31 or decides not to impose a sanction. In making its decision, the Commission takes into consideration the seriousness of the violation and the circumstances in which it occurred, including whether or not the council member obtained a written advisory opinion, containing reasons, from an ethics and conduct adviser or took any other reasonable measure to comply with the code.

**27.** The Commission must, within 90 days after the day on which the request was referred to it under section 22, send its decision to the council member concerned, the person who made the request, the municipality and the Minister or, if the inquiry is still underway, inform the council member, the person who made the request and the Minister of the progress of the inquiry and the date on which it will send its decision.

**28.** The clerk or the secretary-treasurer of the municipality must submit the decision to the council at the first regular sitting held after its receipt.

**29.** The members of the Commission may not be compelled to give testimony relating to information obtained in the exercise of their functions or to produce a document containing such information.

**30.** Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) or extraordinary recourse within the meaning of the Code may be exercised nor any injunction granted against the Commission or its members acting in their official capacity under this Act.

A judge of the Court of Appeal may, on a motion, annul by a summary proceeding any decision made or order or injunction issued contrary to the first paragraph.

### **DIVISION III**

#### **SANCTIONS**

**31.** A violation by a member of a council of a municipality of a rule of a code of ethics and conduct adopted under section 3 may entail the imposition of the following sanctions:

- (1) a reprimand;
- (2) the delivery to the municipality, within 30 days after the decision of the Commission municipale du Québec,
  - (a) of any, or of the value of any, gift or hospitality or benefit received; or
  - (b) of any profit made in violation of a rule set out in the code;
- (3) the reimbursement of the remuneration, allowances or other sums received as member of a council, committee or commission of the municipality or member of a body while the violation of a rule of the code continued; or
- (4) the suspension of the council member for a period of up to 90 days and not exceeding the expiry of his or her term.

When suspended, a council member may not sit on any council, committee or commission of the municipality or on any other body in his or her capacity as council member, nor may the council member receive any remuneration, allowance or other sum from the municipality or such a body.

**32.** If the Commission's decision imposes the delivery of a thing or the reimbursement of an amount of money, the municipality may have it homologated by the Superior Court or the Court of Québec, according to the amount involved or the value of the thing concerned.

Once homologated, the decision is enforceable as a judgment of that Court in civil proceedings.

## **DIVISION IV**

### **MISCELLANEOUS PROVISIONS**

**33.** The Commission may promote municipal ethics and good conduct practices, for instance by publishing documents intended for the municipalities. Such documents are drafted under the supervision of the vice-president assigned to matters relating to municipal ethics and conduct.

**34.** A former council member is deemed to be a council member for the purposes of this chapter.

**35.** The Minister draws up a list of ethics and conduct advisers whose services may be retained by a municipality or a council member to provide an advisory opinion on any matter relating to the code of ethics and conduct.

Any advocate or notary who practises municipal law and requests to be on the list is entered on the list.

The list is posted on the website of the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire.

**36.** An inquiry by the Commission on a request referred to it under section 22 and, if applicable, the imposition of a sanction under section 31 do not prevent the bringing of an action against the council member concerned for a declaration of disqualification on the basis of the same facts.

## **CHAPTER IV**

### **AMENDING PROVISIONS**

**37.** Section 3 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) is amended by adding the following paragraph at the end:

“One of the vice-presidents designated by the Government shall be assigned to matters relating to municipal ethics and good conduct.”

**38.** Section 100.1 of the Act is amended by adding the following sentence at the end of the first paragraph: “The report shall give an account of the Commission’s activities under the Municipal Ethics and Good Conduct Act (2010, chapter 27) and of the nature and conclusions of any inquiries held under that Act.”

**39.** Section 313 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by replacing “to perform

his duties of office according to law” in the first paragraph by “provided in Schedule II”.

**40.** Section 317 of the Act is amended by inserting the following paragraph after the fourth paragraph:

“Where the member fails to attend the first sitting after the expiry of the period specified in the first paragraph by reason of a suspension imposed by the Commission municipale du Québec for a violation of a rule of the code of ethics and conduct of the municipality, that period is deemed not to have expired and is extended until the last day of the suspension.”

**41.** Section 860 of the Act is amended by replacing “the Schedule” by “Schedule I”.

**42.** The schedule to the Act is amended by adding “I” after “SCHEDULE”.

**43.** The Act is amended by adding the following schedule at the end:

## “SCHEDULE II

“(Section 313)

### “OATH OF ELECTED PERSON

“I, (*name of elected person*), declare under oath that I will fulfill the duties of the office of (*mayor or councillor*) with honesty and justice, in accordance with the law and with the Code of Ethics and Conduct of the Elected Municipal Officers of (*name of municipality*), and undertake to observe the rules of that Code applicable to me after my term has ended.”

**44.** Section 17.8 of the Act respecting the Ministère des Affaires municipales, des Régions et de l’Occupation du territoire (R.S.Q., chapter M-22.1) is amended by adding the following paragraph at the end:

“The report must also include the number of requests made to the Minister under section 20 of the Municipal Ethics and Good Conduct Act (2010, chapter 27), the number for which the preliminary examination was not completed by the Minister within the time specified in the third paragraph of that section and the number that were dismissed by the Minister under section 21 of that Act.”

## CHAPTER V

### TRANSITIONAL AND FINAL PROVISIONS

**45.** The council of a municipality that does not have

(1) a code of ethics and conduct of elected municipal officers that meets the requirements of this Act must adopt one not later than 2 December 2011;

(2) a code of ethics and conduct of municipal employees that meets the requirements of this Act must adopt one not later than 2 December 2012.

**46.** The first extract from the disclosure statements register referred to in the fourth paragraph of section 6 must be tabled before the council of the municipality at the last regular sitting of the year following the year of coming into force of the code of ethics and conduct of elected municipal officers.

**47.** Despite section 15, any member of a council of a municipality whose term is underway on 2 December 2010 or starts before 2 December 2011 must participate in a professional development program referred to in that section before 2 June 2012.

**48.** For the purposes of section 313 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), as amended by section 39, if a code of ethics and conduct of elected municipal officers is not in force at the time an elected person is to be sworn in, the oath provided in Schedule II to that Act, enacted by section 43, is replaced by the following oath:

“I, (*name of council member*), declare under oath that I will fulfill the duties of the office of (*mayor or councillor*) with honesty and justice, in accordance with the law.”

**49.** Any member of a council of a municipality whose term is underway on the date the code of ethics and conduct of elected municipal officers comes into force must, within 30 days after that date, take the following oath:

“I, (*name of council member*), declare under oath that I will fulfill the duties of the office of (*warden, mayor or councillor*) in accordance with the Code of Ethics and Conduct of the Elected Municipal Officers of (*name of municipality*), and undertake to observe the rules of that code applicable to me after my term has ended.”

**50.** The Minister of Municipal Affairs, Regions and Land Occupancy must, not later than 2 December 2011, 2 December 2012 and 2 December 2013, report to the Government on the carrying out of this Act.

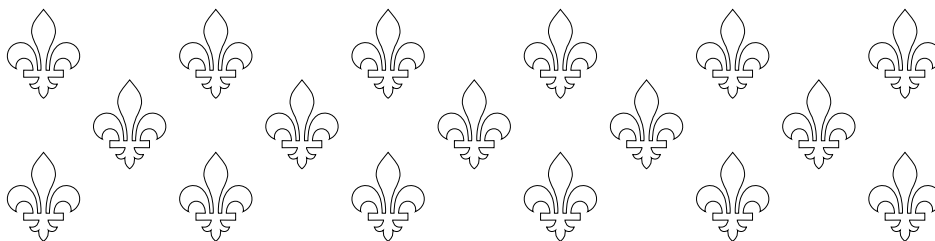
As well, the Minister must, not later than 2 December 2014 and subsequently every four years, report to the Government on the carrying out of this Act and the advisability of amending it.

A report under the first or second paragraph is tabled in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption. The report is examined by the competent committee of the National Assembly.

**51.** The Minister of Municipal Affairs, Regions and Land Occupancy is responsible for the administration of this Act.

**52.** This Act comes into force on 2 December 2010, except section 35, which comes into force on 2 June 2011.





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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 113  
(2010, chapter 32)

## **An Act to put a stop to election contributions in the name of another**

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**Introduced 7 October 2010**  
**Passed in principle 2 November 2010**  
**Passed 8 December 2010**  
**Assented to 8 December 2010**

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**Québec Official Publisher  
2010**

## EXPLANATORY NOTES

*This Act amends the Election Act to reinforce the provisions prohibiting the making of contributions to a political party, a party authority, an independent Member or an independent candidate, in the name of another.*

*To that end, an express stipulation is introduced that contributions must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way. Electors making a contribution will be required to sign a declaration to that effect. An express prohibition against any person inciting an elector to make a contribution by using threats or coercion or by promising compensation, consideration or a reimbursement is also introduced.*

*Furthermore, the total of contributions that may be made to each party, independent Member and independent candidate by the same elector during the same calendar year is lowered from \$3,000 to \$1,000. Anonymous contributions are prohibited and certain rules concerning revenue other than contributions are revised.*

*Under the new provisions, the penalty scheme for illegal contributions is revised. Fines for contravening contribution rules are increased; certain such contraventions are defined as corrupt electoral practices, and the conclusion of public contracts is prohibited, for a period of up to five years, with a natural or legal person who has been convicted of an offence relating to contributions, or with a legal person or partnership one of whose directors, officers or partners has been convicted of such an offence.*

*Lastly, the same measures are introduced into the Act respecting elections and referendums in municipalities and the Act respecting school elections and certain adjustments are made to the penal provisions of those Acts.*

**LEGISLATION AMENDED BY THIS ACT:**

- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting school elections (R.S.Q., chapter E-2.3);
- Election Act (R.S.Q., chapter E-3.3).



## Bill 113

### AN ACT TO PUT A STOP TO ELECTION CONTRIBUTIONS IN THE NAME OF ANOTHER

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ELECTION ACT

**1.** Section 1 of the Election Act (R.S.Q., chapter E-3.3) is amended by replacing subparagraph 5 of the first paragraph by the following subparagraph:

“(5) is not deprived of election rights pursuant to this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Act respecting school elections (chapter E-2.3),”.

**2.** Section 88 of the Act is amended

(1) by striking out subparagraph 2 of the second paragraph;

(2) by adding “the total amount collected must not exceed 3% of the total contributions collected by the entity in the period covered by a financial report; in the case of a party, that percentage applies to the total sum of the amounts collected by the party and by each of its party authorities;” at the end of subparagraph 6 of the second paragraph;

(3) by inserting the following subparagraph after subparagraph 6 of the second paragraph:

“(6.1) ancillary revenue collected at a political activity or rally in accordance with the Chief Electoral Officer’s directives;”.

**3.** Section 90 of the Act is amended by adding the following sentence at the end: “Contributions must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way.”

**4.** Section 91 of the Act is amended by replacing “\$3,000” in the first paragraph by “\$1,000”.

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

**“95.1.** Every contribution must be accompanied with a contribution slip approved by the Chief Electoral Officer.

The contribution slip must include the contributor's given name and surname and domiciliary address, the amount of the contribution and a declaration signed by the elector that the contribution is being made out of the elector's own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way."

**6.** The Act is amended by inserting the following section after section 100:

**"100.1.** An official representative of an authorized entity who, during political activities or rallies held in the period covered by a financial report, collected amounts totalling more than 3% of the total contributions the official representative collected during that period must, within 30 days after the report is submitted, remit to the Chief Electoral Officer an amount equal to the part of the amounts collected that exceeds that percentage.

The Chief Electoral Officer shall pay the amount over to the Minister of Finance."

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

(1) by striking out paragraph 1;

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

"(3.1) the total sum of amounts collected under subparagraph 6.1 of the second paragraph of section 88 as ancillary revenue at a political activity or rally, how those amounts break down, and the nature, place and date of the activity or rally;"

**8.** Section 126 of the Act is amended by adding " , except any information on the distribution slip described in section 95.1 other than the contributor's given name and surname, the address of the contributor's domicile and the amount of the contribution" at the end of the first paragraph.

**9.** Section 559.1 of the Act is amended by striking out paragraph 1.

**10.** Section 564 of the Act is replaced by the following section:

**"564.** A person who contravenes any of sections 62, 66, 74, 76, 92, 93, 95, 96, 97, 99, 102 to 106, 408, 410, 416 to 420, 422 to 424, 457.2, 457.9 and 457.11 to 457.17 is liable to a fine of \$500 to \$10,000."

**11.** The Act is amended by inserting the following sections after section 564:

**"564.1.** The following are liable to a fine of \$5,000 to \$20,000 for a first offence and a fine of \$10,000 to \$30,000 for any subsequent offence within 10 years:

(1) an elector who falsely declares that a contribution is being made out of the elector's own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way;

(2) a person who, by using threats or coercion or by promising compensation, consideration or a reimbursement, incites an elector to make a contribution.

If a person is convicted of an offence under this section, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine equal to twice the amount of the illegal contribution for which the person is convicted, even if the maximum fine under the first paragraph has been imposed on the person.

**“564.2.** A person who contravenes or attempts to contravene any of sections 87 to 91, 100, 413 to 415, 429 and 429.1 is liable to a fine of \$5,000 to \$20,000 for a first offence and a fine of \$10,000 to \$30,000 for any subsequent offence within 10 years, in the case of a natural person, or to a fine of \$10,000 to \$50,000 for a first offence and a fine of \$50,000 to \$200,000 for any subsequent offence within 10 years, in the case of a legal person.

If a person is convicted of an offence for contravening or attempting to contravene any of sections 87, 90 and 91, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine equal to twice the amount of the illegal contribution for which the person is convicted, even if the maximum fine under the first paragraph has been imposed on the person.

**“564.3.** From the date of the judgment of conviction, no public contract may be entered into with a natural or legal person who has been convicted of an offence for contravening any of sections 87, 90 and 91 or an offence under section 564.1. The prohibition applies for a period of three years from the date of the judgment of conviction or, in the case of a subsequent conviction within ten years, for a period of five years from the date of the subsequent conviction.

Similarly, from the date of an order under section 564.4, no public contract may be entered into with a legal person or partnership named in the order. The prohibition applies for a period of three years from the date of the order or, if the legal person or partnership has been the subject of an earlier order, for a period of five years from the date of the new order.

As soon as the judgment of conviction is rendered or the order under section 564.4 is issued, the prohibition applies despite any appeal or other remedy.

However, in the case of an appeal of or other remedy against the judgment of conviction or the order, a judge may, on a motion, suspend the prohibition if the judge considers that it is in the public interest, taking into account, among other things,

- (1) the spirit of the law;
- (2) the fact that, on the face of it, the judgment of conviction appears to be ill-founded;
- (3) the existence of exceptional circumstances, if the matter is a serious one and there is colour of right;
- (4) any serious and irreparable harm suffered; and
- (5) the balance of convenience and the fact that the public interest must override any private interest.

For the purposes of this section, a public contract is a contract of any kind, including any directly or indirectly related subcontract, to which any of the following is party:

- (1) a public body, government agency or government enterprise within the meaning of the Auditor General Act (chapter V-5.01);
- (2) the Université du Québec or its constituent universities, research institutes or superior schools within the meaning of the Act respecting the Université du Québec (chapter U-1);
- (3) an educational institution at the university level referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) and not referred to in subparagraph 2;
- (4) a general and vocational college established under the General and Vocational Colleges Act (chapter C-29);
- (5) a school board governed by the Education Act (chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) or the Comité de gestion de la taxe scolaire de l'île de Montréal;
- (6) a private institution accredited for purposes of subsidies under the Act respecting private education (chapter E-9.1);
- (7) any other educational institution more than half of whose expenditures are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;
- (8) a public or private institution under agreement governed by the Act respecting health services and social services (chapter S-4.2);
- (9) the regional council established by the Act respecting health services and social services for Cree Native persons (chapter S-5);



(10) a municipality or a body within the meaning of section 18 or 19 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3);

(11) a mixed enterprise company governed by the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01);

(12) a regional conference of elected officers established under the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) or a local development centre constituted under the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01); or

(13) an agency described in paragraph 4 of section 4 of the Lobbying Transparency and Ethics Act (chapter T-11.011).

**“564.4.** If a natural person has been convicted of an offence under a provision referred to in the first paragraph of section 564.3 committed while the person was a director, officer or partner of a legal person or partnership, the person is presumed to have committed the offence for the benefit of or with a view to benefiting the legal person or partnership.

The Chief Electoral Officer may, after a judgment of conviction is rendered against the person, apply to the Superior Court for an order stating that section 564.3 applies to the legal person or partnership. The onus is on the legal person or partnership to prove, on the balance of probabilities, that the offence was not committed for its benefit or with a view to benefiting it.

**“564.5.** The Chief Electoral Officer shall keep a register of the persons and partnerships referred to in the first and second paragraphs of section 564.3, which states, for each one,

(1) in the case of a natural person, the person's name and the name of the municipality in which the person resides;

(2) in the case of a legal person or partnership, its name and the address of its principal establishment in Québec;

(3) the penalty and any other measure imposed by the judge;

(4) the date on which the prohibition from entering into a public contract ends; and

(5) any other information the Chief Electoral Officer considers to be in the public interest.

The information contained in the register is public information, and the Chief Electoral Officer must make it available to the public, including on its website.

**“564.6.** Every person who enters into a contract with a department or body mentioned in the fifth paragraph of section 564.3 in contravention of that section is liable to a fine corresponding to the value of any consideration received by the person or payable to the person under the contract.”

**12.** Section 567 of the Act is amended by replacing “or in sections 557 to 560” in the first paragraph by “, in any of sections 557 to 560, in section 564.1 or in section 564.2 where it refers to sections 87, 90 and 91”.

#### ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**13.** Section 428 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended

(1) by striking out paragraph 2;

(2) by adding “the total amount collected must not exceed 3% of the total contributions collected during the period covered by a financial report;” at the end of paragraph 7;

(3) by inserting the following paragraph after paragraph 7:

“(7.1) ancillary revenue collected at a political activity or rally in accordance with the Chief Electoral Officer’s directives;”.

**14.** Section 430 of the Act is replaced by the following section:

**“430.** Every contribution must be made by the elector himself and out of his own property. It must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way.”

**15.** Section 434 of the Act is amended

(1) by adding “in the form prescribed by the Chief Electoral Officer” at the end of the second paragraph;

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

“The receipt must include the contributor’s given name and surname and domiciliary address, the amount of the contribution and a declaration signed by the elector that the contribution is being made out of the elector’s own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way.”

**16.** The Act is amended by inserting the following section after section 440:

**“440.1.** An official representative of a party or an authorized independent candidate who, during political activities or rallies held in the period covered by a financial report, collected amounts totalling more than 3% of the total contributions the official representative collected during that period must, within 30 days after the report is filed, remit to the treasurer an amount equal to the part of the amounts collected that exceeds that percentage.

The treasurer shall pay the amount into the general fund of the municipality.”

**17.** Section 441 of the Act is repealed.

**18.** Section 480 of the Act is amended

(1) by striking out paragraph 1;

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

“(4.1) the total amount of ancillary revenue collected at a political activity or rally in accordance with the Chief Electoral Officer’s directives, how that revenue breaks down, and the nature, place and date of the activity or rally;”.

**19.** Section 483 of the Act is amended

(1) by replacing “two years” in the first paragraph by “five years”;

(2) by striking out “Notwithstanding the first paragraph,” in the second paragraph and by replacing “on request” at the end of that paragraph by “every three months”.

**20.** Section 606 of the Act is replaced by the following section:

**“606.** Every official representative of an authorized party who fails to keep, for five years after the filing of a financial report, the receipts issued for contributions collected as well as the vouchers for the period covered by the report or who fails to remit the receipts and vouchers to the treasurer is guilty of an offence.”

**21.** Section 610 of the Act is amended

(1) by inserting the following subparagraphs after subparagraph *b* of paragraph 1:

“(b.1) the contribution is not being made voluntarily by the elector;

“(b.2) the elector is receiving compensation or consideration, or is being reimbursed;”;

(2) by striking out “, unless it consists in the furnishing of services” in subparagraph *c* of paragraph 1;

(3) by inserting the following subparagraph after subparagraph *d* of paragraph 1:

“(e) the goods or services furnished free of charge for political purposes are not being assessed in accordance with the third paragraph of section 427;”;

(4) by striking out “knowingly” in paragraph 2;

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

“(3) every person who, by using threats or coercion or by promising compensation, consideration or a reimbursement, incites an elector to make a contribution;

“(4) every elector who falsely declares that a contribution is being made out of the elector’s own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way.”

**22.** Section 610.1 of the Act is amended by striking out “knowingly” in paragraph 2.

**23.** Section 623 of the Act is amended

(1) by replacing “with the knowledge that it” in subparagraph 1 of the first paragraph by “that”;

(2) by replacing “he knows to be” in subparagraph 2 of the first paragraph by “that is”.

**24.** The Act is amended by inserting the following section after section 636.2:

**“636.3.** Every person who attempts to commit an act described in section 599, to the extent that it pertains to a contribution, or any of sections 603, 610, 614 and 619 to 622 is guilty of an offence.”

**25.** Section 640 of the Act is amended by replacing “589 to 599” by “594 to 598”.

**26.** Section 640.1 of the Act is amended by replacing “600 to 606” by “600 to 602 and 604 to 606”.

**27.** Section 641 of the Act is replaced by the following section:

**“641.** Every person who commits an offence under section 599, to the extent that it pertains to an expense or a loan, or any of sections 603, 607 to 609, 611, 612, 613, 615 to 618 and 623 to 625 is liable to a fine of not less than \$500 nor more than \$10,000.”

**28.** The Act is amended by inserting the following sections after section 641:

**“641.1.** Every person who commits an offence under any of sections 589 to 593, 599 to the extent that it pertains to a contribution, 610, 610.1, 614, 619 to 622 and 636.3 is liable,

(1) for a first offence, to a fine of not less than \$5,000 nor more than \$20,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$10,000 nor more than \$50,000;

(2) for any subsequent conviction within 10 years, to a fine of not less than \$10,000 nor more than \$30,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$50,000 nor more than \$200,000.

If a person is convicted of an offence for contravening or attempting to contravene any of paragraphs 2, 3 and 4 of section 610 or paragraph 2 of section 610.1, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine equal to twice the amount of the illegal contribution for which the person is convicted, even if the maximum fine under the first paragraph has been imposed on the person.

**“641.2.** From the date of the judgment of conviction, no public contract may be entered into with a natural or legal person who has been convicted of an offence for contravening any of sections 429, 430 and 431 or an offence under any of paragraphs 2 to 4 of section 610. The prohibition applies for a period of three years from the date of the judgment of conviction or, in the case of a subsequent conviction within ten years, for a period of five years from the date of the subsequent conviction.

Similarly, from the date of an order under section 641.3, no public contract may be entered into with a legal person or partnership named in the order. The prohibition applies for a period of three years from the date of the order or, if the legal person or partnership has been the subject of an earlier order, for a period of five years from the date of the new order.

As soon as the judgment of conviction is rendered or the order under section 641.3 is issued, the prohibition applies despite any appeal or other remedy.

However, in the case of an appeal of or other remedy against the judgment of conviction or the order, a judge may, on a motion, suspend the prohibition if the judge considers that it is in the public interest, taking into account, among other things,

- (1) the spirit of the law;
- (2) the fact that, on the face of it, the judgment of conviction appears to be ill-founded;
- (3) the existence of exceptional circumstances, if the matter is a serious one and there is colour of right;
- (4) any serious and irreparable harm suffered; and
- (5) the balance of convenience and the fact that the public interest must override any private interest.

For the purposes of this section, a public contract is a contract of any kind, including any directly or indirectly related subcontract, to which any of the following is party:

- (1) a public body, government agency or government enterprise within the meaning of the Auditor General Act (chapter V-5.01);
- (2) the Université du Québec or its constituent universities, research institutes or superior schools within the meaning of the Act respecting the Université du Québec (chapter U-1);
- (3) an educational institution at the university level referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) and not referred to in subparagraph 2;
- (4) a general and vocational college established under the General and Vocational Colleges Act (chapter C-29);
- (5) a school board governed by the Education Act (chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) or the Comité de gestion de la taxe scolaire de l'île de Montréal;
- (6) a private institution accredited for purposes of subsidies under the Act respecting private education (chapter E-9.1);
- (7) any other educational institution more than half of whose expenditures are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;
- (8) a public or private institution under agreement governed by the Act respecting health services and social services (chapter S-4.2);
- (9) the regional council established by the Act respecting health services and social services for Cree Native persons (chapter S-5);
- (10) a municipality or a body within the meaning of section 18 or 19 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3);

(11) a mixed enterprise company governed by the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01);

(12) a regional conference of elected officers established under the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) or a local development centre constituted under the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01); or

(13) an agency described in paragraph 4 of section 4 of the Lobbying Transparency and Ethics Act (chapter T-11.011).

**“641.3.** If a natural person has been convicted of an offence under a provision referred to in the first paragraph of section 641.2 committed while the person was a director, officer or partner of a legal person or partnership, the person is presumed to have committed the offence for the benefit of or with a view to benefiting the legal person or partnership.

The Chief Electoral Officer may, after a judgment of conviction is rendered against the person, apply to the Superior Court for an order stating that section 641.2 applies to the legal person or partnership. The onus is on the legal person or partnership to prove, on the balance of probabilities, that the offence was not committed for its benefit or with a view to benefiting it.

**“641.4.** The Chief Electoral Officer shall keep a register of the persons and partnerships referred to in the first and second paragraphs of section 641.2, which states, for each one,

(1) in the case of a natural person, the person's name and the name of the municipality in which the person resides;

(2) in the case of a legal person or partnership, its name and the address of its principal establishment in Québec;

(3) the penalty and any other measure imposed by the judge;

(4) the date on which the prohibition from entering into a public contract ends; and

(5) any other information the Chief Electoral Officer considers to be in the public interest.

The information contained in the register is public information, and the Chief Electoral Officer must make it available to the public, including on its website.

**“641.5.** Every person who enters into a contract with a department or body mentioned in the fifth paragraph of section 641.2 in contravention of that section is liable to a fine corresponding to the value of any consideration received by the person or payable to the person under the contract.”

**29.** Section 645 of the Act is amended by replacing the first paragraph by the following paragraph:

“**645.** An offence under any of sections 586 to 588, 589 to 598, paragraphs 2, 3 and 4 of section 610, paragraph 2 of section 610.1, and section 636.3 to the extent that it is an offence described in any of paragraphs 2, 3 and 4 of section 610, is a corrupt electoral practice.”

#### ACT RESPECTING SCHOOL ELECTIONS

**30.** Section 206.18 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended

(1) by striking out paragraph 2;

(2) by adding “the total amount collected must not exceed 3% of the total contributions collected during the period covered by a financial report;” at the end of paragraph 6;

(3) by inserting the following paragraph after paragraph 6:

“(6.1) ancillary revenue collected at an election activity or rally in accordance with the Chief Electoral Officer’s directives;”.

**31.** Section 206.20 of the Act is replaced by the following section:

“**206.20.** Every contribution must be made by the elector himself and out of his own property. It must be made voluntarily, without compensation and for no consideration, and may not be reimbursed in any way.”

**32.** Section 206.22 of the Act is amended

(1) by adding “in the form prescribed by the Chief Electoral Officer” at the end;

(2) by adding the following paragraph:

“The receipt must include the contributor’s given name and surname and domiciliary address, the amount of the contribution and a declaration signed by the elector that the contribution is being made out of the elector’s own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way.”

**33.** The Act is amended by inserting the following section after section 206.26:



**“206.26.1.** An authorized candidate who, during election activities or rallies held in the period covered by a financial report, collected amounts totalling more than 3% of the total contributions the authorized candidate collected during that period must, within 30 days after the report is filed, remit to the director general of the school board an amount equal to the part of the amounts collected that exceeds that percentage.

The director general shall pay the amount into the general fund of the school board.”

**34.** Section 206.27 of the Act is repealed.

**35.** Section 209.1 of the Act is amended

(1) by striking out paragraph 1;

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

“(3.1) the total amount of ancillary revenue collected at an election activity or rally in accordance with the Chief Electoral Officer’s directives, how that revenue breaks down, and the nature, place and date of the activity or rally;”.

**36.** Section 219.3 of the Act is amended by striking out paragraph 1.

**37.** Section 219.8 of the Act is amended

(1) by inserting the following subparagraphs after subparagraph *b* of paragraph 1:

“(b.1) the contribution is not being made voluntarily by the elector;

“(b.2) the elector is receiving compensation or consideration, or is being reimbursed;”;

(2) by striking out “, unless it consists in the furnishing of services” in subparagraph *c* of paragraph 1;

(3) by inserting the following subparagraph after subparagraph *d* of paragraph 1:

“(e) the goods or services furnished free of charge for political purposes are not being assessed in accordance with the third paragraph of section 206.17;”;

(4) by striking out “knowingly” in paragraph 2;

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

“(3) every person who, by using threats or coercion or by promising compensation, consideration or a reimbursement, incites an elector to make a contribution;

“(4) every elector who falsely declares that a contribution is being made out of the elector’s own property, voluntarily, without compensation and for no consideration, and that it has not and will not be reimbursed in any way.”

**38.** Section 219.13 of the Act is amended by inserting “incurs or authorizes an election expense or” after “who” in the first paragraph.

**39.** Section 219.14 of the Act is amended

(1) by replacing “with the knowledge that it” in subparagraph 1 of the first paragraph by “that”;

(2) by replacing “he knows to be” in subparagraph 2 of the first paragraph by “that is”.

**40.** The Act is amended by inserting the following section after section 219.20:

**“219.21.** Every person who attempts to commit an act described in section 219.4, to the extent that it pertains to a contribution, or section 219.8, 219.12 or 219.13 is guilty of an offence.”

**41.** Section 221 of the Act is amended by replacing “any of sections 215 to 217 and 219” by “section 215 or 216”.

**42.** Section 221.1 of the Act is amended

(1) by replacing “219.1 to 219.18” in the first paragraph by “219.1 to 219.3, paragraphs 1 to 3 of section 219.4 to the extent that they pertain to an expense or a loan, paragraph 4 of that section and sections 219.5 to 219.7, 219.10, 219.11 and 219.14 to 219.18”;

(2) by striking out the second paragraph.

**43.** The Act is amended by inserting the following sections after section 221.1:

**“221.1.1.** Every person who commits an offence under any of sections 217 and 219, paragraphs 1 to 3 of section 219.4 to the extent that they pertain to a contribution, and sections 219.8, 219.9, 219.12, 219.13 and 219.21 is liable,

(1) for a first offence, to a fine of not less than \$5,000 nor more than \$20,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$10,000 nor more than \$50,000;

(2) for any subsequent conviction within 10 years, to a fine of not less than \$10,000 nor more than \$30,000 in the case of a natural person or, in the case of a legal person, to a fine of not less than \$50,000 nor more than \$200,000.

If a person is convicted of an offence for contravening or attempting to contravene any of paragraphs 2, 3 and 4 of section 219.8, a judge may, on an application by the prosecutor which is attached to the statement of offence, impose an additional fine equal to twice the amount of the illegal contribution for which the person is convicted, even if the maximum fine under the first paragraph has been imposed on the person.

**“221.1.2.** From the date of the judgment of conviction, no public contract may be entered into with a natural or legal person who has been convicted of an offence for contravening any of sections 206.19, 206.20 and 206.21 or an offence under any of paragraphs 2 to 4 of section 219.8. The prohibition applies for a period of three years from the date of the judgment of conviction or, in the case of a subsequent conviction within ten years, for a period of five years from the date of the subsequent conviction.

Similarly, from the date of an order under section 221.1.3, no public contract may be entered into with a legal person or partnership named in the order. The prohibition applies for a period of three years from the date of the order or, if the legal person or partnership has been the subject of an earlier order, for a period of five years from the date of the new order.

As soon as the judgment of conviction is rendered or the order under section 221.1.3 is issued, the prohibition applies despite any appeal or other remedy.

However, in the case of an appeal of or other remedy against the judgment of conviction or the order, a judge may, on a motion, suspend the prohibition if the judge considers that it is in the public interest, taking into account, among other things,

- (1) the spirit of the law;
- (2) the fact that, on the face of it, the judgment of conviction appears to be ill-founded;
- (3) the existence of exceptional circumstances, if the matter is a serious one and there is colour of right;
- (4) any serious and irreparable harm suffered; and
- (5) the balance of convenience and the fact that the public interest must override any private interest.

For the purposes of this section, a public contract is a contract of any kind, including any directly or indirectly related subcontract, to which any of the following is party:

(1) a public body, government agency or government enterprise within the meaning of the Auditor General Act (chapter V-5.01);

(2) the Université du Québec or its constituent universities, research institutes or superior schools within the meaning of the Act respecting the Université du Québec (chapter U-1);

(3) an educational institution at the university level referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) and not referred to in subparagraph 2;

(4) a general and vocational college established under the General and Vocational Colleges Act (chapter C-29);

(5) a school board governed by the Education Act (chapter I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) or the Comité de gestion de la taxe scolaire de l'île de Montréal;

(6) a private institution accredited for purposes of subsidies under the Act respecting private education (chapter E-9.1);

(7) any other educational institution more than half of whose expenditures are provided for in the budgetary estimates tabled in the National Assembly otherwise than under a transferred appropriation;

(8) a public or private institution under agreement governed by the Act respecting health services and social services (chapter S-4.2);

(9) the regional council established by the Act respecting health services and social services for Cree Native persons (chapter S-5);

(10) a municipality or a body within the meaning of section 18 or 19 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3);

(11) a mixed enterprise company governed by the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01);

(12) a regional conference of elected officers established under the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1) or a local development centre constituted under the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (chapter M-30.01); or

(13) an agency described in paragraph 4 of section 4 of the Lobbying Transparency and Ethics Act (chapter T-11.011).

**“221.1.3.** If a natural person has been convicted of an offence under a provision referred to in the first paragraph of section 221.1.2 committed while the person was a director, officer or partner of a legal person or partnership, the person is presumed to have committed the offence for the benefit of or with a view to benefiting the legal person or partnership.

The Chief Electoral Officer may, after a judgment of conviction is rendered against the person, apply to the Superior Court for an order stating that section 221.1.2 applies to the legal person or partnership. The onus is on the legal person or partnership to prove, on the balance of probabilities, that the offence was not committed for its benefit or with a view to benefiting it.

**“221.1.4.** The Chief Electoral Officer shall keep a register of the persons and partnerships referred to in the first and second paragraphs of section 221.1.2, which states, for each one,

(1) in the case of a natural person, the person’s name and the name of the municipality in which the person resides;

(2) in the case of a legal person or partnership, its name and the address of its principal establishment in Québec;

(3) the penalty and any other measure imposed by the judge;

(4) the date on which the prohibition from entering into a public contract ends; and

(5) any other information the Chief Electoral Officer considers to be in the public interest.

The information contained in the register is public information, and the Chief Electoral Officer must make it available to the public, including on its website.

**“221.1.5.** Every person who enters into a contract with a department or body mentioned in the fifth paragraph of section 221.1.2 in contravention of that section is liable to a fine corresponding to the value of any consideration received by the person or payable to the person under the contract.”

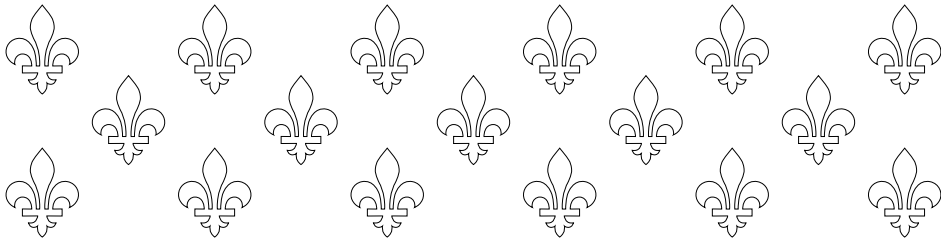
**44.** Section 223.1 of the Act is amended in the first paragraph

(1) by replacing “215 and” by “215,”;

(2) by inserting “, in paragraphs 2 to 4 of section 219.8, and in section 219.21 to the extent that it is an offence described in any of paragraphs 2, 3 and 4 of section 219.8” after “219.3” in the first paragraph.

## FINAL PROVISION

**45.** With the exception of section 4, which comes into force on 1 January 2011, this Act comes into force on 1 May 2011, unless the Government sets an earlier date for its coming into force.



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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 121  
(2010, chapter 33)

**An Act to improve relations between the  
people living along off-highway vehicle  
club trails and the users of those trails  
and to improve user safety**

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**Introduced 27 October 2010  
Passed in principle 18 November 2010  
Passed 8 December 2010  
Assented to 8 December 2010**

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**Québec Official Publisher  
2010**

## EXPLANATORY NOTES

*This Act amends the Act respecting off-highway vehicles in order to introduce rules regarding the times and places off-highway vehicles may be operated and the signs and signals erected in those places. Subject to the rules that may be prescribed by a municipality, the operation of such vehicles is permitted in certain places only during predetermined hours and is prohibited at a distance of less than 100 metres from a dwelling on new trails laid out after 31 December 2011.*

*As of 1 January 2020, operation of off-highway vehicles not equipped with a four-stroke engine or a direct-injection two-stroke engine will be prohibited in certain places unless authorized by ministerial regulation.*

*Fines are increased for some offences, including the fines for operating an off-highway vehicle on private land without the owner's and the lessee's consent.*

*The period of immunity from prosecution for disturbances to the surrounding neighbourhood and damage relating to noise, odours or other contaminants is extended to 1 December 2017. The Minister must set up a procedure for dealing with complaints about such disturbances or damage, and the complainant, if the procedure yields no results, may have a mediator appointed to attempt to settle the dispute. If no settlement is reached, an arbitrator may be appointed to resolve the dispute. In addition, within five years, the Minister must report to the Government on the provisions regarding immunity, complaints, mediation and arbitration.*

*A contribution payable by off-highway vehicle owners is also introduced that will serve to set up or continue financial assistance programs. This contribution is paid to the Land Transportation Network Fund.*

*Lastly, consequential and transitional provisions are introduced.*



**LEGISLATION AMENDED BY THIS ACT:**

- Highway Safety Code (R.S.Q., chapter C-24.2);
- Act respecting the Ministère des Transports (R.S.Q., chapter M-28);
- Act respecting transport infrastructure partnerships (R.S.Q., chapter P-9.001);
- Fuel Tax Act (R.S.Q., chapter T-1);
- Transport Act (R.S.Q., chapter T-12);
- Act respecting off-highway vehicles (R.S.Q., chapter V-1.2).

**REGULATION AMENDED BY THIS ACT:**

- Regulation respecting road vehicle registration (Order in Council 1420-91, 1991, G.O. 2, 4111).



## Bill 121

### AN ACT TO IMPROVE RELATIONS BETWEEN THE PEOPLE LIVING ALONG OFF-HIGHWAY VEHICLE CLUB TRAILS AND THE USERS OF THOSE TRAILS AND TO IMPROVE USER SAFETY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING OFF-HIGHWAY VEHICLES

**1.** The heading of Chapter III of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2) is replaced by the following heading:

“AREAS AND TIMES OF USE”.

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

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

“(2) by government or ministerial regulation, or by a by-law of a regional county municipality, elsewhere than on a trail referred to in section 15 or in areas subject to the conditions, restrictions or prohibitions referred to in subparagraph 1.”;

(2) by inserting “or ministerial” after “government” in the third paragraph.

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

(1) by inserting “or a highway in the domain of the State,” after “highway” in paragraph 2;

(2) by adding the following paragraphs:

“The distance of 30 metres provided for in the first paragraph increases to 100 metres for any new trail laid out after 31 December 2011. A trail whose course is changed slightly, following the loss of a right of way, for example, does not constitute a new trail.

A change in the course of a trail, as described in the second paragraph, must not bring off-highway vehicles closer than the distance before the change with

regard to the places described in the first paragraph, unless the distance is at least 100 metres.”

**4.** The Act is amended by inserting the following section after section 12.1:

“**12.2.** Off-highway vehicles may be operated in the places listed in paragraphs 1 to 4 of section 12.1 only from 6 a.m. to 12 midnight.

The operation of an off-highway vehicle is not restricted to the hours set out in the first paragraph in unorganized territories, the Nord-du-Québec administrative region, the territory of the Municipalité régionale de comté du Golfe-du-Saint-Laurent or any other territory not included in the territory of a regional county municipality and determined by ministerial regulation.

Despite the preceding paragraphs, a regional county municipality may, subject to the by-laws a local municipality may pass under paragraph 2 of section 48, pass a by-law to set the hours during which off-highway vehicles may be operated.”

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

#### “DIVISION I.1

##### “SIGNS AND SIGNALS ON TRAILS AND OTHER AREAS OF USE

“**14.1.** Whatever the medium, a sign or signal on a trail or other area of use to which this Act applies has the meaning ascribed to it in a ministerial regulation.

Such a regulation sets out the obligations of off-highway vehicle clubs with regard to signs and signals on their trails, including signs indicating hours of operation that differ from those referred to in section 12.2, and specifies the obligations whose violation constitutes an offence.

“**14.2.** Standards for the manufacture and installation of signs and signals to be erected on a trail are established by the Minister and published in a document prepared by the Ministère des Transports.

An off-highway vehicle club responsible for laying out and operating a trail must comply with the standards. It must also maintain the signs and signals erected on any trail it operates, throughout the period of use of the trail.

The Minister may order the removal, at the club’s expense, of any signs or signals that do not comply with the standards.

“**14.3.** The off-highway vehicle club may, by means of the appropriate signs and signals,

- (1) identify where vehicles must stop or yield;
- (2) identify crossings for pedestrians and users of non-motorized transportation;
- (3) prohibit, restrict or otherwise regulate pedestrian and other non-motorized traffic, as well as the operation of certain classes of motor vehicles;
- (4) prohibit, restrict or otherwise regulate the stopping or parking of off-highway vehicles;
- (5) during exceptional events, sports events or competitions, restrict or prohibit access to a trail by all or some off-highway vehicles for the time specified by the club; and
- (6) for safety reasons, restrict or prohibit access to a trail by all or some off-highway vehicles.

“**14.4.** Only an off-highway vehicle club responsible for a trail may erect signs and signals on it.

It may also remove any sign or signal erected in contravention of the first paragraph.

“**14.5.** No person may erect a signal, sign, indication or other device on a trail without the authorization of the off-highway vehicle club responsible for maintaining the trail.

The club may remove any object erected in contravention of the first paragraph, at the contravener’s expense.

“**14.6.** The signs and signals erected on a private trail open to public traffic or on any other land where public traffic is authorized must comply with the standards of manufacture and installation established by the Minister.

“**14.7.** Every person must comply with the signs and signals erected under this Act.”

**6.** Section 19 of the Act is amended by adding the following paragraph:

“For the purposes of this Act, the owner of an off-highway vehicle is the person in whose name the vehicle is registered with the Société de l’assurance automobile du Québec in accordance with section 10 of the Highway Safety Code (chapter C-24.2).”

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

**“27.1.** Where off-highway vehicular traffic is permitted less than 100 metres away from a dwelling, a facility operated by a healthcare institution or an area reserved for cultural, educational, recreational or sports activities, the speed limit for an off-highway vehicle is 50 km/h. Where such traffic is permitted less than 30 metres from those places, the speed limit is 30 km/h.”

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

**“33.1.** An off-highway vehicle that is not equipped with a four-stroke engine or a direct-injection two-stroke engine may be operated in the places listed in paragraphs 1 to 4 of section 12.1 only if authorized to do so by ministerial regulation.”

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

#### **“CHAPTER V.1**

#### **“COMPLAINTS, MEDIATION AND ARBITRATION**

**“45.1.** The Minister establishes a procedure for dealing with complaints regarding neighbourhood disturbances and any other damage relating to noise, odours or other contaminants with regard to which no legal action can be taken under this Act.

The procedure is administered by a person designated by the Minister.

**“45.2.** If the procedure does not result in an agreement, the complainant may, from the 30th day following the filing of the complaint, request the person designated to administer the procedure to appoint a mediator to attempt to settle the dispute.

A mediator is chosen, not later than the 15th day following receipt of the request, from among the mediators on a list drawn up beforehand by the Minister. The mediator’s fees are paid in whole or in part by the Ministère des Transports.

In a directive posted on the department’s Internet site, the Minister sets out

(1) the conditions a mediator must meet to be on the list mentioned in the second paragraph;

(2) the rules and responsibilities a mediator must abide by in the exercise of the functions of office;

(3) the fees payable to a mediator by the department and, if applicable, by the parties; and

(4) the number of meetings, which may not be less than four, for which the mediator's fees are to be paid by the department.

**“45.3.** If the parties decide to continue mediation beyond the number of meetings provided for in subparagraph 4 of the third paragraph of section 45.2, they alone shall pay the mediator's fees for the additional meetings.

**“45.4.** The role of the mediator is to permit the parties to exchange their points of view and to foster agreement between them.

The mediator may also give an opinion on the dispute, if it persists, and make recommendations.

**“45.5.** The mediation sessions are conducted in the presence of the two parties and the mediator.

The parties may, on their own initiative or at the suggestion of the mediator, suspend a session in order to seek advice from counsel or from another person, according to the type of advice sought.

**“45.6.** The mediator may call an initial mediation session and the parties are required to attend.

**“45.7.** After consultation with the parties, the mediator defines the rules applicable to the mediation and any measures to facilitate its conduct, and determines the schedule of meetings.

The parties must provide the mediator with all the information or documents the mediator requires for the examination of the dispute.

The mediator may convene any person to obtain that person's point of view.

**“45.8.** Unless the parties agree otherwise, the mediation process may not continue for more than 60 days after the date on which the mediator is appointed.

The mediator may terminate the mediation before the expiry of that time or the time agreed upon, if the mediator considers in the circumstances that mediation is not useful or appropriate; in such a case, the mediator must notify the parties in writing.

**“45.9.** The mediator sends the mediation report and a copy of any agreement signed by the parties to the Minister. A copy of the report is also sent to the parties.

**“45.10.** Nothing that is said or written in the course of a mediation session may be admitted as evidence before a court of justice, before a person or body of the administrative branch exercising adjudicative functions, or before

an arbitrator appointed under section 45.13, without the consent of the parties to the mediation.

**“45.11.** A mediator may not be compelled to disclose anything revealed to or learned by the mediator in the exercise of the functions of office or to produce a document prepared or obtained in the course of such exercise before a court of justice, before a person or body of the administrative branch exercising adjudicative functions, or before an arbitrator appointed under section 45.13.

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 may have access to a document contained in the mediation record.

**“45.12.** No proceedings may be brought against the mediator for any act performed or omission made in good faith in the exercise of the functions of office.

**“45.13.** If the mediation does not result in an agreement, the complainant may, between the 30th and 120th day following the filing of the mediation report, request the person designated to administer the procedure for dealing with complaints to appoint an arbitrator to decide the dispute.

The arbitrator is chosen, not later than the 15th day following receipt of the request, from among the arbitrators on a list drawn up beforehand by the Minister.

In a directive posted on the department’s Internet site and published in the *Gazette officielle du Québec*, the Minister sets out the conditions an arbitrator must meet to be on the list mentioned in the second paragraph and the maximum fees an arbitrator may charge the parties.

**“45.14.** An arbitrator may only order measures

(1) to remedy neighbourhood disturbances by, among other means, erecting sound walls or imposing lower speed limits; and

(2) to stop damage relating to noise, odours or other contaminants by, among other means, re-routing or closing a segment of a trail.

The arbitrator may not order a party to pay damages or, subject to the third paragraph, to pay arbitration expenses.

The arbitrator’s fees and expenses are paid by the parties, unless the arbitrator orders otherwise in a substantiated decision.

**“45.15.** Arbitrators have all the powers necessary for the exercise of their jurisdiction. They settle disputes in accordance with the applicable rules of law and decide on every question of fact.



**“45.16.** Except on a question of jurisdiction, no recourse under articles 33 and 834 to 846 of the Code of Civil Procedure (chapter C-25) may be exercised nor any injunction granted against an arbitrator acting in an official capacity.

A judge of the Court of Appeal may, on a motion, annul by a summary proceeding any judgment rendered or order or injunction made contrary to this section.

**“45.17.** Articles 940 to 940.3, 940.5, 942 to 943.2 and 944.1 to 947.4 of the Code of Civil Procedure (chapter C-25), and the provisions of the Code to which those articles refer, apply, with the necessary modifications, to the arbitration provided for in this chapter.”

**10.** Section 46 of the Act is amended, in the first paragraph,

- (1) by replacing “30” by “100” in subparagraph 10;
- (2) by striking out subparagraph 12.

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

**“47.** The Minister may, by regulation,

(1) allow certain types of off-highway vehicles to be operated on all or part of a public highway maintained by the Minister, on the conditions and for the period of time the Minister determines;

(2) determine any territory not forming part of the territory of a regional county municipality where the operation of off-highway vehicles is not restricted to the hours set out in the first paragraph of section 12.2, in particular where such vehicles are the principal means of transportation;

(3) define the meaning of a sign or signal erected on a trail or in any other place where the operation of an off-highway vehicle is permitted under this Act;

(4) prescribe the obligations of off-highway vehicle clubs with regard to signs and signals on the trails they operate;

(5) establish which off-highway vehicles not equipped with a four-stroke or direct-injection two-stroke engine may be operated in the places listed in paragraphs 1 to 4 of section 12.1; and

(6) determine the regulatory provisions made under this section whose violation constitutes an offence.

The regulatory standards established under this section may include exceptions and may vary according to the types, places of operation or uses of off-highway vehicles determined by the Minister.”

**12.** The Act is amended by inserting the following section after section 47.1:

**“47.2.** A regional county municipality may, by by-law, prescribe for all or part of its territory, the hours, which may vary from one part of the territory to another, during which off-highway vehicular traffic is permitted.

A by-law made under the first paragraph takes precedence over a by-law made by a local municipality, except a by-law made under subparagraph 2 of the first paragraph of section 48, that may affect the hours during which off-highway vehicular traffic is permitted, including a by-law concerning the environment, disturbances or safety, or to ensure peace, order and good government.

A copy of any by-law made under the first paragraph must be sent to the Minister within 15 days of being passed. The by-law comes into force 90 days after it is passed unless it is the subject of a notice of disallowance published by the Minister in the *Gazette officielle du Québec*.

A local municipality whose territory is not included in that of a regional county municipality is considered to be a regional county municipality for the purposes of this Act.”

**13.** Section 48 of the Act is amended

(1) by striking out “or on lands in the domain of the State, elsewhere than in the places subject to the conditions, restrictions and prohibitions referred to in subparagraph 1 of the first paragraph of section 8” in paragraph 2;

(2) by adding the following paragraphs:

“Before passing a by-law under subparagraph 1 of the first paragraph, a public meeting on the proposed by-law must be held to hear concerned citizens, get their written observations and answer their questions. The municipality accepts written observations up to the 15th day following the meeting.

The meeting is held by a committee chaired by the mayor of the municipality and consisting of at least two other council members designated by the mayor. Not later than the 15th day before the meeting, the clerk or the secretary-treasurer of the municipality shall publish, in accordance with the Act governing the municipality, a notice of the date, time, place and purpose of the meeting.

A copy of any by-law made under subparagraph 1 of the first paragraph must, within 15 days after being passed, be sent to the Minister together with a report on the consultation provided for in the preceding paragraphs. The by-law comes into force 90 days after it is passed unless it is the subject of a notice of disallowance published by the Minister in the *Gazette officielle du Québec*.”

**14.** The Act is amended by inserting the following after section 49:

**“CHAPTER VI.1**

**“CONTRIBUTION OF OFF-HIGHWAY VEHICLE OWNERS**

**“49.1.** A contribution by off-highway vehicle owners is established to set up or continue financial assistance programs aimed, among other things, at assisting off-highway vehicle clubs, developing and maintaining infrastructures for off-highway vehicles, and protecting wildlife and wildlife habitats.

Every owner of an off-highway vehicle must pay the contribution. The owner pays the contribution at the same time as the amount due for vehicle registration or the amounts due under section 31.1 of the Highway Safety Code (chapter C-24.2).

**“49.2.** The Government may, by regulation, set the amount of the contribution, which may vary according to vehicle type or mass or any other mechanical or physical characteristic of the vehicle.

**“49.3.** The Société de l’assurance automobile du Québec shall pay the contributions of off-highway vehicle owners into the Land Transportation Network Fund established under section 12.30 of the Act respecting the Ministère des Transports (chapter M-28), within the time and according to the terms prescribed by the Minister of Finance.”

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

(1) by replacing “\$100 to \$200” in the first paragraph by “\$250 to \$1,000”;

(2) by replacing “\$250 to \$500” in the second paragraph by “\$500 to \$1,000”.

**16.** Section 55 of the Act is amended by replacing “sections 5, 11, 12 and 12.1” by “section 5, sections 11 to 12.2”.

**17.** Section 55.1 of the Act is amended

(1) by replacing “without the owner’s or lessee’s consent” by “without the owner’s and the lessee’s consent”;

(2) by replacing “\$250 to \$500” by “\$400 to \$800”;

(3) by adding the following paragraph:

“The owner of an off-highway vehicle who allows the vehicle to be operated on private land without the consent of the owner and the lessee of that land, or

who tolerates such operation, is guilty of an offence and is liable to the fine provided for in the first paragraph.”

**18.** The Act is amended by inserting the following sections after section 55.1:

“**55.2.** A person who contravenes the first paragraph of section 14.4 or 14.5 is guilty of an offence and is liable to a fine of \$300 to \$600.

“**55.3.** Drivers of off-highway vehicles who contravene section 14.7 are guilty of an offence and are liable to a fine of \$100 to \$200.

Drivers of road vehicles who contravene that section are guilty of an offence and are liable to a fine of \$200 to \$400.

Any other person who contravenes that section is guilty of an offence and is liable to a fine of \$50 to \$100.”

**19.** The Act is amended by inserting the following section after section 58.2:

“**58.3.** The driver of an off-highway vehicle who contravenes section 33.1 is guilty of an offence and liable to a fine of \$100 to \$200.”

**20.** Section 87.1 of the Act is amended by replacing “May 2011” in the first paragraph by “December 2017”.

**21.** Section 87.2 of the Act is replaced by the following section:

“**87.2.** Not later than 8 December 2015, the Minister must report to the Government on the advisability of maintaining in force, amending or repealing section 87.1 and the provisions of Chapter V.1.

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption. It is examined by the appropriate committee of the National Assembly.”

#### HIGHWAY SAFETY CODE

**22.** Section 21 of the Highway Safety Code (R.S.Q., chapter C-24.2) is amended by adding “or the contribution of off-highway vehicle owners set pursuant to section 49.2 of the Act respecting off-highway vehicles (chapter V-1.2)” at the end of subparagraph 3 of the first paragraph.

**23.** Section 31.1 of the Code is amended

(1) by inserting “, the contribution of off-highway vehicle owners fixed pursuant to section 49.2 of the Act respecting off-highway vehicles (chapter V-1.2)” after “(chapter T-12)” in the first paragraph;

(2) by replacing “fees or insurance contribution” in the second paragraph by “fees, insurance contribution, contribution of motorists to public transit or contribution of off-highway vehicle owners”;

(3) by inserting “, the contribution of motorists to public transit, the contribution of off-highway vehicle owners” after “insurance contribution” in the fourth paragraph.

**24.** Section 194.3 of the Code is amended by replacing “and the contribution of motorists to public transit” by “, the contribution of motorists to public transit and the contribution of off-highway vehicle owners”.

**25.** Section 618 of the Code is amended by inserting “or the contribution of off-highway vehicle owners” after “public transit” in paragraphs 8.8, 11.0.1 and 11.2.

**26.** Section 648 of the Code is amended

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

“(10) the contributions of the off-highway vehicle owners referred to in Chapter VI.1 of the Act respecting off-highway vehicles (chapter V-1.2).”;

(2) by replacing “Road and Public Transit Infrastructure Fund” in the second paragraph by “Land Transportation Network Fund”.

**27.** Sections 648.1 and 648.4 of the Code are amended by replacing “Road and Public Transit Infrastructure Fund” by “Land Transportation Network Fund”.

#### ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

**28.** Section 12.30 of the Act respecting the Ministère des Transports (R.S.Q., chapter M-28) is amended

(1) by replacing “Road and Public Transit Infrastructure Fund” in paragraph 1 by “Land Transportation Network Fund”;

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

“(a.1) programs covered by section 49.1 of the Act respecting off-highway vehicles (chapter V-1.2).”;

**29.** The heading of subdivision 1 of Division II of Chapter II of the Act is replaced by the following heading:

“§1. — *Land Transportation Network Fund*”.

**30.** Section 12.32 of the Act is amended by inserting the following paragraph after paragraph 0.1:

“(0.2) the sums paid by the Société de l’assurance automobile du Québec under section 49.3 of the Act respecting off-highway vehicles (chapter V-1.2);”.

**31.** Section 12.32.1 of the Act is amended by inserting the following paragraph after the first paragraph:

“The sums referred to in paragraph 0.2 of section 12.32 are to be used to fund the financial assistance programs covered by section 49.1 of the Act respecting off-highway vehicles (chapter V-1.2).”

#### ACT RESPECTING TRANSPORT INFRASTRUCTURE PARTNERSHIPS

**32.** Sections 16 and 16.1 of the Act respecting transport infrastructure partnerships (R.S.Q., chapter P-9.001) are amended by replacing “Road and Public Transit Infrastructure Fund” by “Land Transportation Network Fund”.

#### FUEL TAX ACT

**33.** Section 55.1.1 of the Fuel Tax Act (R.S.Q., chapter T-1) is amended by replacing “Road and Public Transit Infrastructure Fund” by “Land Transportation Network Fund” in the first paragraph.

#### TRANSPORT ACT

**34.** Sections 88.4, 88.5 and 88.8 of the Transport Act (R.S.Q., chapter T-12) are amended by replacing “Road and Public Transit Infrastructure Fund” by “Land Transportation Network Fund”.

#### REGULATION RESPECTING ROAD VEHICLE REGISTRATION

**35.** Sections 24.1 and 25.3 of the Regulation respecting road vehicle registration, enacted by Order in Council 1420-91 dated 16 October 1991 (1991, G.O. 2, 4111), are amended by inserting “, contribution of off-highway vehicle owners” after “contribution of motorists to public transit”.

**36.** Section 61 of the Regulation is amended by adding the following paragraphs:

“The contribution of off-highway vehicle owners established under section 49.1 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2), payable to obtain the registration of an off-highway vehicle and the right to operate it, is the product obtained by multiplying the monthly contribution calculated according to the paragraph that follows by the number of calendar

months, including parts of a month, less 1, during which the owner of the vehicle has the right to operate it.

The monthly contribution of off-highway vehicle owners is the quotient obtained by dividing by 12 the amount set pursuant to section 49.2 of the Act respecting off-highway vehicles.

Despite the other provisions of this section, the contribution of off-highway vehicle owners payable to obtain the registration of a snowmobile with a net mass of 450 kg or less and the right to operate the snowmobile is calculated on the basis of the percentage set forth in paragraph 1 of section 62 of the amount fixed under section 49.2 of the Act respecting off-highway vehicles.”

**37.** Section 67 of the Regulation is amended by inserting “, the contribution of off-highway vehicle owners fixed under section 49.1 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2)” after “(R.S.Q., c. T-12)”.

**38.** Sections 68, 72 and 73 of the Regulation are amended by inserting “, the contribution of off-highway vehicle owners fixed under section 49.1 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2)” after “(R.S.Q., c. T-12)” in the first paragraph.

**39.** Sections 74 and 75 of the Regulation are amended by replacing “and annual contribution of motorists to public transit fixed under section 88.3 of the Transport Act (R.S.Q., c. T-12)” by “, annual contribution of motorists to public transit fixed under section 88.3 of the Transport Act (R.S.Q., c. T-12) and contribution of off-highway vehicle owners fixed under section 49.1 of the Act respecting off-highway vehicles (R.S.Q., c. V-1.2)”.

**40.** Section 75.1 of the Regulation is amended by adding the following paragraph at the end:

“The contribution of off-highway vehicle owners payable under sections 67 and 72 to 75 is the product obtained by multiplying the monthly contribution calculated under section 61 by the number of calendar months, including parts of a month, less 1, within the part of the 12-month period considered.”

**41.** Section 139 of the Regulation is amended by striking out the second sentence of the second paragraph.

**42.** Section 141 of the Regulation is amended by replacing “69 \$” in the second paragraph by “\$44.50”.

**43.** The heading of Chapter VI of the Regulation and of subdivision 1 of that chapter are replaced by the following:

**“CHAPTER VI****“REIMBURSEMENT OF FEES, OF THE CONTRIBUTION OF MOTORISTS TO PUBLIC TRANSIT AND OF THE CONTRIBUTION OF OFF-HIGHWAY VEHICLE OWNERS**

*“§1. — Cases of reimbursement of fees, of the contribution of motorists to public transit and of the contribution of off-highway vehicle owners”.*

**44.** Section 162 of the Regulation is amended by replacing “and the contribution of motorists to public transit” in the first paragraph by “, annual contribution of motorists to public transit and contribution of off-highway vehicle owners”.

**45.** Section 163 of the Regulation is amended by replacing “and of the contribution of motorists to public transit” by “, of the annual contribution of motorists to public transit and of the contribution of off-highway vehicle owners”.

**46.** Section 164 of the Regulation is amended by replacing “and the contribution of motorists to public transit” in the first paragraph by “, the annual contribution of motorists to public transit and the contribution of off-highway vehicle owners”.

**47.** The heading of subdivision 2 of Chapter VI of the Regulation is replaced by the following heading:

*“§2. — Calculation of the reimbursement of fees, of the contribution of motorists to public transit and of the contribution of off-highway vehicle owners”.*

**48.** Section 174 of the Regulation is amended by adding the following paragraph at the end:

“The amount of the reimbursement of the contribution of off-highway vehicle owners paid, in the case of a snowmobile with a net mass of 450 kg or less, corresponds to a percentage, set forth in the second paragraph, of the amount fixed under section 49.2 of the Act respecting off-highway vehicles.”

**49.** The Regulation is amended by inserting the following section after section 176:

**“176.1.** The amount of the reimbursement of the contribution of off-highway vehicle owners is the product obtained by multiplying the monthly contribution calculated under section 61 by the number of calendar months, less 2, from the date of the event or the date of the new registration, to the date of expiry of the period for which the contribution has been paid.

Despite the first provision of this section, the contribution for a snowmobile with a net mass of 450 kg or less corresponds to a percentage, set forth in the



second paragraph of section 174, of the amount fixed under section 49.2 of the Act respecting off-highway vehicles.”

#### TRANSITIONAL AND FINAL PROVISIONS

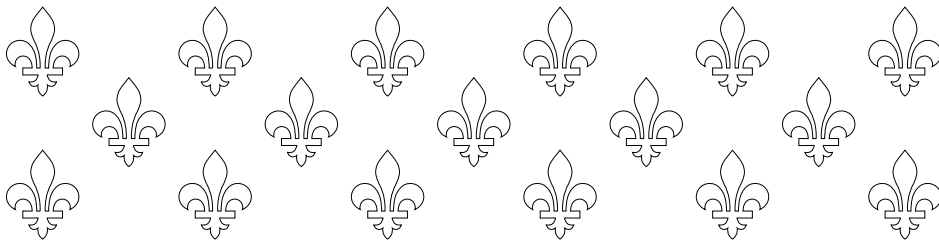
**50.** Until the coming into force of a government regulation pursuant to section 49.2 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2), the contribution of off-highway vehicle owners is \$21 for an all-terrain vehicle and \$40 for a snowmobile with a net mass of 450 kg or less.

**51.** Unless the context indicates otherwise, a reference in any document to the Road and Public Transit Infrastructure Fund is a reference to the Land Transportation Network Fund.

**52.** This Act comes into force on 1 January 2011 except

- (1) sections 14 and 22 to 51, which come into force on 1 February 2011;
- (2) section 7, which comes into force on 1 October 2011;
- (3) sections 2 and 4, paragraph 1 of section 13 and section 16, which come into force on 1 December 2011;
- (4) section 8, subparagraph 5 of the first paragraph of section 47 of the Act respecting off-highway vehicles as replaced by section 11, and section 19, which come into force on 1 January 2020;
- (5) section 5, paragraph 2 of section 10, subparagraphs 3 and 4 of the first paragraph of section 47 of the Act respecting off-highway vehicles as replaced by section 11, and section 18, which come into force on 30 June 2011, unless the Government sets an earlier date or earlier dates for the coming into force of these provisions.





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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 122  
(2010, chapter 28)

## **An Act to amend the Building Act mainly to modernize safety standards**

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**Introduced 10 November 2010  
Passed in principle 23 November 2010  
Passed 2 December 2010  
Assented to 2 December 2010**

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**Québec Official Publisher  
2010**

## EXPLANATORY NOTES

*This Act makes various amendments to the Building Act to allow the Régie du bâtiment du Québec (the Board) to modernize the rules adopted under the Act, especially those relating to the safety of buildings and pressure installations.*

*Under this Act, municipalities are empowered to adopt by-laws that include standards identical to or more stringent than Safety Code standards. Municipalities, intermunicipal boards and their employees are given immunity from prosecution for an official act done in good faith in the performance of duties in connection with the enforcement, in respect of buildings, installations or facilities referred to in section 2 of the Act and to which the municipal by-laws apply, of a standard identical to a standard contained in the Safety Code.*

*The Board is granted several new powers, among them the power to extend the meaning of “gas” in the Act to any other gas it designates by regulation and the power to exempt the owner of a building, installation or facility referred to in section 2 of the Act from furnishing a certificate of conformity if the owner has implemented a quality control program that the Board or a person or body recognized by the Board has approved. The Board is also empowered to prohibit the sale, lease or exhibition of apparatus intended to supply an electrical installation if the apparatus is not certified or approved by a person the Board designates. Lastly, certain regulatory powers currently held by the Government are transferred to the Board and it is authorized to delegate the power to issue certain orders to a member of its personnel.*

*Amendments are introduced to allow the standards of the Building Code to incorporate measures advocated by the Government to promote ecoefficiency in buildings, facilities and installations.*

*The Board is to be authorized to make public certain data received from the managers of guaranty plans for new residential buildings.*

*Consequential and transitional provisions round off the Act.*

**LEGISLATION AMENDED BY THIS ACT:**

- Building Act (R.S.Q., chapter B-1.1).



## Bill 122

### AN ACT TO AMEND THE BUILDING ACT MAINLY TO MODERNIZE SAFETY STANDARDS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### BUILDING ACT

**1.** Section 4.1 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing “Government” by “Régie du bâtiment du Québec (the Board)”.

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

(1) by striking out the definition of “pressure vessel”;

(2) by replacing the definition of “gas” by the following definition:

“**gas**” means natural gas, manufactured combustible gas, any type or blend of such gases, liquid petroleum gas or any blend of such gas and air, or any other gas designated by regulation of the Board and, in the case of a pressure installation, combustible or non-combustible gas;”;

(3) by replacing the definition of “pressure installation” by the following definition:

“**pressure installation**”, depending on the context, means one or more of the following pieces of pressure equipment assembled to form an integrated, functional whole: a vessel or boiler intended to contain combustible or non-combustible gas or a liquid under pressure, and any pipes and accessories connected to it;”;

(4) by replacing “Government” at the end of the definition of “petroleum product” by “Board”.

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

(1) by replacing both occurrences of “government regulation” in the first paragraph by “regulation of the Board”;

(2) by replacing “Government” in the second paragraph by “Board”.

**4.** Section 16 of the Act is amended by replacing “person recognized” by “person or body recognized”.

**5.** Section 19 of the Act is amended by replacing “by a body determined” by “by a person or body recognized”.

**6.** Section 29 of the Act is amended by replacing “government regulation” in subparagraph 3 of the first paragraph by “regulation of the Board”.

**7.** Section 33 of the Act is amended by replacing “person recognized” by “person or body recognized”.

**8.** Section 34 of the Act is amended by replacing “person recognized” by “person or body recognized”.

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

(1) by replacing “person recognized” by “person or body recognized”;

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

“The regulations may exempt the owner from furnishing such a certificate if the owner has implemented a quality control program approved by the Board or a person or body recognized by the Board.”

**10.** Sections 37 to 37.2 of the Act are replaced by the following sections:

**“37.** Every person who manufactures, installs, repairs, modifies, operates or uses a pressure installation must comply with the standards and requirements prescribed for that purpose by regulation of the Board.

**“37.1.** Every person who manufactures, installs, repairs, modifies, operates or uses a pressure installation must, in the cases, subject to the conditions and in accordance with the procedure determined by regulation of the Board, obtain a permit from the Board authorizing the person to carry on that activity.

The Board shall determine by regulation the cases in which obtaining such a permit is tied to the implementation of a quality control program, and the conditions and procedure for approval of the program by the Board or a person or body recognized by the Board.

Chapter IV does not apply to a manufacturer or, in the cases and subject to the conditions prescribed by regulation of the board, to a permit holder for the activities authorized by the permit.

**“37.2.** Every person who manufactures, installs, repairs or modifies a pressure installation must, in the cases and subject to the conditions determined by regulation of the Board, report to the Board all work that the person has carried out or intends to carry out, and furnish all required information and documents.”



**11.** Section 37.4 of the Act is replaced by the following section:

**“37.4.** The Board may determine, by regulation, how the conformity of a pressure installation is to be evaluated at the different stages of its design, manufacture, installation, repair, modification, operation and use and at the time of its marketing and commissioning.

The Board may determine, among other things, the notices, information or documents to be sent or recorded in a register, the inspections or verifications to be carried out, the authorizations to be obtained and the statements, declarations, approvals or certificates of conformity required.

The Board may recognize persons or bodies to carry out such an evaluation of conformity or to issue any approval or certificate required under this division.”

**12.** The Act is amended by inserting the following section after section 81.1:

**“81.2.** The following information obtained from the manager of a guaranty plan may be made public by the Board:

(1) the following balance sheet elements contained in the audited financial statements:

- (a) the amount of the reserves and the total assets;
- (b) the actuarial reserve and the total liabilities; and
- (c) the required surplus and the total net assets;

(2) the following income statement elements contained in the audited financial statements:

- (a) the premiums paid, premium adjustments, membership fees, investment income and total income;
- (b) the total claims and claims expenses, the variation in the actuarial reserve and total expenses; and
- (c) the pre-tax surplus; and

(3) the data required by the Board regarding the manager’s activities.

The data referred to in subparagraph 3 of the first paragraph include a breakdown of the certificates issued and the number of contractors accredited, of complaints processed, of files submitted to arbitration and of inspections carried out.”

**13.** Section 111 of the Act is amended by inserting the following paragraph after paragraph 4:

“(4.1) to support local municipalities, regional county municipalities and intermunicipal boards in their enforcement of any standard identical to a Safety Code standard;”.

**14.** Sections 128.3 to 128.5 of the Act are replaced by the following sections:

“**128.3.** The Board may revoke, limit, suspend, amend or refuse to renew a permit granted under section 35.2 or 37.1 if the holder no longer meets one of the conditions required by regulation of the Board for obtaining a permit.

“**128.4.** The Board may revoke the recognition of a person or body referred to in section 16, 35 or 37.4 on the grounds prescribed by regulation of the Board.

“**128.5.** Before ordering the revocation, limitation, suspension or amendment of or refusal to renew a permit or the revocation of the recognition of a person or body, the Board shall notify the permit holder, person or body in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the permit holder, person or body at least 10 days to submit observations.

Every decision of the Board must be rendered in writing and give reasons.”

**15.** Section 130 of the Act is amended by striking out “123,” in subparagraph 1 of the third paragraph.

**16.** Section 145 of the Act is amended by adding the following paragraph after the first paragraph:

“The same applies for a local municipality, a regional county municipality, an intermunicipal board and their employees as regards the enforcement, in respect of buildings, installations or facilities referred to in section 2 that are subject to the municipal by-laws, of a standard identical to a Safety Code standard.”

**17.** Section 173 of the Act is amended by adding the following paragraph at the end:

“The standards may include measures advocated by the Government to promote ecoefficiency in buildings, facilities intended for use by the public, installations independent of a building and petroleum equipment installations.”

**18.** Section 182 of the Act is amended

- (1) by striking out subparagraphs 1, 4 and 5 of the first paragraph;
- (2) by adding the following subparagraph after subparagraph 7 of the first paragraph:

“(8) prescribe, with regard to certain categories of persons and contractors, adjustments to the provisions of this Act and the regulations, including regulations adopted by the Board, to give effect to an intergovernmental agreement in respect of the mobility of building contractors or the recognition of their qualifications, skills or work experience, as well as special management rules.”;

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

“A regulation under subparagraph 8 of the first paragraph is not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1).”

**19.** Section 185 of the Act is amended

- (1) by inserting the following paragraphs before paragraph 1:

“(0.1) exempt from the application of this Act or certain of its provisions categories of persons, contractors, owner-builders, manufacturers of pressure installations, or owners of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations, and categories of buildings, pressure installations, facilities, installations or construction work;

“(0.2) for the purposes of section 10, designate any facility as a facility intended for use by the public and establish criteria for determining whether or not a facility is intended for use by the public;

“(0.3) exclude a category of buildings from the application of Chapter III;”;

- (2) by replacing “16 and 35” in paragraph 2.1 by “16, 35 and 37.4”;

- (3) by replacing “building and the” in paragraph 2.2 by “building, and the persons;”;

- (4) by inserting the following paragraph after paragraph 5:

“(5.0.1) determine the cases in which the owner of a building, facility intended for use by the public, installation independent of a building or petroleum equipment installation who has implemented a quality control program may be exempted from furnishing a certificate of conformity, and, if warranted, determine conditions for the approval of such a program by the Board or a person or body recognized by the Board;”;

(5) by replacing “and its period of validity” in paragraph 5.1 by “, its period of validity and, if warranted, the cases in which obtaining such a permit is tied to the implementation of a quality control program, and the conditions and procedure for the approval of such a program by the Board or a person or body recognized by the Board”;

(6) by replacing paragraph 5.3 by the following paragraph:

“(5.3) adopt standards of design, manufacture, installation, repair, modification and use of a pressure installation;”;

(7) by replacing “and registration” in paragraph 5.4 by “, registration and suitability”;

(8) by replacing paragraph 5.5 by the following paragraph:

“(5.5) determine the cases and the manner in which the conformity of a pressure installation is to be evaluated at the different stages of its design, manufacture, installation, repair, modification, operation or use and at the time of its marketing and commissioning, as well as the notices, information or documents to be sent or recorded in a register, the inspections or verifications to be carried out, the authorizations to be obtained and the statements, declarations, approvals or certificates of conformity required, and designate persons or bodies to carry out such an evaluation of conformity or to issue any approval or certificate required under sections 37 to 37.4;”;

(9) by replacing “person” in paragraph 6.2 by “recognized person or body”;

(10) by inserting “or to supply” after “supplied from” in paragraph 6.3 and by replacing “person” in that paragraph by “recognized person or body”;

(11) by replacing “authorized persons” in paragraph 20 by “recognized persons or bodies”.

**20.** Section 193 of the Act is replaced by the following section:

“**193.** No by-law of a local municipality or regional county municipality dealing with any matter already covered by the Building Code or a regulation under section 182 or 185 may set standards that are identical or equivalent to those of that Code or regulation or that restrict their scope or application.

A local municipality or a regional county municipality may, however, set standards that are identical to or more stringent than those of the Safety Code.”

**21.** Section 194 of the Act is amended by replacing “second paragraph of section 37.1, sections 37.2, 37.4” in paragraph 7 by “first paragraph of section 37.1, section 37.2”.

## TRANSITIONAL AND FINAL PROVISIONS

**22.** Any provision of the Regulation respecting the application of the Building Act, enacted by Order in Council 375-95 (1995, G.O. 2, 1100), that was adopted by the Government under paragraph 1, 4 or 5 of section 182 of the Building Act (R.S.Q., chapter B-1.1), struck out by section 18, continues to apply until it is replaced by a provision of a regulation adopted under paragraph 0.1, 0.2 or 0.3 of section 185 of the Building Act, enacted by section 19.

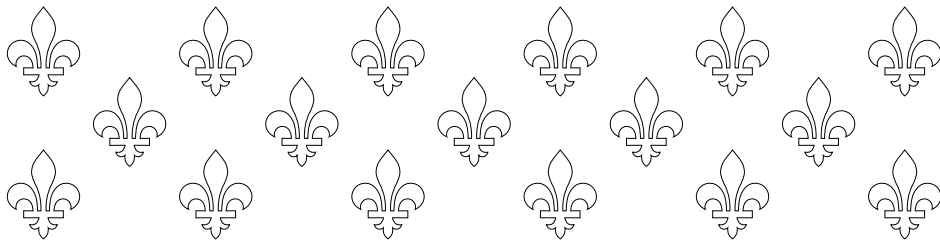
**23.** A local municipality or regional county municipality must, not later than the date set by the Government, amend its by-laws to replace any standard that is equivalent to or restricts the scope or application of a Safety Code standard by that standard.

Despite the second paragraph of section 193 of the Building Act, replaced by section 20, a local municipality or regional county municipality may, before that date, continue to enforce a standard that is not inconsistent with the Safety Code standards.

After that date, any municipal by-law that is not in conformity with the second paragraph of section 193 of the Building Act, replaced by section 20, is deemed to be amended, and any standard of such a by-law that is equivalent to or that restricts the scope or application of a Safety Code standard is deemed to be replaced by that Safety Code standard.

**24.** This Act comes into force on 2 December 2010.





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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 124  
(2010, chapter 29)

## **An Act to amend various pension plans in the public sector**

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**Introduced 10 November 2010**  
**Passed in principle 16 November 2010**  
**Passed 2 December 2010**  
**Assented to 2 December 2010**

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**Québec Official Publisher  
2010**

## EXPLANATORY NOTES

*This Act amends the Acts establishing certain pension plans in the public sector so that plan members may accumulate, for each year of service from the year 2011, one year of service in addition to the 35 years used to compute the pension, up to a maximum of 38.*

*The rules concerning the 90-day reserve that serves to cover an employee's periods of absence without pay, as well as certain rules for redeeming years of prior service, are amended in a number of those Acts.*

*A number of those Acts are also amended so that the rules that apply to employees on adoption leave will apply as well to employees on paternity leave.*

*Lastly, various technical, consequential and transitional amendments are introduced to simplify the administration of the public sector pension plans.*

## LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).



## Bill 124

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

**1.** Section 14 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing “on adoption” wherever it occurs in the third paragraph by “on paternity or adoption”.

**2.** Section 18.1 of the Act is amended by adding the following sentence at the end of the first paragraph: “In the case of a year of service over and above 35 years of service that is used in computing the pension, the salary required to arrive at the defined benefit limit is established as if that year were counted for the purposes of section 39.”

**3.** Section 19 of the Act is amended by replacing “35” in the last sentence of the first paragraph by “38”.

**4.** Section 23 of the Act is amended by replacing “35” in the last sentence by “38”.

**5.** Section 25 of the Act is amended by inserting “, in addition to a minimum cost,” after “may prescribe” in the last sentence of the second paragraph.

**6.** Section 29 of the Act is amended by replacing “35” in the third paragraph by “38”.

**7.** Section 29.2 of the Act is amended by replacing “an adoption” by “a paternity or adoption”.

**8.** Section 34.2 of the Act is amended by replacing “35” at the end of the last paragraph by “38”.

**9.** Section 74 of the Act is amended by replacing the first paragraph by the following paragraph:

**“74.** For the purposes of eligibility for and computation of an employee’s pension, except on contrary notice from the employee, a maximum of

90 contributory days may be added to the service credited to the employee to enable the employee to make up any period of leave without pay taken previous to 1 January 2011 or any period of absence without pay taken under the employee's conditions of employment and related to a maternity, paternity or adoption leave, while holding pensionable employment."

**10.** Section 77 of the Act is amended by replacing "35 years" in the second paragraph by "the number of years of service used in computing the pension".

**11.** The Act is amended by inserting the following section after the heading of Division I of Chapter VI of Title I:

**"85.35.** This division applies only in respect of an employee whose application for the redemption of prior service is received by the Commission before 1 July 2011 and who obtains a pension credit under this division following the application."

**12.** Section 100 of the Act is amended by adding the following sentence at the end of the first paragraph: "For the employee to obtain the pension credit, the application must be received by the Commission before 1 July 2011."

**13.** The Act is amended by inserting the following section after the heading of Division III of Chapter VI of Title I:

**"100.1.** This division applies only in respect of an employee whose application for the redemption of prior service is received by the Commission before 1 July 2011 and who obtains a pension credit under this division following the application."

**14.** The Act is amended by inserting the following sections after section 115.10.3:

**"115.10.4.** An employee who held employment in a body designated in Schedule I after 30 June 2011 under section 220 is entitled to be credited, for pension purposes, with the years and parts of a year of service accumulated with that body before the date on which the body was designated in Schedule I, up to a maximum of 15 years, except the years and parts of a year during which the employee participated in a pension plan.

To be credited with all or part of that service, the employee is required to pay to the Commission the amount determined under the tariff established by regulation, on the basis of the pensionable salary at the time of receipt of the employee's application for redemption, according to the number of days and parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the annual remuneration. The tariff may vary according to the employee's age, the year of service covered by the redemption and the date of receipt of the application. The regulation may prescribe the terms and conditions

governing the application of the tariff. If the employee applies to have only part of that service credited, the most recent service is credited first.

For the purposes of the second paragraph, the pensionable salary of an employee who, at the time of the receipt of his or her application for redemption, participates in the plan but does not hold pensionable employment is established by regulation. This rule also applies to the establishment of the pensionable salary of an employee who retires on the day following the day on which the employee ceases to participate in the plan and applies simultaneously for a pension and for credit for a period between the dates specified in this section.

**“115.10.5.** The amount established under section 115.10.4 is payable in cash or by instalments spread over the period and payable at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate provided for in Schedule VII in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.”

**15.** Section 134 of the Act is amended in subparagraph 4.2 of the first paragraph

(1) by replacing “and 115.10.1, the tariff applicable to the payment of redemption cost which may vary” by “, 115.10.1 and 115.10.4, the tariff applicable to the payment of the redemption cost, which may vary”;

(2) by replacing “and prescribe the terms and conditions governing the application of the tariff and the rules for determining the pensionable salary for the purposes provided for in those sections” by “and prescribe, in addition to a minimum cost for the purposes of section 25, the terms and conditions governing the application of the tariff and the rules for determining the pensionable salary for the purposes provided for in sections 25, 115.1, 115.10.1 and 115.10.4”.

**16.** Section 187 of the Act is amended by replacing “an adoption” in the first paragraph by “a paternity or adoption”.

#### ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

**17.** Section 30 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by adding the following sentence at the end of the first paragraph: “In the case of a year of service over and above 35 years of service that is used in computing the pension, the salary necessary to reach the defined benefit limit is established as if that year were counted for the purposes of section 57.”

**18.** Section 31 of the Act is amended by replacing “35” in the last sentence of the first paragraph by “38”.

**19.** Section 37 of the Act is amended by replacing “35” in the last sentence by “38”.

**20.** Section 39 of the Act is amended by inserting “, in addition to a minimum cost,” after “may prescribe” in the last sentence of the second paragraph.

**21.** Section 41 of the Act is amended by replacing “35” in the third paragraph by “38”.

**22.** Section 50.2 of the Act is amended by replacing “35” at the end of the last paragraph by “38”.

**23.** Section 111 of the Act is amended by replacing the first paragraph by the following paragraph:

“**111.** For the purposes of eligibility for and computation of an employee’s pension, except on contrary notice from the employee, a maximum of 90 contributory days may be added to the service credited to the employee to enable the employee to make up any period of leave without pay taken previous to 1 January 2011 or any period of absence without pay taken under the employee’s conditions of employment and related to a maternity, paternity or adoption leave, while holding pensionable employment.”

**24.** Section 115 of the Act is amended by replacing “35 years” in the second paragraph by “the number of years of service used in computing the pension”.

**25.** The Act is amended by inserting the following sections after section 152.3:

“**152.4.** An employee who held employment in a body designated in Schedule II after 30 June 2011 under section 207 is entitled to be credited, for pension purposes, with the years and parts of a year of service accumulated with that body before the date on which the body was designated in Schedule II, up to a maximum of 15 years, except the years and parts of a year during which the employee was a member of a pension plan.

To be credited with all or part of that service, the employee is required to pay to the Commission the amount determined under the tariff established by regulation, on the basis of the pensionable salary at the time of receipt of the employee’s application for redemption, according to the number of days and parts of a day to be redeemed out of the number of pensionable days, calculated on the basis of the annual remuneration. The tariff may vary according to the employee’s age, the year of service covered by the redemption and the date of receipt of the application. The regulation may prescribe the terms and conditions governing the application of the tariff. If the employee applies to have only part of that service credited, the most recent service is credited first.

For the purposes of the second paragraph, the pensionable salary of an employee who, at the time of the receipt of his or her application for redemption, is a member of the plan but does not hold pensionable employment is established by regulation. This rule also applies to the establishment of the pensionable salary of an employee who retires on the day following the day on which the employee ceases to be a member of the plan and applies simultaneously for a pension and for credit for a period between the dates specified in this section.

**“152.5.** The amount established under section 152.4 is payable in cash or by instalments spread over the period and payable at the intervals determined by the Commission. If paid by instalments, the amount bears interest, compounded annually, at the rate provided for in Schedule VIII in force on the date of receipt of the application, computed from the date on which the redemption proposal made by the Commission expires.”

**26.** Section 196 of the Act is amended in subparagraph 5.1 of the first paragraph

(1) by replacing “and 152.1, the tariff applicable to the payment of redemption costs which may vary” by “, 152.1 and 152.4, the tariff applicable to the payment of the redemption cost, which may vary”;

(2) by replacing “and prescribe the terms and conditions governing the application of the tariff and the rules for determining the pensionable salary for the purposes provided for in those sections” by “and prescribe, in addition to a minimum cost for the purposes of section 39, the terms and conditions governing the application of the tariff and the rules for determining the pensionable salary for the purposes provided for in sections 39, 146, 152.1 and 152.4”.

#### ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

**27.** Section 22 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by replacing “70%” wherever it appears in the first paragraph by “76%”.

**28.** Section 24 of the Act is amended by replacing “referred to in section 22;” at the end of subparagraph 2 of the first paragraph by “, which is the total of the following amounts:

(a) 70% of the average pensionable salary used to compute the pension for the years and parts of a year of service credited before 1992 multiplied by the number of years and parts of a year of service credited before 1992 over the total number of years and parts of a year of service credited; and

(b) 70% of the average pensionable salary used to compute the pension for the years and parts of a year of service credited after 1991 multiplied by the

number of years and parts of a year of service credited after 1991 over the total number of years and parts of a year of service credited;”.

#### ACT RESPECTING THE TEACHERS PENSION PLAN

**29.** Section 11 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing “an adoption” in the second paragraph by “a paternity or adoption”.

**30.** Section 28.5.6 of the Act is amended by inserting “Provided the teacher’s application is received by the Commission before 1 July 2011,” at the beginning of the first paragraph.

**31.** Section 29.1.0.1 of the Act is amended by replacing “an adoption” by “a paternity or adoption”.

#### ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

**32.** Section 51 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by replacing “an adoption” in the second paragraph by “a paternity or adoption”.

**33.** Section 69.0.0.1 of the Act is amended by replacing “less than 30 consecutive days” in the first paragraph by “30 consecutive days or less”.

**34.** Section 69.0.1.1 of the Act is amended by replacing “an adoption” by “a paternity or adoption”.

**35.** Section 99.17.1 of the Act is amended by adding “Provided the officer’s application is received by the Commission before 1 July 2011,” at the beginning of the first paragraph.

#### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**36.** The first regulation made after 2 December 2010 under the following provisions may have effect from any date not prior to 1 January 2011:

(1) paragraphs 3 to 5 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);

(2) paragraphs 8.3 to 8.5 of section 130 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);

(3) section 10.2 and subparagraphs 9.1, 14.4 to 14.6 and 22.2 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

(4) paragraphs 9.3 to 9.5 of section 73 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

(5) paragraphs 8.4 to 8.6 of section 109 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

(6) subparagraphs 8, 15 to 17 and 22 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1); and

(7) section 52 of the Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan (1990, chapter 5) as it applies to the Pension Plan of the employees of the Centre hospitalier Côte-des-Neiges.

**37.** For the purposes of the provisions amended by sections 2 to 4, 6, 8, 17 to 19, 21 and 22, the years of service credited over and above 35 years of service that are used to compute the pension must be subsequent to 2010.

For the purposes of the provision amended by section 27, the percentage that exceeds 70% must reflect the 2% per year of service credited over and above 35 years of service that is used to compute the pension and is subsequent to 2010.

**38.** Sections 1, 7, 16, 29, 31, 32 and 34 have effect from 10 June 2010.

**39.** This Act comes into force on 1 January 2011, except section 14, paragraph 1 of section 15, section 25 and paragraph 1 of section 26, which come into force on 1 July 2011.





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## Coming into force of Acts

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Gouvernement du Québec

**O.C. 6-2011**, 12 January 2011

**An Act respecting the Institut national  
d'excellence en santé et en services sociaux  
(R.S.Q., c. I-13.03)**

— **Coming into force of certain provisions of the Act**

COMING INTO FORCE of certain provisions of the Act respecting the Institut national d'excellence en santé et en services sociaux

WHEREAS the Act respecting the Institut national d'excellence en santé et en services sociaux (R.S.Q., c. I-13.03) was assented to on 11 June 2010;

WHEREAS section 103 of the Act provides that the Act comes into force on 11 June 2010, except sections 4 to 9, 12, 13, 54, 56 to 74, 76, 77, 81 to 87 and 89 to 93, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set the date of coming into force of sections 4 to 9, 12, 13, 54, 56 to 74, 76, 77, 81 to 87 and 89 to 93 of the Act respecting the Institut national d'excellence en santé et en services sociaux;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT sections 4 to 9, 12, 13, 54, 56 to 74, 76, 77, 81 to 87 and 89 to 93 of the Act respecting the Institut national d'excellence en santé et en services sociaux come into force on 19 January 2011.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## Regulations and other Acts

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**M.O., 2010**

**Order number AM 2010-012 of the Minister of Immigration and Cultural Communities dated 20 December 2010**

An Act respecting immigration to Québec (R.S.Q., c. I-0.2)

Prescribed forms for an undertaking

THE MINISTER OF IMMIGRATION AND CULTURAL COMMUNITIES,

CONSIDERING section 3.1.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), which provides that the application for an undertaking and an undertaking to assist a foreign national in settling in Québec must be made on the form prescribed by the Minister;

CONSIDERING the Minister's Order dated 29 September 2006, published in the *Gazette officielle du Québec* of 11 October 2006, concerning the prescribing as of 16 October 2006 of five forms for an undertaking;

CONSIDERING the Minister's Order dated 3 December 2009, published in the *Gazette officielle du Québec* of 16 December 2009, concerning the prescribing as of 1 January 2010 of the Undertaking "Family Class form;

CONSIDERING the making of the Regulation respecting immigration consultants, made by Order in Council 544-2010 dated 23 June 2010;

CONSIDERING the amendments made to the Regulation respecting the selection of foreign nationals by the Regulation to amend the Regulation respecting the selection of foreign nationals, made by Order in Council 545-2010 dated 23 June 2010;

CONSIDERING that it is expedient to prescribe six forms for an undertaking;

ORDERS AS FOLLOWS:

The following forms for an undertaking attached to this Order are hereby prescribed as of 2 February 2011 pursuant to the Act respecting immigration to Québec:

— UNDERTAKING  
Collective Sponsorship – Group of 2 to 5 persons

— UNDERTAKING  
Collective Sponsorship – Legal Person

— UNDERTAKING  
Collective Sponsorship – Joint Undertaking Application – Québec Resident and Legal Person

— UNDERTAKING  
Family Class

— UNDERTAKING  
Economic Class or applicant referred to in section 18 (c) (iv) of the Regulation respecting the selection of foreign nationals – Legal Person

— UNDERTAKING  
Economic Class or applicant referred to in section 18 (c) (i) or 18 (c) (iv) of the Regulation respecting the selection of foreign nationals – On-site applicant – Québec Resident

The forms for an undertaking replace those that were prescribed by the Minister's Orders dated 29 September 2006 and 3 December 2009.

KATHLEEN WEIL,  
*Minister of Immigration  
and Cultural Communities*

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**For official use only**

File No. : \_\_\_\_\_

Family name at birth : _____ First name : _____ Family name after marriage : _____ (if applicable) Date of birth : _____ Year / Month / Day Address : _____ Number Street City Province / State Postal code Telephone No. at home : _____ Telephone No. at work : _____	Individual Reference No.  _____
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**SECTION 2 IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON AND FAMILY MEMBERS**

**A. Principal sponsored person**

Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ Year / Month / Day Residential address : _____ Number Street City Province / State Postal code Mailing address (if different) : _____ Number Street City Province / State Postal code	Individual Reference No.  _____
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**B. Members of the principal sponsored person's family who are accompanying that person to Québec  
(Attach an extra page if necessary.)**

Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ Year / Month / Day Relationship with the principal sponsored person : _____ Mailing address (if different) : _____ Number Street City Province / State Postal code	Individual Reference No.  _____
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Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ Year / Month / Day Relationship with the principal sponsored person : _____ Mailing address (if different) : _____ Number Street City Province / State Postal code	Individual Reference No.  _____
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**For official use only**

File No. : \_\_\_\_\_

Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small style="margin-left: 40px;">Year / Month / Day</small> Relationship with the principal sponsored person : _____ Mailing address (if different) : _____ <small style="margin-left: 40px;">Number Street City Province / State Postal code</small>	Individual Reference No.  _____
Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small style="margin-left: 40px;">Year / Month / Day</small> Relationship with the principal sponsored person : _____ Mailing address (if different) : _____ <small style="margin-left: 40px;">Number Street City Province / State Postal code</small>	Individual Reference No.  _____
Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small style="margin-left: 40px;">Year / Month / Day</small> Relationship with the principal sponsored person : _____ Mailing address (if different) : _____ <small style="margin-left: 40px;">Number Street City Province / State Postal code</small>	Individual Reference No.  _____
<p><b>C. Members of the principal sponsored person's family who are not accompanying that person to Québec but who are covered by the undertaking (Attach an extra page if necessary.)</b></p>	
Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small style="margin-left: 40px;">Year / Month / Day</small> Relationship with the principal sponsored person : _____ Mailing address (if different) : _____ <small style="margin-left: 40px;">Number Street City Province / State Postal code</small>	Individual Reference No.  _____

**For official use only**

File No. :

Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small style="margin-left: 100px;">Year / Month / Day</small> Relationship with the principal sponsored person : _____ Mailing address (if different) : _____ <small style="margin-left: 100px;">Number Street City Province / State Postal code</small>	Individual Reference No.  <input type="text"/>
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**D. Members of the principal sponsored person's family who are not accompanying that person to Québec and who are not covered by the undertaking (Attach an extra page if necessary.)**

Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small style="margin-left: 100px;">Year / Month / Day</small> Relationship with the principal sponsored person : _____ Mailing address (if different) : _____ <small style="margin-left: 100px;">Number Street City Province / State Postal code</small>	Individual Reference No.  <input type="text"/>
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Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small style="margin-left: 100px;">Year / Month / Day</small> Relationship with the principal sponsored person : _____ Mailing address (if different) : _____ <small style="margin-left: 100px;">Number Street City Province / State Postal code</small>	Individual Reference No.  <input type="text"/>
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**SECTION 3 ADDITIONAL INFORMATION**

A. Expected locality of settlement of the sponsored person and family members : \_\_\_\_\_

B. Do the sponsored persons have close relatives (child, spouse, father or mother) residing in Québec? If yes, please indicate their name and the relationship : \_\_\_\_\_

For official use only

File No. : \_\_\_\_\_

**SECTION 4 PROTECTION OF PERSONAL INFORMATION**

The personal information collected in this document is necessary in order to process your undertaking application, and is required under the terms of the Act respecting immigration to Québec, the Regulation respecting the selection of foreign nationals, the Regulation respecting immigration consultants and the incumbent administrative rules.

This information may also be used by the Ministry to verify directly or by the means of an intermediate the accuracy of the information provided, for the purpose of research, statistics, program evaluation, or to convey to you any information that is liable to affect your undertaking.

The personal information provided is confidential and cannot be disclosed without your consent, unless authorized by law. Under certain conditions, the law allows for personal information to be communicated **without permission** if such communication is necessary in order to :

- enforce a law in Québec;
- exercise the powers of an agency of the Government of Québec or the Government of Canada, particularly federal immigration officials;
- render a service provided by the Ministry, or fulfill a service contract awarded by the Ministry;
- lay charges for violating a law that is applicable in Québec, or to respond to an emergency.

Access to this information within the Ministry is restricted to the persons authorized to receive it in order to carry out their duties.

Any omission or refusal to answer, with the exception of the optional sections, may result in the rejection of your application or cause delays in the processing of your file.

You can obtain information pertaining to your file held by the Ministry, and if necessary, corrections may be requested in writing. For additional information, please contact the office processing your application. If the latter cannot provide the information requested, contact the person within the Ministry responsible for the protection of personal information at Secrétariat général du Ministère de l'Immigration et des Communautés culturelles, located at: Édifice Gérald-Godin, 360, rue McGill, 4<sup>e</sup> étage, Montréal (Québec), H2Y 2E9.

**SECTION 5 PAID INDIVIDUAL WHO ADVISES YOU, ASSISTS YOU OR REPRESENTS YOU IN THE FRAMEWORK OF YOUR APPLICATION**

Yes  No

**You must answer the following questions.**

Have you, in the framework of this application, retained a paid individual to advise, assist or represent you?

If **Yes**, is the person:

Yes  No

a lawyer who is a member of the Barreau du Québec?

Yes  No

a notary who is a member of the Chambre des notaires du Québec?

Yes  No

a person holding a special authorization issued by the Barreau du Québec or the Chambre des notaires du Québec?

Yes  No

an immigration consultant?

Yes  No

another paid individual?

If the person is an immigration consultant or another paid individual, give:

Family name \_\_\_\_\_

First name \_\_\_\_\_

Registration number as it appears in the Registre québécois des consultants en immigration [www.micc.gouv.qc.ca/consultant](http://www.micc.gouv.qc.ca/consultant)

**SECTION 6 IMPORTANT INFORMATION**

The undertaking is normally valid for one year. However the undertaking is valid for three years if the Minister is of the opinion that the sponsored person is able to settle successfully in Québec society but will not be able to integrate the labour market and that her physical integrity is not threatened where she is located. The obligations set forth herein come into force from the moment the sponsored person is admitted as a permanent resident or under a temporary resident permit.

The undertaking is joint and solidary. Each member of the group is responsible for the share of the other members of the group who fail to fulfill their undertaking.

The amounts required to provide for basic needs are determined in Schedule C of the Regulation respecting the selection of foreign nationals. They include food, clothing, personal necessities, and any other expenses pertaining to living accommodations, insofar as the sponsored persons reasonably need them. These amounts are indexed annually.

The undertaking lapses if the sponsored persons do not qualify under the Regulation respecting the selection of foreign nationals, are not admitted as permanent residents or as holders of a temporary resident permit, or do not obtain a *Québec Selection Certificate* within 24 months following the date on which the undertaking was accepted by the immigration officer.



For official use only

File No. : \_\_\_\_\_

**SECTION 7 DECLARATION AND UNDERTAKING**

**The undertaking is a contract that binds you to provide for your sponsored person's basic needs throughout the term of the undertaking.**

We declare that the information contained in this form is complete and accurate.

We declare that we have read the notice respecting the "Protection of personal information" in Section 4 of this form.

We further acknowledge being informed that :

- the Minister of Immigration and Cultural Communities may request from any other department or body information related to the sponsor's address, and may forward a copy of this undertaking to the sponsored person(s);
- the Minister may revoke an undertaking or a *Québec Selection Certificate* if the undertaking was accepted or the certificate issued on the strength of false or misleading information or documents, were accepted or issued by mistake, or if the conditions required for the acceptance of the undertaking or the issue of the *Québec Selection Certificate* cease to exist (**in no other case may an undertaking be revoked**);
- the Minister may reject an application that contains false or misleading information or documents;
- the Minister may refuse to consider an undertaking application from someone who has provided false or misleading information or documents within the past two years;
- legal proceedings may be taken against a sponsor if he fails to comply with the undertaking or if he provides false or misleading information.

We acknowledge having read the information contained in this form and in the guide *Parrainage collectif des personnes en situation particulière de détresse*, and we understand the nature and scope of the undertaking that binds us to the persons covered by our undertaking application. Consequently :

1. We undertake to provide, during the entire term of the undertaking, for the basic needs of the sponsored person(s), as established in Schedule C to the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2);
2. We undertake to ensure the reception of the person on whose behalf the undertaking is given, and to provide that person assistance in setting in. This includes ensuring reception in the region or locality of settlement, providing information on Québec society and culture, arranging for the consultation services necessary for integration into Québec, and providing assistance in seeking employment.
3. We undertake to reimburse the Government of Québec any amount that the latter may grant to the sponsored person(s), as special benefits or last resort assistance benefits, in accordance with the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001);
4. We undertake to reimburse the Government of any province of Canada the amount paid as special benefits, last resort assistance benefits or other similar benefits it may grant to the sponsored person(s).

The undertaking is valid for  1 year  3 years

In witness whereof, we have signed in \_\_\_\_\_

Name	Signature	Year / Month / Day
Name	Signature	Year / Month / Day
Name	Signature	Year / Month / Day
Name	Signature	Year / Month / Day
Name	Signature	Year / Month / Day

**SECTION 8 DECISION (For official use only)**

**Undertaking accepted**  1 year  3 years

**Undertaking denied**

Name of authorized officer	Signature	Year / Month / Day
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Immigration  
et Communautés  
culturelles

Québec



## UNDERTAKING

Collective Sponsorship – Legal Person

### For official use only

Partner No. : \_\_\_\_\_

File No. : \_\_\_\_\_

Please refer to the guide *Parrainage collectif des personnes en situation particulière de détresse* to fill out this form.

SECTION 1 IDENTIFICATION OF LEGAL PERSON	
Name : _____	
Address : _____ Number Street City Province / State Postal code	
Telephone No. : _____ Fax No. : _____	
<b>Person authorized by the Board of Directors to sign this undertaking</b>	
Family name, first name and occupation : _____	
Mailing address (if different from above) : _____	
Telephone No. : _____ Fax No. : _____	
SECTION 2 IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON AND FAMILY MEMBERS	
A. Principal sponsored person	For official use only
Family name at birth : _____ First name : _____	Individual Reference No. :  _____
Family name after marriage (if applicable) : _____	
Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____	
Date of birth : _____ Country of birth : _____ Telephone No. : _____ Year / Month / Day	
Residential address : _____ Number Street City Country Postal code	
Mailing address (if different) : _____ Number Street City Country Postal code	
B. Members of the principal sponsored person's family who are accompanying that person to Québec (Attach an extra page if necessary.)	
Family name at birth : _____ First name : _____	Individual Reference No.  _____
Family name after marriage (if applicable) : _____	
Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____	
Date of birth : _____ Country of birth : _____ Telephone No. : _____ Year / Month / Day	
Relationship with the principal sponsored person : _____	
Mailing address (if different) : _____ Number Street City Province / State Postal code	

**For official use only**

Partner No. : \_\_\_\_\_  
 File No. : \_\_\_\_\_

<p>Family name at birth : _____ First name : _____</p> <p>Family name after marriage (if applicable) : _____</p> <p>Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____</p> <p>Date of birth : _____ Country of birth : _____ Telephone No. : _____  <small>Year / Month / Day</small></p> <p>Relationship with the principal sponsored person : _____</p> <p>Mailing address (if different) : _____  <small>Number Street City Province / State Postal code</small></p>	<p>Individual Reference No.</p> <p>_____</p>
<p>Family name at birth : _____ First name : _____</p> <p>Family name after marriage (if applicable) : _____</p> <p>Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____</p> <p>Date of birth : _____ Country of birth : _____ Telephone No. : _____  <small>Year / Month / Day</small></p> <p>Relationship with the principal sponsored person : _____</p> <p>Mailing address (if different) : _____  <small>Number Street City Province / State Postal code</small></p>	<p>Individual Reference No.</p> <p>_____</p>
<p>Family name at birth : _____ First name : _____</p> <p>Family name after marriage (if applicable) : _____</p> <p>Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____</p> <p>Date of birth : _____ Country of birth : _____ Telephone No. : _____  <small>Year / Month / Day</small></p> <p>Relationship with the principal sponsored person : _____</p> <p>Mailing address (if different) : _____  <small>Number Street City Province / State Postal code</small></p>	<p>Individual Reference No.</p> <p>_____</p>
<p>Family name at birth : _____ First name : _____</p> <p>Family name after marriage (if applicable) : _____</p> <p>Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____</p> <p>Date of birth : _____ Country of birth : _____ Telephone No. : _____  <small>Year / Month / Day</small></p> <p>Relationship with the principal sponsored person : _____</p> <p>Mailing address (if different) : _____  <small>Number Street City Province / State Postal code</small></p>	<p>Individual Reference No.</p> <p>_____</p>







**For official use only**

Partner No. :

File No. :

**SECTION 8 UNDERTAKING**

**The undertaking is a contract that binds you to provide for your sponsored person's basic needs throughout the term of the undertaking.**

The legal person declares that the information contained in this form is complete and accurate.

The legal person declares having read the notice respecting the "Protection of personal information" in Section 4 of this form.

The legal person further acknowledges being informed that :

- the Minister of Immigration and Cultural Communities may request from any other department or body information related to the sponsor's address, and may forward a copy of this undertaking to the sponsored person(s);
- the Minister may revoke an undertaking or a *Québec Selection Certificate* if the undertaking was accepted or the certificate issued on the strength of false or misleading information or documents, were accepted or issued by mistake, or if the conditions required for the acceptance of the undertaking or the issue of the *Québec Selection Certificate* cease to exist (**in no other case may an undertaking be revoked**);
- the Minister may reject an application that contains false or misleading information or documents;
- the Minister may refuse to consider an undertaking application from someone who has provided false or misleading information or documents within the past two years;
- legal proceedings may be taken against a sponsor if he fails to comply with the undertaking or if he provides false or misleading information.

The legal person acknowledges having read the information contained in this form and in the guide *Parrainage collectif des personnes en situation particulière de détresse*, and understands the nature and scope of the undertaking that binds it to the persons covered by this undertaking application. Consequently :

1. The legal person undertakes to provide, during the entire term of the undertaking, for the basic needs of the sponsored person(s), as established in Schedule C to the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2);
2. The legal person undertakes to ensure the reception of the person on whose behalf the undertaking is given, and to provide that person assistance in setting in. This includes ensuring reception in the region or locality of settlement, providing information on Québec society and culture, arranging for the consultation services necessary for integration into Québec, and providing assistance in seeking employment.
3. The legal person undertakes to reimburse the Government of Québec any amount that the latter may grant to the sponsored person(s), as special benefits or last resort assistance benefits, in accordance with the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001);
4. The legal person undertakes to reimburse the Government of any province of Canada the amount paid as special benefits, last resort assistance benefits or other similar benefits it may grant to the sponsored person(s).

The present undertaking is valid for  1 year  3 years

In witness whereof, the duly authorized representative of the legal person for the purpose of the present document, as attested to by the attached

resolution of the Board of Directors dated \_\_\_\_\_,  
Year / Month / Day

has signed in \_\_\_\_\_  
City Year / Month / Day

\_\_\_\_\_  
Name of the legal person's representative

\_\_\_\_\_  
Signature

**SECTION 9 DECISION (For official use only)**

**Undertaking accepted**  1 year  3 years

**Undertaking denied**

\_\_\_\_\_  
Name of authorized officer

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Year / Month / Day

Immigration  
et Communautés  
culturelles

Québec



## UNDERTAKING

Collective Sponsorship – Joint Undertaking Application –  
Québec Resident and Legal Person

### For official use only

Partner No. : \_\_\_\_\_

File No. : \_\_\_\_\_

Please refer to the guide *Parrainage collectif des personnes en situation particulière de détresse* to fill out this form.

SECTION 1 IDENTIFICATION OF SPONSORS	
<b>A. Identification of Québec resident</b>	
Family name at birth : _____ First name : _____	
Family name after marriage : _____ Date of birth : _____ (if applicable) (if applicable) Year / Month / Day	
Address : _____ Number Street City Province / State Postal code	
Telephone No. at home : _____ Telephone No. at work : _____	
Official spokesperson of the group : <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>B. Identification of legal person</b>	
Name : _____	
Address : _____ Number Street City Province / State Postal code	
Telephone No. : _____ Fax No. : _____	
<b>Person authorized by the Board of Directors to sign this undertaking</b>	
Family name, first name and occupation : _____	
Mailing address (if different from above) : _____	
Telephone No. : _____ Fax No. : _____	
Official spokesperson of the group : <input type="checkbox"/> Yes <input type="checkbox"/> No	
SECTION 2 IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON AND FAMILY MEMBERS	
<b>A. Principal sponsored person</b>	
Family name at birth : _____ First name : _____	
Family name after marriage (if applicable) : _____	
Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____	
Date of birth : _____ Country of birth : _____ Telephone No. : _____ Year / Month / Day	
Residential address : _____ Number Street City Country Postal code	
Mailing address (if different) : _____ Number Street City Country Postal code	
Individual Reference No. _____	



**For official use only**

Partner No. : \_\_\_\_\_  
 File No. : \_\_\_\_\_

**B. Members of the principal sponsored person's family who are accompanying that person to Québec**  
 (Attach an extra page if necessary.)

<p>Family name at birth : _____ First name : _____</p> <p>Family name after marriage (if applicable) : _____</p> <p>Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____</p> <p>Date of birth : _____ Country of birth : _____ Telephone No. : _____  <small>Year / Month / Day</small></p> <p>Residential address : _____  <small>Number Street City Country Postal code</small></p> <p>Mailing address (if different) : _____  <small>Number Street City Country Postal code</small></p>	<p>Individual Reference No.</p> <p>_____</p>
<p>Family name at birth : _____ First name : _____</p> <p>Family name after marriage (if applicable) : _____</p> <p>Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____</p> <p>Date of birth : _____ Country of birth : _____ Telephone No. : _____  <small>Year / Month / Day</small></p> <p>Residential address : _____  <small>Number Street City Country Postal code</small></p> <p>Mailing address (if different) : _____  <small>Number Street City Country Postal code</small></p>	<p>Individual Reference No.</p> <p>_____</p>
<p>Family name at birth : _____ First name : _____</p> <p>Family name after marriage (if applicable) : _____</p> <p>Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____</p> <p>Date of birth : _____ Country of birth : _____ Telephone No. : _____  <small>Year / Month / Day</small></p> <p>Residential address : _____  <small>Number Street City Country Postal code</small></p> <p>Mailing address (if different) : _____  <small>Number Street City Country Postal code</small></p>	<p>Individual Reference No.</p> <p>_____</p>
<p>Family name at birth : _____ First name : _____</p> <p>Family name after marriage (if applicable) : _____</p> <p>Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____</p> <p>Date of birth : _____ Country of birth : _____ Telephone No. : _____  <small>Year / Month / Day</small></p> <p>Residential address : _____  <small>Number Street City Country Postal code</small></p> <p>Mailing address (if different) : _____  <small>Number Street City Country Postal code</small></p>	<p>Individual Reference No.</p> <p>_____</p>

**For official use only**

Partner No. : \_\_\_\_\_

File No. : \_\_\_\_\_

**C. Members of the principal sponsored person's family who are not accompanying that person to Québec but who are covered by the undertaking (Attach an extra page if necessary.)**

Family name at birth : \_\_\_\_\_ First name : \_\_\_\_\_

Family name after marriage (if applicable) : \_\_\_\_\_

Sex :  F  M Civil status :  Single  Married  De facto spouse  Other (specify) \_\_\_\_\_Date of birth : \_\_\_\_\_ Country of birth : \_\_\_\_\_ Telephone No. : \_\_\_\_\_  
Year / Month / DayResidential address : \_\_\_\_\_  
Number Street City Country Postal codeMailing address (if different) : \_\_\_\_\_  
Number Street City Country Postal codeIndividual  
Reference No.

Family name at birth : \_\_\_\_\_ First name : \_\_\_\_\_

Family name after marriage (if applicable) : \_\_\_\_\_

Sex :  F  M Civil status :  Single  Married  De facto spouse  Other (specify) \_\_\_\_\_Date of birth : \_\_\_\_\_ Country of birth : \_\_\_\_\_ Telephone No. : \_\_\_\_\_  
Year / Month / DayResidential address : \_\_\_\_\_  
Number Street City Country Postal codeMailing address (if different) : \_\_\_\_\_  
Number Street City Country Postal codeIndividual  
Reference No.**D. Members of the principal sponsored person's family who are not accompanying that person to Québec and who are not covered by the undertaking (Attach an extra page if necessary.)**

Family name at birth : \_\_\_\_\_ First name : \_\_\_\_\_

Family name after marriage (if applicable) : \_\_\_\_\_

Sex :  F  M Civil status :  Single  Married  De facto spouse  Other (specify) \_\_\_\_\_Date of birth : \_\_\_\_\_ Country of birth : \_\_\_\_\_ Telephone No. : \_\_\_\_\_  
Year / Month / DayResidential address : \_\_\_\_\_  
Number Street City Country Postal codeMailing address (if different) : \_\_\_\_\_  
Number Street City Country Postal codeIndividual  
Reference No.**SECTION 3 ADDITIONNAL INFORMATION**

A. Expected locality of settlement of the sponsored person and family members : \_\_\_\_\_

B. Do the sponsored persons have close relatives (child, spouse, father or mother) residing in Québec? If yes, please indicate their name and the relationship :  
\_\_\_\_\_









For official use only

File No. :

**SECTION 3 IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON'S FAMILY MEMBERS**

All persons who are identified in this section must be included in the sponsorship application that has been deemed admissible by Citizenship and Immigration Canada (CIC). You may not add other family members or change the status of no-accompanying family member to accompanying family member before obtaining permission to do so from CIC.

**A Members of the principal sponsored person's family who are accompanying that person to Québec**

	FAMILY NAME (at birth) AND FIRST NAME	RELATIONSHIP with sponsored person	SEX	DATE OF BIRTH Year / Month / Day	HOME ADDRESS	TERM OF THE UNDERTAKING*
1						
	FAMILY NAME (after marriage, if applicable):					
2						
3						
4						
5						
6						

**B Members of the principal sponsored person's family who are not accompanying that person to Québec and who are not covered by the undertaking**

1						
2						
3						
4						

\* This undertaking is valid for three years for the spouse, de facto spouse, and conjugal partner. In the case of a child under the age of 16, the undertaking is valid for ten years or until the age of majority (18 years), whichever is longer. In the case of a child aged 16 or over, the undertaking is valid for three years or until age 25, whichever is longer. For other sponsored persons, the undertaking is valid for ten years. The obligations set forth herein come into force from the moment the sponsored person is admitted as a permanent resident or under a temporary resident permit. The age of a child is determined on this same date.

**SECTION 4 SPECIFIC DETAILS REGARDING CHILDREN WHO HAVE BEEN OR ARE IN THE PROCESS OF BEING ADOPTED**

Check the box that corresponds to your situation	
<input type="checkbox"/>	The child I wish to sponsor will be adopted abroad according to a <b>procedure authorized by the Secrétariat à l'adoption internationale</b> (licensed agency or minister's order).
<input type="checkbox"/>	The child I wish to sponsor <b>has already been the subject of a judgment</b> (or decision) regarding his or her placement or adoption. <b>If the child has already been adopted, please answer the following questions and attach all the documents to your application.</b> The judgment or decision was rendered in _____ on _____ City/Country Year / Month / Day Age of the child at the time of the judgment or decision _____ <b>Check only one of the following boxes.</b> <input type="checkbox"/> I obtained the adoption judgment (or decision) before immigrating to Québec. <input type="checkbox"/> I was temporarily abroad when I obtained the adoption judgment or decision ( <i>specify the circumstances</i> ): _____ _____
<input type="checkbox"/>	I was domiciled in Québec at the time of the adoption.

For official use only

File No. :

SECTION 5 DECLARATION		
<b>SPONSOR</b>	<b>CO-SIGNER SPOUSE</b>	<b>You must indicate by "yes" or "no" if the following statements apply to you.</b> The spouse should fill out this section only if co-signer to the undertaking.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I am domiciled in Québec.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I am a recipient of last resort assistance benefits.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I am subject to a removal order from Canada (deportation order).
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I am detained in a jail or penitentiary.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I have been subject to a recourse for non-payment of support payments in the past five years.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	If "yes", I have repaid all outstanding amounts.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I have been convicted, in or outside Canada, of a sexual offence or an attempt or threat to commit such an offence against another person; or an offence involving bodily injury or an attempt or threat to commit such an offence against a member of my family or a relative, my spouse, my de facto spouse, my conjugal partner, or a member of their family or a relative of theirs.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	If "yes", I was acquitted upon final appeal, rehabilitated as defined in the Criminal Records Act (R.S.C. (1985), c. C-47), or have served my sentence at least five years before filing this application.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I have sponsored someone before.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	If "yes", I have complied with the financial obligations related to that undertaking.
SECTION 6 DECLARATION OF THE PERSON SPONSORING A SPOUSE		
		<b>You must answer the following two questions.</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No		At the time of my marriage, I was someone else's spouse.
<input type="checkbox"/> Yes <input type="checkbox"/> No		I have a de facto spouse or a conjugal partner, and I have been living separate and apart from my spouse for at least one year.
SECTION 7 DECLARATION OF THE PERSON SPONSORING A DE FACTO SPOUSE		
		<b>Answer only one of the following two questions.</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No		I reside with, and have been in a conjugal relationship with _____ Name of de facto spouse since _____ . Year / Month / Day
<input type="checkbox"/> Yes <input type="checkbox"/> No		I have been in a conjugal relationship with _____ Name of de facto spouse since _____ . Due to persecution or penal control, we are unable to reside together. Year / Month / Day
SECTION 8 DECLARATION OF THE PERSON SPONSORING A CONJUGAL PARTNER		
<input type="checkbox"/> Yes <input type="checkbox"/> No		I have been in a conjugal relationship with _____ Name of conjugal partner since _____ and this person lives outside Canada. Year / Month / Day



For official use only

File No. :

**SECTION 9 PAID INDIVIDUAL WHO ADVISES, ASSISTS OR REPRESENTS FRAMEWORK YOU IN THE OF YOUR APPLICATION** Yes  No**You must answer the following questions.**

Have you, in the framework of this application, retained a paid individual to advise, assist or represent you?

 Yes  No**If Yes, is the person:**

a lawyer who is a member of the Barreau du Québec?

 Yes  No

a notary who is a member of the Chambre des notaires du Québec?

 Yes  No

a person holding a special authorization issued by the Barreau du Québec or the Chambre des notaires du Québec?

 Yes  No

an immigration consultant?

 Yes  No

another paid individual?

**If the person is an immigration consultant or another paid individual, give :**

Family name

First name

Registration number as it appears in the Registre québécois des consultants en immigration [www.micc.gouv.qc.ca/consultant](http://www.micc.gouv.qc.ca/consultant)**SECTION 10 IMPORTANT INFORMATIONS**

The amounts required to provide for basic needs are determined in Schedule C of the Regulation respecting the selection of foreign nationals. They include food, clothing, personal necessities, and any other expenses pertaining to living accommodations, insofar as the sponsored persons reasonably need them. These amounts are indexed annually.

The sponsor's spouse or de facto spouse participating in the undertaking as co-signer spouse is responsible of this undertaking jointly and with solidarity.

The undertaking lapses if the sponsored persons do not qualify under the Regulation respecting the selection of foreign nationals, are not admitted as permanent residents or as holders of a temporary resident permit, or do not obtain a Québec Selection Certificate within 24 months following the date on which the undertaking was accepted by the immigration officer.

**SECTION 11 PROTECTION OF PERSONAL INFORMATION**

The personal information collected in this document is necessary in order to process your undertaking application, and is required under the terms of the Act respecting immigration to Québec, the Regulation respecting the selection of foreign nationals, the Regulation respecting immigration consultants and the incumbent administrative rules.

This information may also be used by the Ministry to verify directly or by the means of an intermediate the accuracy of the information provided, for the purpose of research, statistics, program evaluation, or to convey to you any information that is liable to affect your undertaking.

The personal information provided is confidential and cannot be disclosed without your consent, unless authorized by law. Under certain conditions, the law allows for personal information to be communicated **without permission** if such communication is necessary in order to

- enforce a law in Québec;
- exercise the powers of an agency of the Government of Québec or the Government of Canada, particularly federal immigration officials;
- render a service provided by the Ministry, or fulfill a service contract awarded by the Ministry;
- lay charges for violating a law that is applicable in Québec, or to respond to an emergency.

Access to this information within the Ministry is restricted to the persons authorized to receive it in order to carry out their duties. Any omission or refusal to answer, with the exception of the optional sections, may result in the rejection of your application or cause delays in the processing of your file.

You can obtain information pertaining to your file held by the Ministry, and if necessary, corrections may be requested in writing. For additional information, please contact the office processing your application. If the latter cannot provide the information requested, contact the person within the Ministry responsible for the protection of personal information at Secrétariat général du Ministère de l'Immigration et des Communautés culturelles, located at: Édifice Gérald-Godin, 360, rue McGill, 4<sup>e</sup> étage, Montréal (Québec), H2Y 2E9.

For official use only

File No. :

**SECTION 12 DECLARATION AND UNDERTAKING**

**The undertaking is a contract that binds you to provide for your sponsored person's basic needs throughout the term of the undertaking.**

I declare that the information contained in this form is complete and accurate.

I declare that I have read the notice respecting the "Protection of personal information" in Section 11 of this form.

I further acknowledge being informed that:

- the Minister of Immigration and Cultural Communities may request from any other department or body information related to the sponsor's address, and may forward a copy of this undertaking to the sponsored person(s);
- the Minister may revoke an undertaking or a *Québec Selection Certificate* if the undertaking was accepted or the certificate issued on the strength of false or misleading information or documents, were accepted or issued by mistake, or if the conditions required for the acceptance of the undertaking or the issue of the *Québec Selection Certificate* cease to exist;
- the undertaking is effective, and cannot be cancelled, once the sponsored person has obtained permanent residence or is admitted under a temporary resident permit;
- the Minister may reject an application that contains false or misleading information or documents;
- the Minister may refuse to consider an undertaking application from someone who has provided false or misleading information or documents within the past two years;
- legal proceedings may be taken against the sponsor and the co-signer spouse if they fail to comply with the undertaking or if they provide false or misleading information.

I acknowledge having read the information contained in this form and in the *Sponsor's Guide*, and I understand the nature and scope of the undertaking that binds me to the persons covered by my undertaking application. Consequently:

1. I undertake to provide, during the entire term of the undertaking, for the basic needs of the sponsored person(s), as established in Schedule C to the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2);
2. I undertake to reimburse the Government of Québec any amount that the latter may grant to the sponsored person(s), as special benefits or last resort assistance benefits, in accordance with the Individual and Family assistance Act (R.S.Q., c.A-13.1.1);
3. I undertake to reimburse the Government of any province of Canada the amount paid as special benefits, last resort assistance benefits or other similar benefits it may grant to the sponsored person(s).

In witness whereof, I have signed in: \_\_\_\_\_

City

Sponsor's signature

Year / Month / Day

Co-signer spouse's signature (if applicable)

**SECTION 13 DECISION (for official use only)**
 Undertaking accepted

 Undertaking denied

 Undertaking rejected

Name of authorized officer

Signature

Year / Month / Day



**UNDERTAKING**

Economic Class or applicant referred to in section 18 (c) (iv) of the Regulation respecting the selection of foreign nationals

**LEGAL PERSON**

<b>For official use only</b>	
Partner No. :	_____
File No. :	_____

Please refer to the instruction sheet to fill out this form.

<b>SECTION 1 IDENTIFICATION OF LEGAL PERSON</b>	
Name : _____	
Address : _____ <small>Number Street City Province / State Postal code</small>	
Telephone No. : _____ Fax No. : _____	
<b>Person authorized by the Board of Directors to sign this undertaking</b>	
Family name, first name and occupation : _____	
Mailing address (if different from above) : _____	
Telephone No. : _____ Fax No. : _____	
<b>SECTION 2 IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON AND FAMILY MEMBERS</b>	
<b>A. Principal sponsored person</b>	For official use only
Family name at birth : _____ First name : _____	Individual Reference No. : _____
Family name after marriage (if applicable) : _____	
Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____	
Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small>Year / Month / Day</small>	
Residential address : _____ <small>Number Street City Country Postal code</small>	
Mailing address (if different) : _____ <small>Number Street City Country Postal code</small>	
<b>B. Members of the principal sponsored person's family who are accompanying that person to Québec (Attach an extra page if necessary.)</b>	
Family name at birth : _____ First name : _____	Individual Reference No. : _____
Family name after marriage (if applicable) : _____	
Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____	
Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small>Year / Month / Day</small>	
Mailing address (if different) : _____ <small>Number Street City Country Postal code</small>	

<b>For official use only</b>	
Partner No. :	_____
File No. :	_____

Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small>Year / Month / Day</small> Mailing address (if different) : _____ <small>Number Street City Country Postal code</small>	Individual Reference No. :  _____
Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small>Year / Month / Day</small> Mailing address (if different) : _____ <small>Number Street City Country Postal code</small>	Individual Reference No. :  _____
Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small>Year / Month / Day</small> Mailing address (if different) : _____ <small>Number Street City Country Postal code</small>	Individual Reference No. :  _____
Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small>Year / Month / Day</small> Mailing address (if different) : _____ <small>Number Street City Country Postal code</small>	Individual Reference No. :  _____
Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small>Year / Month / Day</small> Mailing address (if different) : _____ <small>Number Street City Country Postal code</small>	Individual Reference No. :  _____
Family name at birth : _____ First name : _____ Family name after marriage (if applicable) : _____ Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ Telephone No. : _____ <small>Year / Month / Day</small> Mailing address (if different) : _____ <small>Number Street City Country Postal code</small>	Individual Reference No. :  _____

<b>For official use only</b>	
Partner No. :	_____
File No. :	_____

<b>C. Members of the principal sponsored person's family who are not accompanying that person to Québec and who are not covered by the undertaking (Attach an extra page if necessary.)</b>	
Family name at birth : _____ First name : _____ Family name after marriage : _____ Relationship with the principal sponsored person : _____ <small>(if applicable)</small> Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ <small>Year / Month / Day</small>	Individual Reference No. :  _____
Family name at birth : _____ First name : _____ Family name after marriage : _____ Relationship with the principal sponsored person : _____ <small>(if applicable)</small> Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ <small>Year / Month / Day</small>	Individual Reference No. :  _____
Family name at birth : _____ First name : _____ Family name after marriage : _____ Relationship with the principal sponsored person : _____ <small>(if applicable)</small> Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ <small>Year / Month / Day</small>	Individual Reference No. :  _____
Family name at birth : _____ First name : _____ Family name after marriage : _____ Relationship with the principal sponsored person : _____ <small>(if applicable)</small> Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ <small>Year / Month / Day</small>	Individual Reference No. :  _____
Family name at birth : _____ First name : _____ Family name after marriage : _____ Relationship with the principal sponsored person : _____ <small>(if applicable)</small> Sex : <input type="checkbox"/> F <input type="checkbox"/> M Civil status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> De facto spouse <input type="checkbox"/> Other (specify) _____ Date of birth : _____ Country of birth : _____ <small>Year / Month / Day</small>	Individual Reference No. :  _____
<b>D. Expected locality of settlement of the sponsored person and family members : _____</b>	











For official use only

File No. :

<b>SECTION 3 IDENTIFICATION OF THE PRINCIPAL SPONSORED PERSON'S FAMILY MEMBERS</b>					
<b>A</b> Members of the principal sponsored person's family <b>who are accompanying that person to Québec</b> (Attach an extra page if necessary.)					
	FAMILY NAME (at birth) and FIRST NAME	RELATIONSHIP with principal sponsored person	SEX	DATE OF BIRTH Year / Month / Day	HOME ADDRESS
1					
	FAMILY NAME (after marriage, if applicable)				
2					
3					
4					
<b>B</b> Members of the principal sponsored person's family <b>who are not accompanying that person to Québec</b> and who are not covered by the undertaking (Attach an extra page if necessary.)					
1					
2					
3					
4					
<b>SECTION 4 PAID INDIVIDUAL WHO ADVISES YOU, ASSISTS YOU OR REPRESENTS YOU IN THE FRAMEWORK OF YOUR APPLICATION</b>					
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <b>You must answer the following questions.</b></p> <p>Have you, in the framework of this application, retained a paid individual to advise, assist or represent you?</p> <p><b>If Yes, is the person:</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No a lawyer who is a member of the Barreau du Québec?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No a notary who is a member of the Chambre des notaires du Québec?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No a person holding a special authorization issued by the Barreau du Québec or the Chambre des notaires du Québec?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No an immigration consultant?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No another paid individual?</p> <p><b>If the person is an immigration consultant or another paid individual, give:</b></p> <p>Family name _____ First name _____</p> <p>Registration number as it appears in the Registre québécois des consultants en immigration <a href="http://www.micc.gouv.qc.ca/consultant">www.micc.gouv.qc.ca/consultant</a></p>					

**For official use only**

File No. :

**SECTION 5 IMPORTANT INFORMATION**

This undertaking is valid for three years for the spouse, de facto spouse, and conjugal partner. In the case of a dependent child under the age of 16 on the date when the obligations set forth herein take effect, the undertaking is valid for ten years or until the age of majority (18 years), whichever is longer. In the case of a dependant child aged 16 or over on the date when the obligations set forth herein take effect, the undertaking is valid for three years or until age 25, whichever is longer. For other sponsored persons, the undertaking is valid for five years.

The obligations set forth herein come into force from the moment the sponsored person is admitted as a permanent resident or under a temporary resident permit.

The amounts required to provide for basic needs are determined in Schedule C of the Regulation respecting the selection of foreign nationals. They include food, clothing, personal necessities, and any other expenses pertaining to living accommodations, insofar as the sponsored persons reasonably need them. These amounts are indexed annually.

The sponsor's spouse or de facto spouse participating in the undertaking as co-signer spouse is responsible of this undertaking jointly and with solidarity.

The undertaking lapses if the sponsored persons do not qualify under the Regulation respecting the selection of foreign nationals, are not admitted as permanent residents or as holders of a temporary resident permit, or do not obtain a *Québec Selection Certificate* within 24 months following the date on which the undertaking was accepted by the immigration officer.

**SECTION 6 PROTECTION OF PERSONAL INFORMATION**

The personal information collected in this document is necessary in order to process your undertaking application, and is required under the terms of the Act respecting immigration to Quebec, the Regulation respecting the selection of foreign nationals, the Regulation respecting immigration consultants and the incumbent administrative rules.

This information may also be used by the Ministry to verify directly or by the means of an intermediate the accuracy of the information provided, for the purpose of research, statistics, program evaluation, or to convey to you any information that is liable to affect your undertaking.

The personal information provided is confidential and cannot be disclosed without your consent, unless authorized by law. Under certain conditions, the law allows for personal information to be communicated **without permission** if such communication is necessary in order to :

- enforce a law in Quebec;
- exercise the powers of an agency of the Government of Quebec or the Government of Canada, particularly federal immigration officials;
- render a service provided by the Ministry, or fulfill a service contract awarded by the Ministry;
- lay charges for violating a law that is applicable in Quebec, or to respond to an emergency.

Access to this information within the Ministry is restricted to the persons authorized to receive it in order to carry out their duties.

Any omission or refusal to answer, with the exception of the optional sections, may result in the rejection of your application or cause delays in the processing of your file.

You can obtain information pertaining to your file held by the Ministry, and if necessary, corrections may be requested in writing. For additional information, please contact the office processing your application. If the latter cannot provide the information requested, contact the person within the Ministry responsible for the protection of personal information at Secrétariat général du Ministère de l'Immigration et des Communautés culturelles, located at: Édifice Gérald-Godin, 360, rue McGill, 4<sup>e</sup> étage, Montréal (Québec), H2Y 2E9.

**For official use only**

File No. :

**SECTION 7 DECLARATION**

**If you are an on-site applicant and are sponsoring a member of your family who is living abroad, you are not required to fill out this section. Proceed directly to Section 8.**

**A. If you are a resident of Québec and you are sponsoring a foreign national for a period of five years, you must fill out this section.**

SPONSOR	CO-SIGNER SPOUSE	You must indicate by "yes" or "no" if the following statements apply to you. The spouse should fill out this section only if co-signer to the undertaking.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I am domiciled in Québec.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I am subject to a removal order from Canada (deportation order).
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I am detained in a jail or penitentiary.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I have been subject to a recourse for non-payment of support payments in the last five years. If "yes", I have repaid all outstanding amounts.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I have sponsored someone before.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	If "yes", I have complied with the financial obligations related to that undertaking.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I have been convicted, in or outside Canada, of murder or an offence listed in Schedule I or II to the Corrections and Conditional Release Act (please refer to the instruction sheet).
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	If "yes", I was acquitted upon final appeal, rehabilitated as defined in the Criminal Records Act (R.S.C. (1985), c. C-47), or have served my sentence at least five years before filing this application (please refer to the instruction sheet).
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I am the sponsor's de facto spouse.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I am the sponsor's spouse.

**B. If you are a Québec resident and you are sponsoring a spouse, de facto spouse or dependent child, and this person is an on-site applicant, you must fill out this section.**

SPONSOR	CO-SIGNER SPOUSE	You must indicate by "yes" or "no" if the following statements apply to you.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I am domiciled in Québec
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I am subject to a removal order from Canada (deportation order).
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I am detained in a jail or penitentiary
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I have been subject to a recourse for non-payment of support payments in the last five years. If "yes", I have repaid all outstanding amounts.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I have sponsored someone before.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	If "yes", I have complied with the financial obligations related to that undertaking.
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	I have been convicted, in or outside Canada, of a sexual offence or an attempt or threat to commit such an offence against another person; or an offence involving bodily injury or an attempt or threat to commit such an offence against a member of my family or a relative, my spouse, my de facto spouse, my conjugal partner, or a member of their family or a relative of theirs. If "yes", I was acquitted upon final appeal, rehabilitated as defined in the Criminal Records Act (R.S.C. (1985), c. C-47), or have served my sentence at least five years before filing this application.
		<b>Fill out this section only if you are sponsoring your spouse.</b> At the time of my marriage, I was someone else's spouse. I have a de facto spouse or a conjugal partner, and I have been living separate and apart from my spouse for at least one year.
		<b>Fill out this section only if you are sponsoring your de facto spouse.</b> I reside with, and have been in a conjugal relationship with _____ Name of de facto spouse since _____ Year / Month / Day

For official use only

File No. :

**SECTION 8 UNDERTAKING****The undertaking is a contract that binds you to provide for your sponsored person's basic needs throughout the term of the undertaking**

I declare that the information contained in this form is complete and accurate.

I declare that I have read the notice respecting the "Protection of personal information" in Section 6 of this form.

I further acknowledge being informed that :

- the Minister of Immigration and Cultural Communities may request from any other department or body information related to the sponsor's address, and may forward a copy of this undertaking to the sponsored person(s);
- the Minister may revoke an undertaking or a *Québec Selection Certificate* if the undertaking was accepted or the certificate issued on the strength of false or misleading information or documents, were accepted or issued by mistake, or if the conditions required for the acceptance of the undertaking or the issue of the *Québec Selection Certificate* cease to exist (**in no other case may an undertaking be revoked**);
- the Minister may reject an application that contains false or misleading information or documents;
- the Minister may refuse to consider an undertaking application from someone who has provided false or misleading information or documents within the past two years;
- legal proceedings may be taken against the sponsor and the co-signer spouse if they fail to comply with the undertaking or if they provide false or misleading information.

I acknowledge having read the information contained in this form, and I understand the nature and scope of the undertaking that binds me to the persons covered by this undertaking application. Consequently :

1. I undertake to provide, during the entire term of the undertaking, for the basic needs of the sponsored person(s), as established in Schedule C to the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2);
2. I undertake to reimburse the Government of Québec any amount that the latter may grant to the sponsored person(s), as special benefits or last resort assistance benefits, in accordance with the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001);
3. I undertake to reimburse the Government of any province of Canada the amount paid as special benefits, last resort assistance benefits or other similar benefits it may grant to the sponsored person(s).

In witness whereof, I have signed in

\_\_\_\_\_

City

\_\_\_\_\_

Sponsor's signature

\_\_\_\_\_

Year / Month / Day

\_\_\_\_\_

Co-signer spouse's signature (if applicable)

**SECTION 9 DECISION (For official use only)**

**Undertaking accepted**

This undertaking is valid for three years for the spouse, de facto spouse, and conjugal partner.

In the case of a dependent child under the age of 16 on the date when the obligations set forth herein take effect, the undertaking is valid for ten years or until the age of majority (18 years), whichever is longer.

In the case of a dependent child aged 16 or over on the date when the obligations set forth herein take effect, the undertaking is valid for three years or until age 25, whichever is longer.

For other sponsored persons, the undertaking is valid for five years.

**Undertaking denied**

\_\_\_\_\_

Name of authorized officer

\_\_\_\_\_

Signature

\_\_\_\_\_

Year / Month / Day



## Draft Regulations

### Draft Regulation

Building Act  
(R.S.Q., c. B-1.1)

#### Construction Code — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Construction Code, appearing below, may be approved by the Government, with or without amendments, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to allow the Board to recognize, until 1 April 2012, inspectors certified under the Act respecting petroleum products and equipment (R.S.Q., c. P-29.1) so that they may provide the certificate of conformity required by section 8.12 of the Construction Code, as approved by Order in Council 953-2000 dated 26 July 2000 and its subsequent amendments.

The amendment will allow certified inspectors to be recognized as well to provide the certificate of conformity required by section 115 of the Safety Code, as approved by Order in Council 964-2002 dated 21 August 2002 and its subsequent amendments, since that Code refers to persons certified under the Construction Code.

The amendment only affects inspectors whose certification is valid until 1 April 2011, under the Act to amend the Act respecting petroleum products and equipment, the Building Act and other legislative provisions (2005, c. 10).

Further information may be obtained by contacting Pierre Gauthier, Régie du bâtiment du Québec, 800, place D'Youville, 15<sup>e</sup> étage, Québec (Québec) G1R 5S3; telephone: 418 643-9896; fax: 418 646-9280.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Michel Beaudoin, Chairman and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3<sup>e</sup> étage, Montréal (Québec) H2M 2V2.

LISE THÉRIAULT,  
*Minister of Labour*

### Regulation to amend the Construction Code\*

Building Act  
(R.S.Q., c. B-1.1, ss. 173, 176.1, 185, 1st par.,  
subpars. 1, 2.1, 20 and 38, and s. 192)

**1.** The Construction Code is amended in section 8.13 by adding the following paragraph at the end:

“An inspector whose certification issued under the Act respecting petroleum products and equipment (R.S.Q., c. P-29.1) is valid until 1 April 2011 may be recognized by the Board until 1 April 2012 to produce and sign the certificate of conformity required by section 8.12, provided the inspector complies with Chapter III of that Act as it read before being revoked.”

**2.** Section 8.14 is amended by adding “, unless the application concerns the third paragraph of section 8.13” at the end of paragraph 2.

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

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\* The Construction Code, approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4437), was last amended by the regulation approved by Order in Council 939-2009 dated 19 August 2009 (2009, *G.O.* 2, 3231). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.





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

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