

Gazette
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DU Québec

Part

2

No. 31

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Laws and Regulations

Volume 143

Summary

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Contents

Part 2 contains:

- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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PROVINCE OF QUÉBEC

2ND SESSION

39TH LEGISLATURE

QUÉBEC, 13 JUNE 2011

OFFICE OF THE LIEUTENANT-GOVERNOR

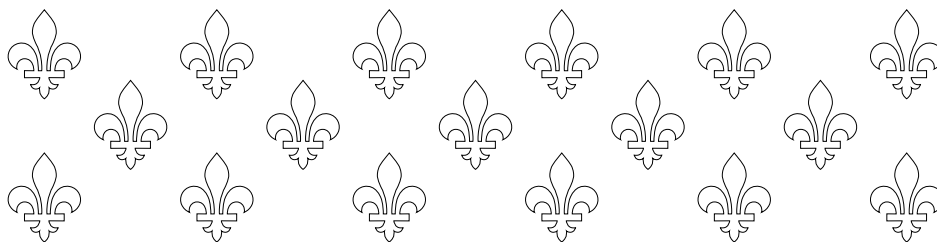
Québec, 13 June 2011

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

- 3 An Act to promote safe school transportation and to better regulate bulk trucking brokerage
- 6 Unclaimed Property Act
- 13 An Act to amend various legislative provisions concerning municipal affairs
- 17 An Act to provide for the implementation of special plans concerning employment injuries and occupational health and safety as well as labour relations, vocational training and workforce management in the construction industry (*modified title*)
- 18 An Act to limit oil and gas activities

- 88 An Act to amend the Environment Quality Act as regards residual materials management and to amend the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials
- 127 An Act to improve the management of the health and social services network
- 130 An Act to abolish the Ministère des Services gouvernementaux and to implement the Government's 2010-2014 Action Plan to Reduce and Control Expenditures by abolishing or restructuring certain bodies and certain funds (*modified title*)
- 15 Anti-Corruption Act
- 10 An Act respecting mainly the implementation of certain provisions of the Budget Speech of 17 March 2011 and the enactment of the Act to establish the Northern Plan Fund
- 133 An Act respecting the governance and management of the information resources of public bodies and government enterprises
- 200 An Act respecting Marie Alice Elisabeth Hélène Lacroix
- 201 An Act respecting the Hôtel-Dieu de Québec Augustinian monastery
- 202 An Act respecting the Régie intermunicipale du secteur Nord de Lac-Saint-Jean Est

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 3
(2011, chapter 9)

**An Act to promote safe school
transportation and to better regulate
bulk trucking brokerage**

**Introduced 23 March 2011
Passed in principle 12 May 2011
Passed 10 June 2011
Assented to 13 June 2011**

**Québec Official Publisher
2011**

EXPLANATORY NOTES

The object of this Act is to amend the Transport Act in order to improve the safety of transportation for schoolchildren, increase the powers of the Commission des transports du Québec and introduce new provisions relating to bulk trucking.

As of 1 July 2012, any driver of a vehicle used for the transportation of schoolchildren will be required to hold a certificate of competence issued in accordance with a government regulation.

The president of the Commission des transports du Québec is empowered to refer certain matters to mediation or to arbitration. The Commission is granted new powers, including the power to take any measure it deems appropriate or reasonable in respect of a carrier or operator of heavy vehicles, for the purposes of certain subdivisions of the Transport Act.

As concerns bulk trucking, criteria are established to allow certain operators of heavy vehicles who have not subscribed to a brokerage service operated by a brokerage permit holder since 1 January 2000, but who were registered in the bulk trucking register at that date, to re-register. Rules are also established as regards the approval of a brokerage permit holder's by-laws by the permit holder's subscribers. Moreover, brokerage permit holders may submit to the Commission des transports du Québec, for approval, a by-law stipulating that all the brokerage permit holder's by-laws applicable to government contracts, and only those by-laws, apply to transport brokerage services under other contracts. In the cases where a by-law is approved, to ensure it is complied with, the Commission has the same powers the Transport Act grants when a permit holder and the subscribers are acting under a government contract.

Lastly, various consequential amendments and transitional measures are introduced.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting transportation services by taxi (R.S.Q., chapter S-6.01);
- Transport Act (R.S.Q., chapter T-12).

Bill 3

AN ACT TO PROMOTE SAFE SCHOOL TRANSPORTATION AND TO BETTER REGULATE BULK TRUCKING BROKERAGE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TRANSPORT ACT

1. Section 5 of the Transport Act (R.S.Q., chapter T-12), amended by section 128 of chapter 14 of the statutes of 2008, is again amended by replacing “, prescribe the information to be contained in the certificate of competence and authorize a person to issue or renew it, to determine the content of the training course needed to obtain or renew it, to dispense that course and to fix the costs payable therefor” in paragraph g.1 by “or to drive a vehicle used for the transportation of schoolchildren, prescribe the information to be contained in the certificate of competence and authorize a person to issue or renew it, to determine the content of the training course needed to obtain or renew it, to dispense that course and to determine the fees payable for it”.

2. Section 8 of the Act is amended by replacing “regulation” wherever it appears in the first and third paragraphs by “by-law”.

3. The Act is amended by inserting the following after section 35.1:

“§2.1. — *Mediation*

“35.2. If the president of the Commission considers it expedient and the subject matter and circumstances of the case so permit, the president may, with the consent of the parties and on payment by both parties of the mediation fees determined by regulation of the Commission, refer any dispute in respect of which the Commission may intervene under a legislative provision to a mediator designated by the president.

Unless the parties agree otherwise, the mediation process may not continue for more than 30 days after the date on which the mediator is appointed by the president.

In exercising the regulatory power under the first paragraph, the Commission may determine different mediation fees based on whether they are payable by natural or legal persons or by any other category of persons it determines.

“35.3. Unless the parties consent to it, nothing that is said or written in the course of a mediation session may be admitted as evidence before the Commission, before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

The 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 the Commission, before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person may have access to a document contained in the mediation record.

“35.4. An agreement is recorded in a document signed by the mediator, the parties and, if applicable, their representatives.

An agreement reached following a mediation session presided by a member of the Commission terminates the proceedings and is enforceable as a decision of the Commission; an agreement reached following a mediation session conducted by any other person has the same effects, provided it is homologated by the Commission.

“35.5. The mediator shall send the agreement or, if no agreement is reached, the report, to the Commission.

“35.6. No proceedings may be brought against the mediator for an official act performed in good faith in the exercise of the functions of office.”

4. Section 37.3 of the Act is amended by replacing “executory” in the second paragraph by “enforceable”.

5. Section 40 of the Act is amended

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

“(c.1) fails to comply with a mediation agreement or the decision of an arbitrator, which are enforceable as decisions of the Commission, or with an enforceable decision of the Commission;”;

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

“(f) uses intimidation, threats or reprisals, or causes them to be used, in order to compel an operator or a brokerage permit holder to refrain from or cease exercising a right arising from this Act or a regulation.”;

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

“The Commission may, in its own right or on the request of the Minister or of an interested person, take any other measure it deems appropriate or reasonable in respect of a carrier for the purposes of this subdivision.”

6. Section 40.1 of the Act is amended by striking out “by the permit modification, suspension or revocation or the registration plate or certificate withdrawal”.

7. Section 47.12 of the Act is amended by replacing “operated by the brokerage permit holder” in paragraph 1 by “, if any, operated by a brokerage permit holder”.

8. Section 47.13 of the Act is amended

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

“(5) an operator who uses intimidation, threats or reprisals, or causes them to be used, in order to compel an operator or a brokerage permit holder to refrain from or cease exercising a right arising from this Act or a regulation;

“(6) an operator who fails to comply with a mediation agreement or the decision of an arbitrator, which are enforceable as decisions of the Commission, or with an enforceable decision of the Commission;

“(7) an operator who is an officer of a brokerage permit holder that fails to comply with a mediation agreement or the decision of an arbitrator, which are enforceable as decisions of the Commission, or with an enforceable decision of the Commission, and who prescribed, authorized, consented to, acquiesced in or participated in the act or omission contravening the agreement or the decision.”;

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

“The Commission may, on its own initiative or on request, take any other measure it deems appropriate or reasonable in respect of an operator for the purposes of this subdivision.”;

(3) by inserting “or taking any other measure in respect of the operator” after “register” in the second paragraph;

(4) by inserting “or the imposition of any other measure” after “register” in the third paragraph.

9. The Act is amended by inserting the following sections before section 47.14:

“47.13.1. Before being approved under section 8, a by-law concerning transport brokerage services under a government contract adopted by a brokerage permit holder must be approved by at least two thirds of the permit holder’s subscribers in attendance at a special meeting where at least one fourth of the subscribers are present.

The special meeting takes place following a notice sent to the subscribers, at least 15 days before the date of the meeting, at the last address given to the brokerage permit holder. The notice must state the date, time and place of the meeting, and the agenda. It must also mention any new by-law or amendment to a by-law that may be approved at the meeting. The notice must be accompanied by the by-law to be submitted for approval at the meeting.

In the case of a by-law referred to in the first paragraph that accompanies an application for a brokerage permit, and for the purposes of the first and second paragraphs, “subscribers” means all the operators of heavy vehicles registered in the bulk trucking register who, during the subscription period, signed a contract with the applicant for the brokerage services offered under the permit to which the application refers.

“47.13.2. A brokerage permit holder may submit to the approval prescribed in section 8 a by-law that has been approved in accordance with section 47.13.1 and that provides that all the permit holder’s by-laws in force concerning transport brokerage services under government contracts, and only those by-laws, also apply to contracts other than government contracts to which the permit holder is a party.

If the by-law is approved under section 8, the Commission, each of its members, any person designated under section 17.8 and any person authorized to act as an inspector under section 49.2 have the powers provided in this Act to ensure compliance with the by-law as if the permit holder and the subscribers were acting under a government contract. The provisions of this Act, and those of the regulations, that govern brokerage services offered under government contracts then apply, with the necessary modifications, to services offered under other contracts to which the permit holder is a party.”

10. Section 47.14 of the Act is amended

(1) by replacing “in his by-laws, a priority listing classifying subscribers’ trucks” in the first paragraph by “in the holder’s by-laws, a single priority listing classifying all subscribers’ trucks”;

(2) by replacing “disciplinary provisions contained” in the second paragraph by “disciplinary measures provided for”.

11. The Act is amended by inserting the following section after section 47.15:

“47.15.1. The fees a brokerage permit holder claims from a new or existing subscriber to the permit holder’s services must not vary depending on

(1) whose services the subscribing operator had previously subscribed to or, in the case of a transfer, the operator who transferred the registration; or

(2) the zone or the territory in which the main establishment of the operator is or was located or, in the case of a transfer, the operator who transferred the registration.”

12. The Act is amended by inserting the following after section 47.17:

“§4.4. — *Arbitration*

“47.18. The president of the Commission may, on a request from either party, appoint an arbitrator to settle a dispute between a brokerage permit holder and a subscriber concerning the application of sections 47.14 to 47.17 or of a by-law approved under section 8.

“47.19. The arbitrator may not have an interest in the dispute or have acted as a representative of either party, or, unless the parties agree to it, have acted as a mediator in a dispute between the parties.

“47.20. The arbitrator has all the powers necessary for the exercise of the arbitrator’s jurisdiction. The arbitrator settles the dispute in accordance with the applicable rules of law and decides on every question of fact. The arbitrator may, in particular, order either party to do or not do something.

“47.21. The arbitrator’s decision must be rendered within three months after being taken under advisement. It must be in writing, give reasons and be signed. It must be forwarded without delay to the parties. The decision is public and forms part of the records of the Commission.

The arbitrator’s decision has effect from the date it is signed or from any later date given in the decision and is enforceable as a decision of the Commission.

No appeal lies from the arbitrator’s decision.

“47.22. The losing party must pay the arbitration costs determined by regulation of the Commission unless, in a substantiated decision, the arbitrator orders the other party to pay all the costs or determines the proportion of the costs each party must pay.

“47.23. No proceedings may be brought against the arbitrator for an official act performed in good faith in the exercise of the functions of office.”

13. Section 48.12 of the Act, amended by section 129 of chapter 14 of the statutes of 2008, is again amended by inserting “or a vehicle used for the transportation of schoolchildren within the meaning of the Regulation respecting road vehicles used for the transportation of school children made by Order in Council 285-97 (1997, G.O. 2, 1141),” after “(chapter C-24.2),”.

14. Section 48.14 of the Act, amended by section 130 of chapter 14 of the statutes of 2008, is again amended by inserting “or a vehicle used for the transportation of schoolchildren” after “schoolchildren”.

15. Section 48.15 of the Act, amended by section 130 of chapter 14 of the statutes of 2008, is again amended by inserting “or a vehicle used for the transportation of schoolchildren” after “schoolchildren” in the first paragraph.

16. Section 48.16 of the Act, amended by section 131 of chapter 14 of the statutes of 2008, is again amended

(1) by inserting “or a vehicle used for the transportation of schoolchildren” after “schoolchildren”;

(2) by inserting “or vehicle” before “to be driven”.

17. Section 51 of the Act is amended by replacing “of the date on which the decision becomes executory” by “after the date the decision takes effect”.

18. Section 74 of the Act is amended by striking out “section 42, the second paragraph of section 47.4 or”.

ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

19. The Act respecting transportation services by taxi (R.S.Q., chapter S-6.01) is amended by inserting the following after section 84:

“CHAPTER X.0.1

“MEDIATION

“**84.0.1.** Subdivision 2.1 of Division V of the Transport Act (chapter T-12) applies to transportation by taxi.”

20. Section 84.2 of the Act is amended by adding “, or, unless the parties agree to it, have acted as a mediator in a dispute between the parties” at the end.

21. Section 84.4 of the Act is amended

(1) by replacing “promptly” in the first paragraph by “within three months after being taken under advisement”;

(2) by inserting “is public and” after “The decision” in the first paragraph;

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

“The arbitrator’s decision has effect from the date it is signed or from any later date given in the decision and is enforceable as a decision of the Commission.”

22. The Act is amended by inserting the following section after section 84.4:

“84.4.1. The losing party must pay the arbitration costs determined by regulation of the Commission unless, in a substantiated decision, the arbitrator orders the other party to pay all the costs or determines the proportion of the costs each party must pay.”

TRANSITIONAL AND FINAL PROVISIONS

23. The Commission des transports du Québec must, on the request of an operator whose registration was removed from the bulk trucking register, re-register the operator if the following conditions are met:

(1) the operator was registered in the bulk trucking register on 1 January 2000;

(2) the operator has not subscribed to a brokerage service operated by a brokerage permit holder since 1 January 2000; and

(3) the operator applies for registration before 1 November 2011.

Operators re-registered in the bulk trucking register under the first paragraph have the same rights, powers, privileges and obligations as any other registered operator.

24. In its decision to re-register an operator under section 23, the Commission determines

(1) the place of the main establishment of the operator;

(2) the maximum number of heavy vehicles that the operator may register with a brokerage service, which is the number of trucks operated that were registered in the bulk trucking register on 1 January 2000;

(3) the zone established by the Commission or, if applicable, the territory determined by a regulation made under the Transport Act (R.S.Q.,

chapter T-12) in which the operator must subscribe to a brokerage service operated by a brokerage permit holder, and the time granted to do so;

(4) the only subscription fees the operator may be required to pay when initially subscribing to a brokerage service operated by a brokerage permit holder, which may not exceed \$500.

For the purposes of subparagraph 3 of the first paragraph, if there is no brokerage service in the determined zone or territory, the time granted starts to run from the moment a brokerage service is offered.

For the purposes of subparagraph 4 of the first paragraph, “subscription fees” covers what may be designated in a by-law concerning transport brokerage services as adhesion, admission, registration or membership fees, for instance.

25. With the exception of the subscription fees payable at the time of the initial subscription, established under subparagraph 4 of the first paragraph of section 24, the brokerage fees applicable to an operator who re-registers under section 23 are the same as those applicable to the other subscribers under a by-law adopted by the brokerage permit holder to whose services the operator subscribes.

26. Any provision that pertains to mediation or arbitration mechanisms that is included in a by-law of a brokerage permit holder approved under section 8 of the Transport Act ceases to have effect on 1 April 2012.

27. As of 12 June 2008, the Regulation respecting Municipalized Public Transport Services, enacted by Order in Council 2515-85 (1985, G.O. 2, 4285), is deemed to have been enacted under section 48.20 of the Transport Act.

28. This Act comes into force on 13 June 2011, except

(1) sections 3, 11, 12, 19 and 20, which come into force on 1 April 2012; and

(2) sections 13 to 16, which come into force on 1 July 2012.

However, until 1 April 2012,

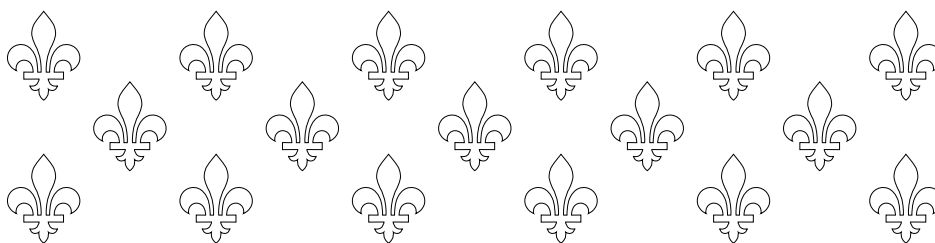
(1) subparagraph *c.1* of the first paragraph of section 40 of the Transport Act, enacted by paragraph 1 of section 5, must read as follows:

“(c.1) fails to comply with an enforceable decision of the Commission;”;

(2) subparagraphs 6 and 7 of the first paragraph of section 47.13 of the Transport Act, enacted by paragraph 1 of section 8, must read as follows:

“(6) an operator who fails to comply with an enforceable decision of the Commission;

“(7) an operator who is an officer of a brokerage permit holder that fails to comply with an enforceable decision of the Commission, and who prescribed, authorized, consented to, acquiesced in or participated in the act or omission contravening the decision.”



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 6
(2011, chapter 10)

Unclaimed Property Act

Introduced 7 April 2011
Passed in principle 5 May 2011
Passed 9 June 2011
Assented to 13 June 2011

Québec Official Publisher
2011

EXPLANATORY NOTES

The purpose of this Act is to group in a separate Act the provisions of the Public Curator Act that relate to the provisional administration of unclaimed property, which has been entrusted to the Minister of Revenue since 1 April 2006.

The new Act essentially restates the current rules. It includes provisions to ensure that the debtors and holders of unclaimed property comply with the legal requirements and gives the Minister of Revenue the power to require the filing of information and documents. Certain penal and evidentiary provisions are amended to increase coherence with other provisions, including in taxation matters, that are under the administration of the Minister of Revenue.

It also allows the Minister of Revenue to communicate personal information held in connection with the administration of property or of a patrimony entrusted by law to the Minister to a person who proves sufficient interest in respect of the property or patrimony.

It authorizes the Minister of Revenue to enter into agreements to entrust the management of joint portfolios to the Minister of Finance or, if necessary, to a financial institution.

Moreover, the new Act provides that any clause or stipulation that operates to exclude the application of one or more of its provisions is absolutely null.

Finally, the necessary consequential amendments are made to a series of statutes.

LEGISLATION AMENDED BY THIS ACT:

- Civil Code of Québec;
- Tax Administration Act (R.S.Q., chapter A-6.002);
- Sustainable Forest Development Act (R.S.Q., chapter A-18.1);

- Act respecting reserved designations and added-value claims (R.S.Q., chapter A-20.03);
- Act respecting commercial aquaculture (R.S.Q., chapter A-20.2);
- Act respecting registry offices (R.S.Q., chapter B-9);
- Savings and Credit Unions Act (R.S.Q., chapter C-4.1);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Professional Code (R.S.Q., chapter C-26);
- Cooperatives Act (R.S.Q., chapter C-67.2);
- Act respecting financial services cooperatives (R.S.Q., chapter C-67.3);
- Act respecting racing (R.S.Q., chapter C-72.1);
- Public Curator Act (R.S.Q., chapter C-81);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Deposit Act (R.S.Q., chapter D-5);
- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);
- Forest Act (R.S.Q., chapter F-4.1);
- Winding-up Act (R.S.Q., chapter L-4);
- Act respecting commercial fishing and commercial harvesting of aquatic plants (R.S.Q., chapter P-9.01);
- Food Products Act (R.S.Q., chapter P-29);
- Animal Health Protection Act (R.S.Q., chapter P-42);
- Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- Act to reduce the debt and establish the Generations Fund (R.S.Q., chapter R-2.2.0.1);

- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);
- Business Corporations Act (R.S.Q., chapter S-31.1);
- Marine Products Processing Act (R.S.Q., chapter T-11.01).

Bill 6

UNCLAIMED PROPERTY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

OBJECT

1. The purpose of this Act is to facilitate the recovery of unclaimed property by right-holders and to ensure that property without an owner or property in respect of which the right-holders remain unknown or untraceable is delivered to the State. The Act also sets out the rules governing provisional administration of that property.

CHAPTER II

SCOPE

2. In addition to property otherwise entrusted by law to the administration of the Minister of Revenue, the Minister of Revenue is the provisional administrator of

(1) the property of an absentee, unless another administrator has been designated by the absentee or appointed by the court;

(2) property found on the body of an unknown person or on an unclaimed body, subject to the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);

(3) the property of a dissolved legal person, subject to the provisions of the Civil Code relating to the dissolution and liquidation of legal persons;

(4) property belonging to a succession and situated in Québec, until the heirs, or a third person designated in accordance with the testamentary provisions made by the deceased or designated by the court, are able to discharge the office of liquidator of the succession or until the Minister, in particular in cases where the State is seized of the property, is empowered to act in that capacity;

(5) property without an owner which the State appropriates for itself, lost or forgotten property held by the State and property that becomes property of the State by permanent forfeiture, unless, in the latter case, the law provides

otherwise, in particular in respect of property governed by the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (R.S.Q., chapter C-52.2);

(6) unclaimed property described in section 3;

(7) property deposited or abandoned in a detention centre or in a facility maintained by an institution to which the Act respecting health services and social services (R.S.Q., chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) applies, if the property is not claimed within one year after the departure or death of the depositor;

(8) unless provisional administration is otherwise provided for by law or in the act constituting the administration, property under the administration of an administrator of the property of others who dies, resigns, is placed under tutorship or curatorship or otherwise becomes unable to exercise the functions of administrator, until another administrator is appointed;

(9) the property of a dissolved general partnership, limited partnership or association not endowed with legal personality, where the property devolves to the State or, in the case of a partnership, where liquidation has not been completed within five years of the filing of the notice of dissolution; and

(10) property situated in Québec, other than property referred to in subparagraphs 1 to 9, where the owner or other right-holder is unknown or untraceable.

The Government may, by regulation, prescribe what information the Minister may require for the purpose of determining whether the Minister is to be provisional administrator under the law.

3. The following property is considered to be unclaimed property if the owner or other right-holder is domiciled in Québec:

(1) deposits of money with a financial services cooperative, a savings company, a trust company or any other institution authorized by law to receive deposits of money, where no claim or transaction has been made and no instructions have been given by the right-holder in respect of the deposits or the related accounts in the three years following the date on which the money deposited became due or payable;

(2) the value of cheques or bills of exchange certified or accepted by a financial institution or of drafts issued by a financial institution, where no request for payment has been made by the right-holder in respect of the instruments in the three years following the date of certification, acceptance or issue;

(3) amounts due on the reimbursement or redemption of debt securities, stocks, shares or any other form of participation in a legal person, partnership or trust, and the interest, dividends or other income, including patronage dividends, attaching to the securities or other form of participation, where no claim or transaction has been made and no instructions have been given by the right-holder in respect of the amounts or the income in the three years following the date on which they became due or payable;

(4) property to be distributed because of the conversion of a mutual insurance association into a joint-stock company, where no claim or transaction has been made and no instructions have been given by the right-holder in respect of the property in the three years following the date of conversion;

(5) funds, securities and other property received in any capacity whatsoever by a securities adviser or broker in the name or on behalf of a third person, where no claim or transaction has been made and no instructions have been given by the right-holder in respect of the property in the three years following the date of the receipt by the adviser or broker;

(6) funds, securities and other property held in trust by any person authorized by law to hold property in trust, where no claim or transaction has been made and no instructions have been given by the right-holder in respect of the property in the three years following the date on which they became due or payable; property held in trust includes sums of money required to be accounted for separately and kept in a separate trust account by the holder and sums of money held in a fiduciary capacity under any other designation indicating that they are held for the benefit of a third person;

(7) funds, securities and other property deposited in a safety deposit box in a financial institution, where the safety deposit box lease has been expired for three years and, during that period, neither the renewal of the contract nor access to the safety deposit box has been requested by the right-holder;

(8) funds, securities and other property held by a financial institution as pledge holder or custodian, where no claim or transaction has been made and no instructions have been given by the right-holder in respect of the property in the three years following the date on which the property became due or payable by reason of the extinction of the secured obligation or otherwise;

(9) insured amounts due under a life insurance contract, where no claim or transaction has been made and no instructions have been given by the right-holder in respect of the amounts in the three years following the date on which they became due or payable; any amount due on the death of the insured person is presumed to be due or payable on or before the date of the person's one hundredth birthday;

(10) amounts due under a pension or retirement contract or plan, other than benefits under the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) or under a similar plan within the meaning of that Act, where no claim or transaction has been made and no instructions have been given by the

right-holder in respect of the amounts in the three years following the date on which they became due or payable; such amounts are presumed to be due or payable on or before the end of the year in which the annuitant or employee reaches 71 years of age; where property to which this section applies is an asset of a retirement savings plan, it may not be considered separately from the amounts due under the plan;

(11) interest, dividends and other income produced by property described in any of subparagraphs 1 to 10, insofar as the instrument stipulates or the law provides that the income is payable to the right-holder; and

(12) property determined by government regulation, subject to the prescribed conditions.

Property described in the first paragraph is also considered to be unclaimed property if it is situated in Québec and the law of the domicile of the right-holder does not provide for provisional administration.

The Government may, by regulation, determine the amounts due under a pension or retirement contract or plan referred to in subparagraph 10 of the first paragraph.

4. A right-holder is deemed to be domiciled in Québec if the right-holder's last known address is in Québec or, where the address is unknown, if the act establishing the right-holder's rights was made in Québec.

CHAPTER III

SPECIAL PROVISIONS APPLICABLE TO CERTAIN PROPERTY

5. A debtor or holder of property that becomes unclaimed property described in section 3 must, within six months preceding the date by which the property must be delivered to the Minister under section 6, give the right-holder at least three months' written notice describing the property and informing the right-holder that the property will be delivered to the Minister if it is not claimed within the allotted time.

The debtor or holder is not, however, required to give such notice if the debtor or holder cannot, by reasonable means, ascertain the right-holder's address, if the total value of the property unclaimed by the right-holder is less than \$100, and in other cases determined by government regulation.

6. The debtor or holder must, once a year, deliver to the Minister any property that has remained unclaimed after notices were given to the right-holders under section 5, and any unclaimed property for which no notice was required in accordance with that section.

On delivery of the property, the debtor or holder must file with the Minister, in the form prescribed by the Minister, a statement containing a description of

the property and all information necessary to determine the identity of the right-holders, their place of domicile and the nature and source of their rights. The statement must also contain a declaration by the debtor or holder that the required notice was given to the right-holders or specify, if such notice was not required, the reasons why it was not required.

The Government may, by regulation,

- (1) determine the documents that must accompany the statement;
- (2) determine the procedure pertaining to the delivery of the property and the filing of the related statement; and
- (3) determine, according to classes of debtors or holders, the yearly period during which property must be delivered and statements filed.

7. The debtor or holder may not evade the obligation to provide information or a document required under section 6 on the ground that the information or document is protected by professional secrecy.

However, if the debtor or holder files with the Minister a written statement that the information or document is protected by professional secrecy, the Minister, for the purposes of sections 16 and 18, may only make public the identity and professional domicile of the debtor or holder and state in general terms the source of the rights involved, for example, the trust account of the debtor or holder.

8. The debtor or holder owes interest, calculated on the value of the property the debtor or holder is required to deliver to the Minister, from the date by which the debtor or holder is required to deliver the property to the Minister in accordance with section 6.

The interest is paid on delivery of the property, at the rate set for debts owed to the State under section 28 of the Tax Administration Act (R.S.Q., chapter A-6.002). The interest is capitalized daily.

9. The debtor or holder of unclaimed property described in section 3 may not require from the right-holder the payment of any charge other than a charge expressly stipulated in the act establishing the right-holder's rights or a charge the debtor or holder is otherwise authorized by law to claim.

The debtor or holder is entitled to such charges on delivery of unclaimed property to the Minister, and may deduct them from the amounts delivered to the Minister.

10. The obligation to deliver property to the Minister in accordance with section 6 is neither reduced nor altered by prescription having run in favour of the debtor or holder during the period required for the property to be considered

to be unclaimed property for the purposes of this Act; no such prescription may be set up against the Minister.

11. Debtors or holders of unclaimed property described in section 3 must keep in their establishment an up-to-date list of unclaimed property containing the name and last known address of the right-holders and, if applicable, the date on which the property was delivered to the Minister.

All entries relating to unclaimed property must remain on the list for a period of 10 years.

12. Debtors or holders of unclaimed property described in section 3 are relieved of all liability towards any right-holder for any injury that may result from the performance of their obligations under this Act.

13. Sections 3 to 12 apply to the Government, to government departments and bodies and to any legal person established in the public interest, whether they have rights to assert in property to which those sections apply or are debtors or holders of such property.

However, departments and budget-funded bodies referred to in section 2 of the Financial Administration Act (R.S.Q., chapter A-6.001) are exempted, if the property they owe or hold is sums of money, from delivering those sums to the Minister.

CHAPTER IV

ADMINISTRATION

DIVISION I

GENERAL RULES

14. On being entrusted with the administration of property, the Minister, as the administrator of the property of others, must make an inventory in accordance with Title Seven of Book Four of the Civil Code respecting the administration of the property of others.

The inventory is to be made as a private writing; one of the witnesses must, if possible, be a family member, a relative or a person closely connected with the owner of the property.

The statement filed with the Minister in accordance with section 6 stands in lieu of an inventory of the property described in the statement, subject to the Minister being satisfied of its accuracy.

15. The Minister has the simple administration of the property entrusted to the Minister's administration, unless the law provides otherwise.

The Minister is not, however, required to preserve the property in kind.

16. Except in relation to the provisional administration of property described in subparagraph 5 of the first paragraph of section 2, the Minister must promptly make known the Minister's capacity as administrator, by a notice published once in the *Gazette officielle du Québec* and in a newspaper circulated in the locality where the property was situated at the time the Minister became the administrator of the property.

If the property under the provisional administration of the Minister is property referred to in subparagraph 6 of the first paragraph of section 2 and the right-holder was domiciled or was deemed to be domiciled in Québec at the time the Minister became the administrator of the property, the notice must also be published in a newspaper circulated in the locality of the last known address of the right-holder, or, if there is no known address, in the locality where the act establishing the right-holder's rights was made, if different from the locality where the property was situated.

17. The Minister must, with regard to any immovable entrusted to the Minister's administration, register the Minister's capacity as administrator in the land register. From the time of publication, the registrar is bound to inform the Minister by way of a written notice of any subsequent registration made in respect of the immovable.

The registration of the Minister's capacity as administrator is obtained on presentation of a notice describing the immovable concerned. The cancellation of the registration is obtained on presentation of a certificate of the Minister attesting the termination of the administration.

18. The Minister keeps a register of property under provisional administration other than property described in subparagraph 5 of the first paragraph of section 2.

Only the information prescribed by government regulation is entered in the register. The information is public; it is kept in the register until the administration of the Minister terminates or, if the administration terminates in circumstances described in paragraph 4 of section 28, until the expiry of the period prescribed by government regulation.

19. Property entrusted to the Minister's administration must not be commingled with that of the State.

20. The Minister must maintain separate administration and accounting in respect of each patrimony under the Minister's administration. The Minister is liable for debts relating to such a patrimony only up to the value of the property of the patrimony.

21. Despite the confidential nature of personal information under section 53 of the Act respecting Access to documents held by public bodies

and the Protection of personal information (R.S.Q., chapter A-2.1), the Minister may communicate personal information held by the Minister in connection with the administration of property or a patrimony entrusted by law to the Minister's administration to a person who proves sufficient interest in respect of the property or patrimony.

DIVISION II

SPECIAL RULES

22. The Minister may, without authorization of the court, borrow on the security of the property included in a patrimony under the Minister's administration, the sums of money necessary to maintain an immovable in good condition, make the necessary repairs or discharge the encumbrances affecting it.

23. The Minister may, without authorization of the court, demand partition, take part in it and transact if the value of any concessions made by the Minister does not exceed \$5,000.

24. The Minister may, without authorization of the court, alienate by onerous title property described in section 2, in article 699 of the Civil Code or in any legislative provision under which the Minister must act as the administrator of the property of others, if the value of the property does not exceed \$25,000.

For the purposes of the first paragraph, the value of an immovable is its value as entered on the assessment roll of the municipality, multiplied by the factor determined for the assessment roll by the Minister of Municipal Affairs, Regions and Land Occupancy under the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

DIVISION III

JOINT PORTFOLIOS

25. The Minister may constitute joint portfolios with the available moneys that derive from the property administered by the Minister. The Minister manages the joint portfolios.

26. Despite section 25, the Minister may enter into agreements to entrust the management of all or part of the joint portfolios to the Minister of Finance or, if necessary to obtain or maintain acceptance for registration by the Minister of National Revenue of a retirement savings plan or a retirement income fund under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), to a financial institution.

27. The management of the joint portfolios is governed by an investment policy established jointly by the Minister and the Minister of Finance.

DIVISION IV

TERMINATION OF ADMINISTRATION

28. The administration of the Minister terminates by operation of law

(1) when the absentee returns, the administrator designated by the absentee comes forward, a tutor to the property of the absentee is appointed or a judgment declares the absentee dead;

(2) when the heirs, or a third person designated in accordance with the testamentary provisions made by the deceased or designated by the court, are able to discharge the office of liquidator of the succession;

(3) when, in other cases, a right-holder claims the property under the Minister's administration, or another administrator is appointed with respect to the property; and

(4) in the absence of any beneficiary of the administration and in all cases where the property is administered on behalf of the State, once the Minister's liquidation of the property has ended and all operations for the delivery of the administered sums of money and of those deriving from the liquidation have been completed.

29. On the termination of administration, the Minister must render an account of the administration and deliver the property to the right-holders concerned.

If the administration terminates in circumstances described in paragraph 4 of section 28, the account is to be rendered, and the sums of money remaining are to be delivered, to the Minister of Finance.

The Government may, by regulation, determine the form and content of the account to be rendered by the Minister under this section, as well as the terms for the delivery of the sums of money referred to in the second paragraph.

30. All sums of money delivered to the Minister of Finance become property of the State.

Any right-holder with respect to sums of money so delivered, or with respect to the property from whose liquidation such sums derive, may recover the sums from the Minister, with interest capitalized daily and calculated from the date of delivery, at the rate set under the second paragraph of section 28 of the Tax Administration Act. Subject to the provisions of the Civil Code relating to the petition of inheritance, the right of recovery is not subject to prescription, except where it relates to a sum of money amounting to less than \$500 at the time of its delivery to the Minister of Finance, in which case the right to recovery is prescribed 10 years after the date of delivery.

The Minister of Finance is authorized to take the sums of money required to make payments to right-holders under the second paragraph out of the sums of money referred to in the first paragraph and, if these are insufficient, out of the consolidated revenue fund.

On the conditions and to the extent the Government determines on the joint recommendation of the Minister and the Minister of Finance, the Minister of Finance pays into the Generations Fund established under the Act to reduce the debt and establish the Generations Fund (R.S.Q., chapter R-2.2.0.1) the sums of money referred to in the first paragraph, minus those required to make payments to right-holders under the second paragraph.

31. It is incumbent upon persons who claim property or want to recover a sum of money from the Minister to establish their quality.

CHAPTER V

INVESTIGATION AND INQUIRY

32. In this chapter, unless the context indicates a different meaning, “document” means any document, whatever the medium used, including any computer program, and the equipment supporting the document, in particular any electronic component.

33. Any person so authorized by the Minister may, for any purpose relating to the administration of this Act,

(1) enter at any reasonable hour any premises where unclaimed property may be situated or where documents or information that may relate to the administration of this Act may be held;

(2) use any computer, equipment or other thing that is on the premises to access data contained in an electronic device, computer system or other medium or to inspect, examine, process, copy or print out such data;

(3) require the persons present to provide any information relating to the administration of this Act and to produce any book, register, account, record or other related document; and

(4) examine and make copies of documents containing such information.

A person having custody, possession or control of property, documents or information referred to in this section must, on request, make them available to the person conducting the investigation and facilitate their examination.

34. The Minister may authorize a person to hold any inquiry which the Minister considers necessary into anything relating to the administration of this Act.

The person so authorized is, for the purposes of the inquiry, vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

35. For the purposes of this Act, any person authorized for that purpose by the Minister may, by a formal demand delivered by registered mail or personal service, require from any person, whether or not the person is subject to an obligation under this Act, that the person file by registered mail or personal service, within a reasonable time specified in the demand, information or documents, including a statement, return or report.

The person to whom the demand is made must, within the specified time, comply with the demand, whether or not the person has already filed such a statement, return or report following a similar demand made under this Act.

The formal demand must mention the consequences of a failure to comply as set out in section 38.

36. An authorized person referred to in section 35 may apply *ex parte* to a judge of the Court of Québec, acting in chambers, for authorization to send a person the formal demand referred to in section 35 concerning one or more unnamed persons, on the conditions that the judge considers reasonable in the circumstances.

The judge may grant the authorization if satisfied that the filing of the information or document is required to ascertain whether the person or persons concerned have complied with an obligation under this Act, and that the person or persons are identifiable.

37. The authorization granted under section 36 must be attached to the formal demand.

Within 15 days after receiving the formal demand, the person concerned may, by motion, apply to a judge of the Court of Québec for a review of the authorization.

At least five days' prior notice must be given to the Minister of the date on which the motion is to be presented.

The court may extend the time limit provided for in the second paragraph if the person demonstrates that it was in fact impossible for the person to act and that the motion was presented as soon as circumstances permitted.

The judge may confirm, vacate or vary the authorization under review and make any order the judge considers expedient. The judgment cannot be appealed.

38. If a person has not complied with a formal demand in respect of information or a document, any court must, on the motion of the Minister, prohibit the introduction of such information or document as evidence unless the person establishes that the formal demand was unreasonable under the circumstances.

39. If a person has not provided access, information or documents as required under section 33 or 35, the authorized person referred to in section 33 or 35 may apply to a judge of the Court of Québec acting in chambers and that judge may, despite section 45, order the person to provide access, information or documents to the Minister, or may make such order as the judge deems proper in order to remedy the failure which is the subject of the application, if the judge is satisfied that

(1) the person was required under section 33 or 35 to provide access, information or documents and did not do so; and

(2) the professional secrecy to which advocates and notaries are bound cannot be invoked.

A notice must be served on the person concerned at least five days before the application is heard.

The order is sent to the person concerned by registered mail or personal service, unless it is made from the bench in the person's presence.

The order may be appealed to the Court of Appeal, with leave of a judge of that court. However, an appeal does not suspend the enforcement of the order, unless the judge seized of the appeal decides otherwise. The judgment cannot be appealed.

40. No one may in any manner whatsoever hinder or attempt to hinder a person in the performance of an act that the person is required or authorized to perform under this Act.

41. Persons authorized to act under this chapter must, on request, identify themselves and produce a certificate of authorization.

They may not be prosecuted for anything done in good faith in the exercise of their functions.

42. Any document or other thing which has been examined or of which an authorized person referred to in section 33 has taken possession or which has been filed with the Minister may be copied, photographed or printed out, and any copy, photograph or printout of such document or thing, certified by the Minister or a person authorized by the Minister, is admissible as evidence.

CHAPTER VI

PENAL PROVISIONS

43. Every person who contravenes a provision of any of sections 5, 6, 9 and 11 is guilty of an offence and liable to a fine of not more than \$5,000 and, for a second or subsequent conviction, to a fine of not more than \$15,000.

44. Every person who contravenes section 33, 35 or 40 is guilty of an offence and liable to a fine of not less than \$800 nor more than \$10,000.

45. When a person is convicted by a court of an offence under section 43 or 44, the court may make such order as it deems proper in order to remedy the failure constituting the offence.

Prior notice of the application for such an order must be served by the prosecutor on the person who could be compelled under the order, unless the person is present before the judge. The prior notice may be given on the statement of offence, specifying that the application for such an order is to be made when the judgment is rendered.

The order is sent to the person concerned by registered mail or personal service, unless it is made from the bench in the person's presence.

CHAPTER VII

PROCEDURE AND EVIDENCE

46. Despite any provision to the contrary, a penal proceeding or civil action in relation to the Minister's provisional administration of property under the law is instituted by the Agence du revenu du Québec under the designation of "Agence du revenu du Québec".

Subject to article 34 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), no person may intervene in first instance or in appeal, or replace the Agence du revenu du Québec, in any penal proceeding instituted in its name.

47. 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 Minister's provisional administration of property under the law must direct it against the Agence du revenu du Québec under the designation of "Agence du revenu du Québec".

Any proceeding to which the Agence du revenu du Québec is a party must be served upon Agence du revenu du Québec 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.

The return of service must mention the name of the person with whom the copy of the proceeding was left.

48. The Agence du revenu du Québec is represented for all purposes by the advocate appearing in its name, and the advocate is not required to prove his or her capacity.

49. When penal proceedings are instituted in relation to the application of this Act, the statement of offence is signed and issued by an employee of the Agence du revenu du Québec authorized by the president and chief executive officer, and proof of the quality, signature or authorization of the employee is not necessary, unless the defendant contests it and the judge considers it necessary to provide such proof.

A facsimile of the signature of a person referred to in the first paragraph that is affixed on the statement of offence has the same force as the person's signature.

50. On an application by the Agence du revenu du Québec, a judge suspends for a period not exceeding 30 days any judicial proceeding brought against the Agence du revenu du Québec under this Act or relating to property administered by the Minister under this Act, to allow it to prepare the defence.

51. Every document signed by the Minister for the purposes of this Act is prima facie evidence of its contents, without it being necessary to prove the Minister's signature and authority.

52. When this Act obliges a person to file a document, an affidavit of an employee of the Agence du revenu du Québec attesting that the employee is in charge of the appropriate registers and that after making a careful examination of them,

(1) the employee was unable to ascertain that the document in question was filed by the person, proves, in the absence of any evidence to the contrary, that no such document has been filed by the person; or

(2) the employee ascertained that the document in question was filed on a designated day, proves, in the absence of any evidence to the contrary, that the document was filed on the date specified and not previously.

53. An affidavit of an employee of the Agence du revenu du Québec attesting that the employee is in charge of the appropriate registers and that a document attached to the affidavit is a document or copy of a document, or a printout, made by or on behalf of the Minister or any other person exercising the powers of the Minister, or by or on behalf of a person subject to this Act, is proof, in the absence of any evidence to the contrary, of the nature and content of the document and must be admitted as evidence and have the same probative force as the original document would have had if its veracity had been proved in the ordinary manner.

54. When proof is provided under section 52 or 53 by an affidavit of an employee of the Agence du revenu du Québec, it is not necessary to prove the

employee's signature or status as an employee of the Agence du revenu du Québec. Nor is it necessary to prove the signature or the official capacity of the person before whom the affidavit was sworn.

In any affidavit or other similar document signed by an employee of the Agence du revenu du Québec under this Act or in the course of proceedings relating to this Act, the address of the office of the Agence du revenu du Québec being the usual place of work of the signatory is a sufficient indication of the signatory's address.

55. For the purposes of the Code of Penal Procedure, a person referred to in section 33 or 49 is a person entrusted with the enforcement of this Act.

CHAPTER VIII

FINANCING, BOOKS AND ACCOUNTS

56. In addition to the reimbursement of expenses incurred, the Minister may require fees for administering property under the law. The fees are determined by government regulation.

However, the fees relating to property the administration of which terminates in the circumstances described in paragraph 4 of section 28, and the nature and amount of the expenses relating to such property the reimbursement of which may be required by the Minister, are determined by government order on the recommendation of the Minister and the Minister of Finance.

57. The Minister may charge interest at the rate set for debts owed to the State under section 28 of the Tax Administration Act on any amount advanced to the account of a patrimony the Minister administers. The interest is capitalized daily.

58. The Minister may waive, in whole or in part, any interest provided for by this Act.

The Minister may also cancel, in whole or in part, any interest payable under this Act.

The decision of the Minister cannot be appealed.

The Minister must include such interest waivers and cancellations in the statistical summary tabled by the Minister in the National Assembly under section 94.1 of the Tax Administration Act.

59. The books and accounts relating to the property administered by the Minister must be audited each year by the Auditor General and whenever so ordered by the Government.

The report of the Auditor General must accompany the annual management report of the Agence du revenu du Québec.

CHAPTER IX

MISCELLANEOUS PROVISIONS

60. The Minister may, in accordance with the applicable legislative provisions, enter into an agreement with a government other than the Gouvernement du Québec or with a department or body of that government, for the administration of this Act or an Act relating wholly or partly to the provisional administration of property by that government, department or body.

The purpose of the agreements entered into by the Minister may include the delegation to the Minister of the administration of property unclaimed by its owners or other right-holders who are domiciled in Québec or are deemed to be domiciled in Québec under this Act.

61. Any clause or stipulation that operates to exclude the application of one or more provisions of this Act is absolutely null.

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

CHAPTER X

AMENDING PROVISIONS

CIVIL CODE OF QUÉBEC

63. Article 699 of the Civil Code of Québec is amended by replacing “the Acts respecting public curatorship” by “the Unclaimed Property Act (2011, chapter 10)”.

64. Article 701 of the Code is amended by replacing “calculated at the rate prescribed pursuant to the Public Curator Act (chapter C-81) from the time the amounts were transferred to the Minister of Finance” in the second paragraph by “capitalized daily and calculated from the time the amounts were transferred to the Minister of Finance, at the rate set under the second paragraph of section 28 of the Tax Administration Act (chapter A-6.002)”.

TAX ADMINISTRATION ACT

65. Section 69.0.0.7 of the Tax Administration Act (R.S.Q., chapter A-6.002) is amended by inserting the following subparagraph after subparagraph *v* of subparagraph *b* of the first paragraph:

“vi. the Unclaimed Property Act (2011, chapter 10);”.

ACT RESPECTING REGISTRY OFFICES

66. Section 12 of the Act respecting registry offices (R.S.Q., chapter B-9) is amended by replacing the fourteenth dash in the first paragraph by the following:

“— a notice of the capacity of the Public Curator as administrator under the Public Curator Act (chapter C-81);

“— a notice of the capacity of the Minister of Revenue as administrator under the Unclaimed Property Act (2011, chapter 10);”.

SAVINGS AND CREDIT UNIONS ACT

67. Section 72 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1) is amended by replacing “unclaimed property within the meaning of the Public Curator Act (chapter C-81)” in the second paragraph by “property to which the Unclaimed Property Act (2011, chapter 10) applies”.

CHARTER OF VILLE DE QUÉBEC

68. Section 50 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing “section 24 of the Public Curator Act (chapter C-81)” in the fourth paragraph by “the Unclaimed Property Act (2011, chapter 10)”.

PROFESSIONAL CODE

69. Section 89 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing “the Public Curator Act (chapter C-81)” in the portion of the second paragraph before subparagraph 1 by “the Unclaimed Property Act (2011, chapter 10)”.

ACT RESPECTING FINANCIAL SERVICES COOPERATIVES

70. Section 173 of the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3) is amended by replacing “The provisions of the Public Curator Act (chapter C-81) apply” in the fourth paragraph by “The Unclaimed Property Act (2011, chapter 10) applies”.

PUBLIC CURATOR ACT

71. Section 12 of the Public Curator Act (R.S.Q., chapter C-81) is amended by striking out the third paragraph.

72. Division V of Chapter II of the Act, comprising sections 24 to 26.9, is repealed.

73. Section 27.1 of the Act is repealed.

74. Section 28.1 of the Act is amended by replacing “sections 27.1 and 28” in the first paragraph by “section 28”.

75. Section 29 of the Act is amended by striking out the third paragraph.

76. Section 30 of the Act is amended by striking out the second paragraph.

77. Section 32 of the Act is repealed.

78. Section 37 of the Act is repealed.

79. Section 40 of the Act is amended

(1) by striking out “or of the Minister of Revenue” in the portion of the first paragraph before subparagraph 1;

(2) by striking out the second paragraph.

80. Section 41 of the Act is amended by striking out the second paragraph.

81. Section 41.1 of the Act is repealed.

82. Section 54 of the Act is replaced by the following section:

“54. The Public Curator shall keep a register of tutorships to minors, a register of tutorships and curatorships to persons of full age and a register of homologated mandates in anticipation of the inability of the mandator.

The registers shall contain only the information prescribed by regulation. Such information is public; it shall be kept in the register until the administration of the Public Curator ceases.”

83. Section 55 of the Act is amended by striking out the second paragraph.

84. Section 68 of the Act is amended by striking out paragraphs 4 and 4.1.

85. Section 69 of the Act is repealed.

86. Section 69.1 of the Act is amended by replacing “of the Public Curator, of the Minister of Revenue or of a person authorized by either of them in the exercise of a power conferred by section 27.1 or 28” by “of the Public Curator

or of a person authorized by the Public Curator in the exercise of a power conferred by section 28”.

87. Section 74 of the Act is replaced by the following section:

“**74.** On an application by the Public Curator, a judge suspends for a period not exceeding 30 days any judicial proceeding brought against the Public Curator or any person represented by or whose property is administered by the Public Curator, to allow the Public Curator to prepare the defence.”

88. Section 75.1 of the Act is replaced by the following section:

“**75.1.** The Public Curator may enter into an agreement for the administration of this Act with any person, partnership or association or with the Government, a government department or a government body.”

89. Section 76 of the Act is amended

- (1) by striking out “and the Minister of Revenue” in the first paragraph;
- (2) by striking out “, or an Act relating wholly or partly to the provisional administration of property” in the first paragraph;
- (3) by striking out the second paragraph.

90. Sections 76.1 to 76.4 of the Act are repealed.

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

“**77.** The Minister of Families is responsible for the administration of this Act.”

DEPOSIT ACT

92. Section 27.1 of the Deposit Act (R.S.Q., chapter D-5) is amended by replacing “calculated at the rate prescribed pursuant to the Public Curator Act (chapter C-81) from the time the sums of moneys were paid into the fund” in the first paragraph by “capitalized daily and calculated from the time the sums of moneys were paid into the fund, at the rate set under the second paragraph of section 28 of the Tax Administration Act (chapter A-6.002)”.

WINDING-UP ACT

93. Section 20 of the Winding-up Act (R.S.Q., chapter L-4) is amended by replacing “the provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property” by “the Unclaimed Property Act (2011, chapter 10)”.

ACT RESPECTING THE DETERMINATION OF THE CAUSES AND CIRCUMSTANCES OF DEATH

94. Section 63 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by replacing “Public Curator Act (chapter C-81)” in the second paragraph by “Unclaimed Property Act (2011, chapter 10)”.

95. Section 64 of the Act is amended by replacing “Public Curator Act (chapter C-81)” by “Unclaimed Property Act (2011, chapter 10)”.

ACT TO REDUCE THE DEBT AND ESTABLISH THE GENERATIONS FUND

96. Section 3 of the Act to reduce the debt and establish the Generations Fund (R.S.Q., chapter R-2.2.0.1) is amended by replacing “41.1 of the Public Curator Act (chapter C-81)” in subparagraph 5 of the first paragraph by “30 of the Unclaimed Property Act (2011, chapter 10)”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

97. Section 147.0.6 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing “sums transferred to the latter by the Commission pursuant to the Public Curator Act (chapter C-81)” in the first paragraph by “sums transferred by the Commission pursuant to the Public Curator Act (chapter C-81) or the Unclaimed Property Act (2011, chapter 10)”.

MISCELLANEOUS ACTS

98. The following provisions are amended by replacing “The provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property apply” and “The provisions of the Public Curator Act (chapter C-81) pertaining to unclaimed property shall apply”, wherever they appear, by “The Unclaimed Property Act (2011, chapter 10) applies”:

(1) the second paragraph of section 220 of the Sustainable Forest Development Act (R.S.Q., chapter A-18.1);

(2) the second paragraph of section 45 of the Act respecting reserved designations and added-value claims (R.S.Q., chapter A-20.03);

(3) the second paragraph of section 40 of the Act respecting commercial aquaculture (R.S.Q., chapter A-20.2);

(4) the third paragraph of section 314 of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1);

(5) the second paragraph of section 185 of the Cooperatives Act (R.S.Q., chapter C-67.2);

(6) the third paragraph of section 100 of the Act respecting racing (R.S.Q., chapter C-72.1);

(7) subparagraph *o* of the second paragraph of section 22 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2);

(8) the second paragraph of section 36 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);

(9) the second paragraph of section 196 of the Forest Act (R.S.Q., chapter F-4.1);

(10) the second paragraph of section 45 of the Act respecting commercial fishing and commercial harvesting of aquatic plants (R.S.Q., chapter P-9.01);

(11) the second paragraph of section 33.5 of the Food Products Act (R.S.Q., chapter P-29);

(12) the second paragraph of section 55.22 of the Animal Health Protection Act (R.S.Q., chapter P-42);

(13) the second paragraph of section 238 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);

(14) the second paragraph of section 349 of the Business Corporations Act (R.S.Q., chapter S-31.1);

(15) the second paragraph of section 42 of the Marine Products Processing Act (R.S.Q., chapter T-11.01).

CHAPTER XI

TRANSITIONAL AND FINAL PROVISIONS

99. Unless the context indicates otherwise, a reference in a regulation or any other document to a provision of the Public Curator Act (R.S.Q., chapter C-81) relating to the provisional administration of property is a reference to the equivalent provision of this Act.

100. The provisions of the Regulation respecting the application of the Public Curator Act (R.R.Q., chapter C-81. r. 1), to the extent that they relate to the provisional administration of property, entrusted to the Minister of Revenue under the Public Curator Act, as it read on 12 June 2011, continue to apply, with the necessary modifications and unless they are inconsistent with

a provision of this Act, until they are replaced or repealed by a regulation made under this Act.

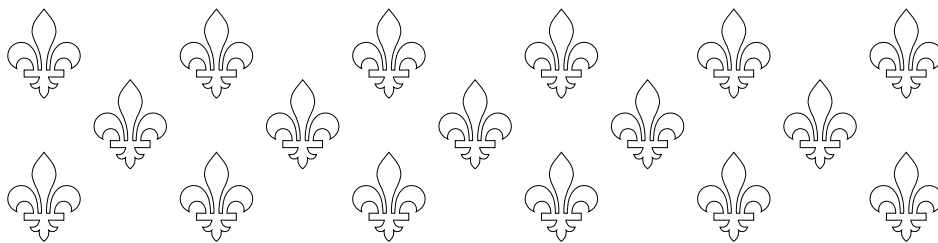
101. The provisions of the Order in Council respecting the fees, nature and amount of expenses relating to certain property under the administration of the Public Curator (R.R.Q., chapter C-81, r. 2) and the provisions of Order in Council 238-2007 (2007, G.O. 2, 1855, French only), respecting the sums to be paid into the Generations Fund and the conditions on which they are to be paid, as determined by the Minister of Finance, continue to apply, with the necessary modifications, until they are replaced or repealed by an order made under this Act.

102. The exercise of the Public Curator's rights and the performance of the Public Curator's obligations under any contract, agreement, Order in Council or other document prior to 1 April 2006 and relating to the Minister of Revenue's provisional administration of property are continued by the Minister of Revenue or the Agence du revenu du Québec, as the case may be.

103. Sections 3 to 8, the second paragraph of section 9 and section 10 apply to property that became unclaimed property described in section 3 before 13 June 2011.

104. For the period between 13 June 2011 and the date to be set by the Government for the coming into force of section 57, section 57 of the Public Curator Act applies, with the necessary modifications, to the Minister of Revenue's provisional administration of property under this Act.

105. This Act comes into force on 13 June 2011, except sections 30, 57, 64, 81 and 92, which come into force on the date or dates to be set by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 13
(2011, chapter 11)

An Act to amend various legislative provisions concerning municipal affairs

Introduced 10 May 2011
Passed in principle 17 May 2011
Passed 10 June 2011
Assented to 13 June 2011

Québec Official Publisher
2011

EXPLANATORY NOTES

This Act amends the Cities and Towns Act and the Municipal Code of Québec so that any contract entered into in carrying out an agreement binding a municipality and the Union des municipalités du Québec or the Fédération québécoise des municipalités locales et régionales for the execution of work, the awarding of an insurance contract or the purchase of goods or services is subject only to the contract management policy of the party responsible for carrying out the agreement rather than to all the policies of the parties to the agreement.

The Municipal Powers Act is amended to allow a municipality that desires to municipalize a road that has been open to public traffic for 10 years or more to designate the land concerned by a simple reference to the lot number if the boundaries of the land correspond to those of a separate lot described in the cadastre.

The Act respecting elections and referendums in municipalities is amended to facilitate the division of the territory of a municipality into electoral districts.

The Act respecting municipal taxation is amended to clarify the rules governing the registration on a municipality's property assessment roll of immovables belonging to the patrimony of a group of persons or assets, such as an association or a trust, and to modify the rules applicable to the registration of certain systems intended for mechanical or electrical purposes integrated into industrial or agricultural buildings.

The Act respecting the remuneration of elected municipal officers is amended to increase the maximum amount of the transition allowance that may be paid to a person at the end of the person's term as municipal councillor.

The Charter of Ville de Montréal is amended to enable the city to register a notice in the land register, with respect to an immovable whose state of deterioration endangers the health and safety of its occupants, of the owner's failure to carry out work required by the city, and to provide that a fine for a second conviction related to the deterioration of a building may be imposed regardless of a change in owner. The Charter is also amended to allow the designation of

one or two vice-chairs from among the members of the Montréal women's council.

The Act respecting the exercise of certain municipal powers in certain urban agglomerations is amended to specify that the tax the urban agglomeration council of Montréal may impose with respect to passenger vehicles is a tax on the vehicles' registration, and to make certain rules and procedures concerning registration that are already applied by the Société de l'assurance automobile du Québec applicable to that tax.

Lastly, transitional and technical amendments are included.

LEGISLATION AMENDED BY THIS ACT:

- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).

Bill 13

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHARTER OF VILLE DE MONTRÉAL

1. Section 83.17 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing “and a vice-chair” in the first paragraph by “and one or two vice-chairs”.

2. Section 48 of Schedule C to the Charter is amended by adding the following paragraph after the second paragraph:

“The fine prescribed for a subsequent offence relating to the deterioration of a building may be imposed, regardless of a change in owner, if a notice of deterioration was registered in the land register in accordance with section 50.2 before the new owner acquired the building.”

3. The Charter is amended by inserting the following after the heading of Division II of Chapter III of Schedule C:

“§0.1. — *Notice of deterioration*

“**50.1.** If the deterioration of a building endangers the health or safety of the occupants of the building and if the city has a by-law establishing standards or prescribing measures relating to the maintenance of buildings, the executive committee may require that restoration, repair or maintenance work be carried out to bring the building into compliance with the by-law.

In such a case, the executive committee has a written notice sent to the owner stating the work to be carried out and the time limit for doing so. It may grant additional time.

“**50.2.** If the owner fails to comply, the executive committee may require a notice of deterioration containing the following information to be registered in the land register:

(1) the designation of the immovable concerned and the name and address of the owner;

(2) the name of the city and the address of its office, and the title, number and date of the resolution by which the executive committee requires the notice to be registered;

(3) the title and number of the by-law referred to in the first paragraph of section 50.1; and

(4) a description of the work to be carried out.

“50.3. If the city ascertains that the work prescribed in the notice of deterioration has been carried out, the executive committee shall, within 20 days of ascertaining the fact, require that a notice of regularization be registered in the land register; the notice must contain the following information:

(1) the designation of the immovable concerned and the name and address of the owner;

(2) the name of the city and the address of its office, and the title, number and date of the resolution by which the executive committee requires the notice to be registered;

(3) the registration number of the notice of deterioration relating to the notice of regularization; and

(4) a statement to the effect that the work described in the notice of deterioration has been carried out.

“50.4. Within 20 days of the registration of any notice of deterioration or notice of regularization, the city shall notify the owner of the immovable and any holder of a real right registered in the land register in respect of the immovable of the registration of the notice.

“50.5. The city shall post and keep up to date on its website a list of the immovables situated in its territory for which a notice of deterioration has been registered in the land register.

The list must mention, in respect of each immovable, all the information contained in the notice of deterioration.

If a notice of regularization is registered in the land register, the city must withdraw from the list any entry concerning the notice of deterioration relating to the notice of regularization.”

CHARTER OF VILLE DE QUÉBEC

4. Section 187 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing “Notwithstanding any provision to the contrary” by “Unless otherwise provided”.

CITIES AND TOWNS ACT

5. Section 29.9.1 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the second paragraph by the following paragraph:

“Any contract entered into in accordance with an agreement described in the first paragraph is subject to the rules governing the awarding of contracts applicable to a municipality; however, it is only subject to the contract management policy of the party responsible for carrying out the agreement. To be designated responsible for carrying out the agreement, the Union and the Federation must have adopted a contract management policy in accordance with section 573.3.1.2.”

6. Section 464 of the Act is amended by adding the following sentence at the end of the third paragraph of subparagraph 10.1 of the first paragraph: “However, the contract is only subject to the contract management policy described in section 573.3.1.2 that must be adopted by the Union or the Federation for that purpose.”

MUNICIPAL CODE OF QUÉBEC

7. Article 14.7.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing the second paragraph by the following paragraph:

“Any contract entered into in accordance with an agreement described in the first paragraph is subject to the rules governing the awarding of contracts applicable to a municipality; however, it is only subject to the contract management policy of the party responsible for carrying out the agreement. To be designated responsible for carrying out the agreement, the Union and the Federation must have adopted a contract management policy in accordance with article 938.1.2.”

8. Article 711.0.1 of the Code is amended by adding the following sentence at the end of the third paragraph: “However, the contract is only subject to the contract management policy described in article 938.1.2 that must be adopted by the Union or the Federation for that purpose.”

MUNICIPAL POWERS ACT

9. Section 72 of the Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) the municipality adopts a resolution identifying the road concerned, either by its cadastral designation if the site of the road corresponds to that of one or more whole lots of the cadastre in force or, otherwise, by a technical description prepared by a land surveyor;

“(2) if applicable, a copy of the technical description, certified by a land surveyor, is filed with the office of the municipality; and”.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

10. Section 30 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is replaced by the following section:

“30. Subject to section 34, the by-law dividing the territory of the municipality into electoral districts comes into force on 31 October of the calendar year preceding that in which the general election for which the division is required is to be held.”

11. Section 31 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “However, even after the expiry of that time, the council may pass the by-law as long as the Commission has not carried out the division.”;

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

12. Section 32 of the Act is amended by replacing “or the by-law of the municipality is put into force” by “or the division provided for in the by-law of the municipality is maintained”.

13. Section 33 of the Act is amended

(1) by striking out subparagraph 2 of the second paragraph;

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

“If the Commission divides the territory into electoral districts, the notice must also contain a description of the boundaries of the electoral districts. In addition to or in lieu of the description, the notice may include a map or a sketch of the electoral districts.”

14. Section 34 of the Act is replaced by the following section:

“34. The division of the territory into electoral districts by the Commission comes into force on the day of the publication of the notice. The same applies if the decision of the Commission to maintain the division provided for in the by-law of the municipality is made after the date specified in section 30.”

15. Section 40.2 of the Act is amended by replacing “1 March” in the first paragraph by “15 March”.

ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

16. Section 118.82.2 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001) is amended by replacing the first two paragraphs by the following paragraphs:

“118.82.2. For the purpose of financing all or part of the expenditures incurred by the central municipality in the exercise of its powers with respect to shared passenger transportation, the urban agglomeration council may, by a by-law subject to the right of objection under section 115, levy a tax on the registration of any passenger vehicle in the name of a person whose address entered in the register held by the Société de l’assurance automobile du Québec under section 10 of the Highway Safety Code (chapter C-24.2) corresponds to a place situated in the urban agglomeration. The by-law must set out the amount of the tax.

A tax under the first paragraph may apply only if an agreement for the collection of the tax has been entered into with the Société de l’assurance automobile du Québec. Under such an agreement, the tax is collected by the Société at the time the sums provided for in section 21 or 31.1 of the Highway Safety Code are paid, and the Société must state the origin of the tax in the notice of payment or the transaction receipt issued to any person described in the first paragraph.

The rules and procedures applicable to those sums in accordance with the Code apply to the tax, with the necessary modifications, and failure to comply with them results in the sanctions prescribed by the Code. However, the tax is not refundable in the case of a change of address.”

ACT RESPECTING MUNICIPAL TAXATION

17. Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by replacing “including a partnership” in the definition of “person” by “and any group of persons or assets, such as a partnership, association or trust”.

18. Section 65 of the Act is amended

(1) by replacing “In addition to land and land development works, subparagraph 1 or 1.1 of the first paragraph does” in the second paragraph by “Subparagraphs 1 and 1.1 of the first paragraph do”;

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

“(3) to land, land development works or any other immovable mainly used or intended to ensure the usefulness of such land or works.”;

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

“However, a system intended for mechanical or electrical purposes and integrated into a structure referred to in subparagraph 1 of the second paragraph is deemed not to form part of that structure and may be subject to subparagraph 1 or 1.1 of the first paragraph.”;

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

“Where only part of such a system falls within the scope of subparagraph 1 or 1.1 of the first paragraph and if the system is mainly intended for lighting, heating, air conditioning, ventilation, drinking water supply or water evacuation for a structure referred to in subparagraph 1 of the second paragraph, the part of the system that falls within the scope of either of those subparagraphs and that exceeds what would normally be necessary to maintain the structure in good condition and make it fit for human habitation is excluded from the roll.”;

(5) by inserting “, other than a system described in the fourth paragraph,” after “Where only part of an immovable” in the fourth paragraph.

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

19. Section 31 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) is amended by replacing “bi-monthly” wherever it appears in the third paragraph by “quarterly”.

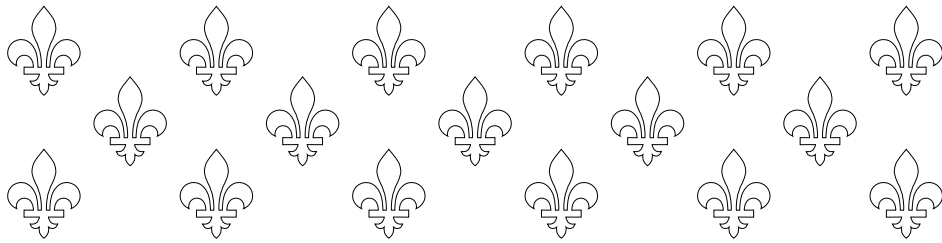
TRANSITIONAL AND FINAL PROVISIONS

20. Any contract referred to in a provision amended by section 5, 6, 7 or 8, awarded before 13 June 2011, even though all of the contract management policies applicable to it were not complied with, is validated provided at least one of those policies was complied with.

21. Section 18 does not operate to allow the property assessment roll or the roll of rental values to be altered for a municipal fiscal year preceding the fiscal year 2012, or to render mandatory a reimbursement of municipal or school taxes or the payment of a municipal or school tax supplement for a municipal or school fiscal year preceding the fiscal year that begins in 2012.

The first paragraph has no effect on cases pending on 10 May 2011.

22. This Act comes into force on 13 June 2011.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 17
(2011, chapter 12)

**An Act to provide for the implementation of
special plans concerning employment injuries
and occupational health and safety as well as
labour relations, vocational training and
workforce management in the construction
industry**

**Introduced 12 May 2011
Passed in principle 26 May 2011
Passed 10 June 2011
Assented to 13 June 2011**

EXPLANATORY NOTES

The purpose of this Act is to implement an agreement on employment injuries and occupational health and safety between the Gouvernement du Québec and the Mohawks of Kahnawake by providing that a special plan will apply to workers who are domiciled or work in the territory defined in the Act in accordance with the agreement.

The Act also provides for the implementation by government regulation of agreements between the same parties on a matter within the scope of the Act respecting labour relations, vocational training and workforce management in the construction industry, or with respect to work on the Honoré-Mercier Bridge in the framework of what is known as “Contract B”.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1).

Bill 17

AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF SPECIAL PLANS CONCERNING EMPLOYMENT INJURIES AND OCCUPATIONAL HEALTH AND SAFETY AS WELL AS LABOUR RELATIONS, VOCATIONAL TRAINING AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION INDUSTRY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

1. The Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by inserting the following subdivision after section 24:

“§4. — *Special plan*

“**24.1.** The purpose of this subdivision is the implementation of any agreement on employment injuries and occupational health and safety between the Government and the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake.

“**24.2.** A special plan established by the Mohawks of Kahnawake to provide compensation for employment injuries and the consequences they entail for beneficiaries is substituted for the general plan established under this Act as of the date set by the Government after it has deemed that the special plan is similar to the general plan. Thus, the provisions of the special plan take precedence over those of this Act and the regulations, except the provisions of this subdivision and, with the necessary modifications, sections 2 to 4 and 438 to 442 and any other provision the Government may determine by regulation.

Any amendment to the special plan comes into force on the date set by the Government after it has deemed that the plan so amended remains similar to the general plan.

“**24.3.** The special plan applies to workers who suffer an industrial accident or contract an occupational disease on any of the following lands or sites:

(1) all lands contained within the area commonly known as Kahnawake Indian Reserve No. 14;

(2) the construction sites on the Honoré-Mercier Bridge linking the shores of the St. Lawrence River; and

(3) should the case arise,

(a) any lands added to the lands identified in subparagraph 1;

(b) any lands set apart for the use and benefit of the Mohawks of Kahnawake in accordance with section 36 of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5);

(c) any public lands placed under the management or administration of the Mohawks of Kahnawake ; and

(d) following an agreement with the communities concerned, all lands contained within the area commonly known as Doncaster Indian Reserve No. 17 and any lands added to those lands.

In the cases mentioned in subparagraph 3 of the first paragraph, the Government shall publish, in the *Gazette officielle du Québec*, a notice of the date on which the contingency arose.

“24.4. A worker assigned to work outside his or her usual place of work, on a project whose duration does not exceed five consecutive working days, does not cease to be covered by the plan applicable at his or her usual place of work.

“24.5. Despite section 24.3, workers not domiciled on lands covered by the special plan who suffer an industrial accident or contract an occupational disease on a land or site covered by the special plan may opt to benefit from the provisions of the general plan by filing a claim with the Commission.

Workers domiciled on such lands who suffer an industrial accident or contract an occupational disease outside the lands or sites covered by the special plan may opt to benefit from the provisions of the special plan by filing a claim with the entity entrusted with the administration of the special plan.

The option exercised by the worker upon filing the claim is irrevocable and continues to apply in the case of a recurrence, relapse or aggravation.

The entity responsible for the plan for which a worker has opted shall be reimbursed for its costs relating to the claim by the entity responsible for the plan that would have otherwise applied.

“24.6. Sections 24.3 to 24.5 do not apply to

(1) persons covered by an interprovincial or international agreement entered into by the Commission or the Government;

(2) persons covered by an agreement under any of sections 15 to 17, unless a similar agreement is entered into by the entity entrusted with the administration of the special plan; or

(3) any other person the Government may determine by regulation.

“24.7. The Commission and the entity entrusted with the administration of the special plan shall enter into any agreement to facilitate the carrying out of this subdivision. Such an agreement must, among other things, determine the guarantees required for and the terms and conditions applicable to the reimbursement provided for in section 24.5.

“24.8. In any other Act or statutory instrument, unless otherwise indicated by the context or otherwise provided by government regulation, a reference to this Act or the regulations is also a reference, with the necessary modifications, to the provisions of the special plan. Among other modifications, the entity entrusted with the administration of the special plan replaces the Commission, except in provisions concerning the review or contestation of a decision taken by the Commission and in provisions providing a remedy before the Commission, which are not applicable.

The Government may, by regulation, take any other necessary measures to carry out this subdivision, such as providing for any modifications to be applied to an existing Act or statutory instrument.

“24.9. Any regulation made under section 24.2, 24.6 or 24.8 requires the prior concurrence of the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake.

“24.10. The Minister shall post the agreement and the special plan on the department’s website not later than the date of coming into force of the special plan and, should the special plan cease to have effect, leave them posted for five years after the date of cessation of effect.

“24.11. The initial special plan and any first regulation under any of sections 24.2, 24.6 or 24.8 are tabled before the National Assembly within 15 days following their publication or, if the National Assembly is not sitting, within 15 days of resumption.

The documents tabled are examined by the competent committee of the National Assembly within six months following their tabling.

“24.12. Should the initial agreement and any amendments be terminated, sections 24.1 to 24.9 and section 24.11 cease to have effect as of the date of termination. In that case, the Government may, by regulation, take any necessary transitional measures.

“**24.13.** The first regulation under each of sections 24.2, 24.6, 24.8 and 24.12 is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1). Despite section 17 of that Act, any regulation under this subdivision comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation and may apply, after publication and if the regulation so provides, from a date not prior to the date of coming into force of the special plan or, in the case of a regulation under section 24.12, not prior to the date on which the special plan ceases to have effect.”

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

2. The Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by inserting the following before section 2:

“DIVISION I

“GENERAL PROVISIONS”.

3. The Act is amended by inserting the following division after section 8.1:

“DIVISION II

“SPECIAL PLAN

“**8.2.** The purpose of this division is the implementation of any agreement on employment injuries and occupational health and safety between the Government and the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake.

“**8.3.** A special plan established by the Mohawks of Kahnawake to eliminate dangers to workers’ health, safety and well-being at their source is substituted for the general plan established under this Act as of the date set by the Government after it has deemed that the special plan is similar to the general plan. Thus, the provisions of the special plan take precedence over those of this Act and the regulations, except the provisions of this division and, with the necessary modifications, sections 1 and 3 to 6 and any other provision the Government may determine by regulation.

Any amendment to the special plan comes into force on the date set by the Government after it has deemed that the plan so amended remains similar to the general plan.

“**8.4.** The special plan applies to any work carried out on any of the following lands or sites:

(1) all lands contained within the area commonly known as Kahnawake Indian Reserve No. 14;

(2) the construction sites on the Honoré-Mercier Bridge linking the shores of the St. Lawrence River; and

(3) should the case arise,

(a) any lands added to the lands identified in subparagraph 1;

(b) any lands set apart for the use and benefit of the Mohawks of Kahnawake in accordance with section 36 of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5);

(c) any public lands placed under the management or administration of the Mohawks of Kahnawake; and

(d) following an agreement with the communities concerned, all lands contained within the area commonly known as Doncaster Indian Reserve No. 17 and any lands added to those lands.

In the cases mentioned in subparagraph 3 of the first paragraph, the Government shall publish, in the *Gazette officielle du Québec*, a notice of the date on which the contingency arose.

“8.5. Despite section 8.4, pregnant or breast-feeding workers not domiciled on lands covered by the special plan and working on a land or site covered by the special plan may opt to benefit from the protective reassignment measures for pregnant women under the general plan by filing an application with the Commission.

Pregnant or breast-feeding workers domiciled on such lands and working outside the lands or sites covered by the special plan may opt to benefit from the protective reassignment measures for pregnant women under the special plan by filing an application with the entity entrusted with the administration of the special plan.

The option exercised by the worker upon filing the application is irrevocable.

The entity responsible for the plan for which a worker has opted shall be reimbursed for its costs relating to the application by the entity responsible for the plan that would have otherwise applied.

“8.6. The Commission and the entity entrusted with the administration of the special plan shall enter into any agreement to facilitate the carrying out of this division. Such an agreement must, among other things, determine the guarantees required for and the terms and conditions applicable to the reimbursement provided for in section 8.5.

“8.7. In any other Act or statutory instrument, unless otherwise indicated by the context or otherwise provided by government regulation, a reference to

this Act or the regulations is also a reference, with the necessary modifications, to the provisions of the special plan. Among other modifications, the entity entrusted with the administration of the special plan replaces the Commission, except in provisions concerning the review or contestation of a decision taken by the Commission and in provisions providing a remedy before the Commission, which are not applicable.

The Government may, by regulation, take any other necessary measures to carry out this division, such as providing for any modifications to be applied to an existing Act or statutory instrument.

“8.8. Any regulation made under section 8.3 or 8.7 requires the prior concurrence of the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake.

“8.9. The Minister shall post the agreement and the special plan on the department’s website not later than the date of coming into force of the special plan and, should the special plan cease to have effect, leave them posted for five years after the date of cessation of effect.

“8.10. The initial special plan and any first regulation under section 8.3 or 8.7 are tabled before the National Assembly within 15 days following their publication or, if the National Assembly is not sitting, within 15 days of resumption.

The documents tabled are examined by the competent committee of the National Assembly within six months following their tabling.

“8.11. Should the initial agreement and any amendments be terminated, sections 8.2 to 8.8 and section 8.10 cease to have effect as of the date of termination. In that case, the Government may, by regulation, take any necessary transitional measures.

“8.12. The first regulation under each of sections 8.3, 8.7 and 8.11 is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1). Despite section 17 of that Act, any regulation under this division comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation and may apply, after publication and if the regulation so provides, from a date not prior to the date of coming into force of the special plan or, in the case of a regulation under section 8.11, not prior to the date on which the special plan ceases to have effect.”

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION INDUSTRY

4. Section 123 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20) is amended by adding the following paragraph after the first paragraph:

“To give effect to any agreement between the Government and the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake on a matter within the scope of this Act and applicable to work on the Honoré-Mercier Bridge in the framework of what is known as “Contract B”, the Government may, by regulation, take all necessary measures, including specifying what legislative or regulatory provisions do not apply and providing for any other necessary modification to this Act or to its statutory instruments or to the provisions of any other Act or statutory instrument. A regulation under this paragraph is not subject to the requirements as to publication nor the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1); however, after publication and if the regulation so provides, it may apply from a date not prior to the date of coming into force of the agreement.”

FINAL PROVISION

- 5.** This Act comes into force on 13 June 2011.

Regulations and other Acts

M.O., 2011

Order number AM 2011-032 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife dated 21 July 2011

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

CONCERNING the replacement of the Regulation respecting the Louise-Gosford Controlled Zone

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

CONSIDERING that the Louise-Gosford Controlled Zone was established in accordance with the Regulation respecting the Louise-Gosford Controlled Zone (R.R.Q., c. C-61.1, r. 105);

CONSIDERING the first paragraph of section 104 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister may establish controlled zones on land in the domain of the State for the development, harvesting and conservation of wildlife or a species of wildlife and for the carrying on of recreational activities incidental thereto;

CONSIDERING that under section 191.1 of this Act, regulations made by the Government in particular under section 104 of this Act before 1 January, 1987 continue to be in force until they are, from 17 June, 1998 replaced or repealed by an order of the Minister;

CONSIDERING section 33 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29) which provides that orders made by the Government under section 104 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced or repealed by an order of the Minister of the Environment and Wildlife;

CONSIDERING section 80 of the Act to repeal the Act respecting the Société de la faune et des parcs du Québec and to amend other legislative provisions (2004, c. 11) which provides that, unless the context indicates otherwise, in any other Act, text or document, a reference to the

minister designated by the Government as the minister responsible for the administration of the Act respecting the Société de la faune et des parcs du Québec, the Minister responsible for Wildlife and Parks or to the Société de la faune et des parcs du Québec is a reference to the Minister of Natural Resources, Wildlife and Parks;

CONSIDERING that it is expedient to replace the Regulation respecting the Louise-Gosford Controlled Zone;

ORDER THAT:

The territory, whose boundaries are shown on the map appended to the present order, be established as a controlled zone designated by the name of “Louise-Gosford Controlled Zone”;

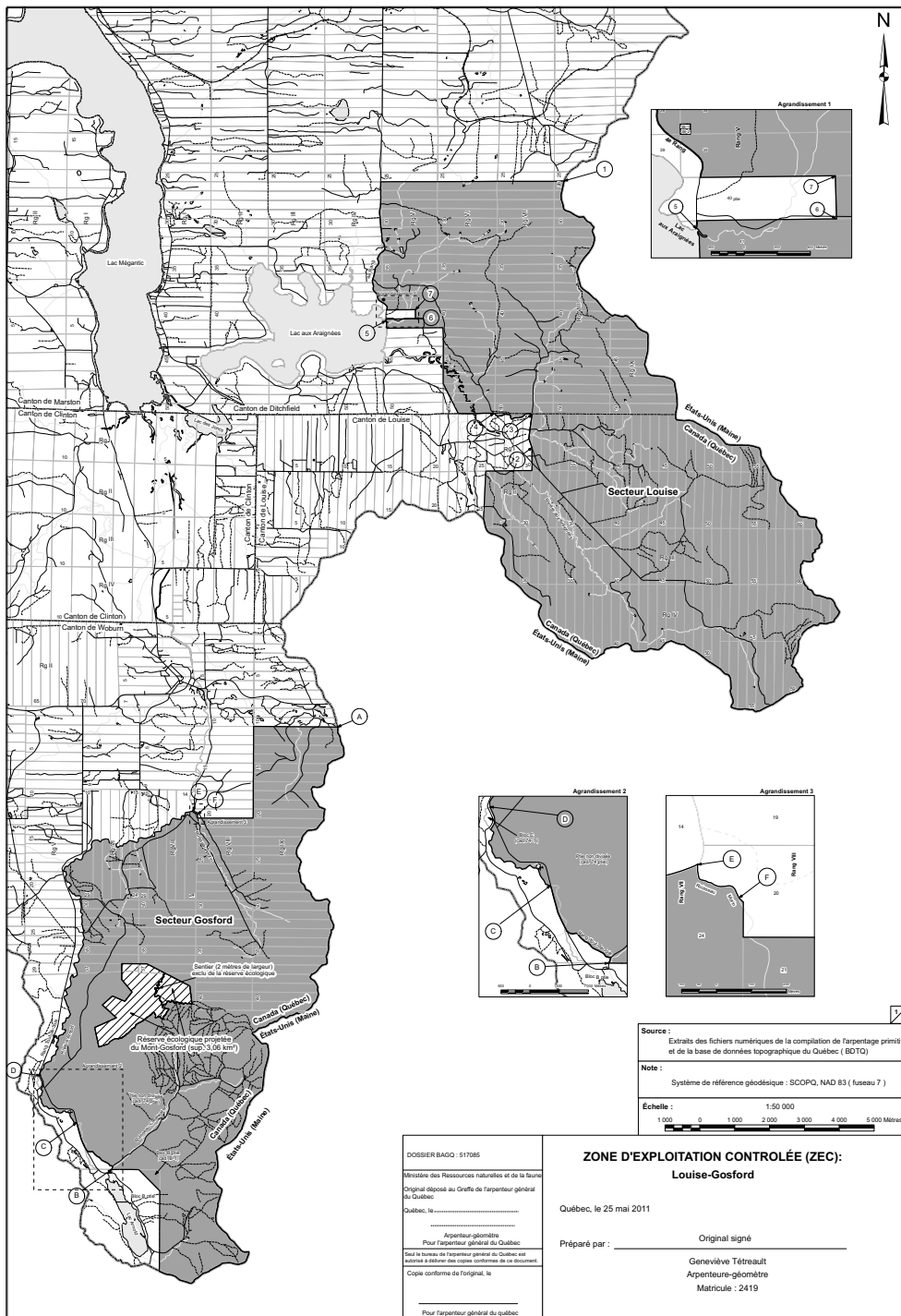
This Order replaces the Regulation respecting the Louise-Gosford Controlled Zone (R.R.Q., c. C-61.1, r. 105);

This order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Québec, 21 July 2011

SERGE SIMARD,
*Minister for Natural
Resources and Wildlife*

NATHALIE NORMANDEAU,
*Minister of Natural
Resources and Wildlife*



Source : Extraits des fichiers numériques de la compilation de l'arpentage primitif et de la base de données topographique du Québec (BOTO)

Note : Système de référence géodésique : SCOPQ, NAD 83 (fuseau 7)

Echelle : 1:50 000
 1 000 0 1 000 2 000 3 000 4 000 5 000 Mètres

DOSSIER BAG0 : 517085

Ministère des Ressources naturelles et de la Faune
 Original déposé au Greffe de l'arpenteur général du Québec
 Québec, le _____

Arpenteur-géomètre
 Pour l'arpenteur général du Québec

Étant le titulaire de l'arpentage général du Québec, est autorisé à délivrer des copies conformes de ce document.
 Copie conforme de l'original, le _____

Pour l'arpenteur général du Québec

ZONE D'EXPLOITATION CONTROLÉE (ZEC):
Louise-Gosford

Québec, le 25 mai 2011

Préparé par : _____

Original signé
 Geneviève Tétrault
 Arpenture-géomètre
 Matricule : 2419

Draft Regulations

Draft Regulation

An Act respecting transportation services by taxi (R.S.Q., c. S-6.01)

Taxi owners

— **Maximum number of permits per taxi servicing area and certain conditions of operation**

of operation

— **Amendment**

Notice is given, pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation amending the Regulation respecting the maximum number of taxi owner’s permits per taxi servicing area and certain conditions of operation,” of which the text is reproduced below, may be adopted by the Commission des transports du Québec upon expiry of a 45-day period following its publication.

This draft regulation aims to reduce to thirty (30) the maximum number of taxi owner’s permits that can be issued in the A.53 Sept-Îles servicing area. According to the Commission’s assessment, this number takes into account a balance between the demand for taxi services in this servicing area and the profitability of the concerned companies holding taxi owner’s permits. This amendment is further to a consultation, among others with the concerned permit holders, pursuant to section 10.1 of the Act respecting transportation services by taxi (R.S.Q., c. S-6.01).

For more information concerning the draft regulation, contact Christian Daneau, Secretary and Director of the Direction des services juridiques et secrétariat, Commission des transports du Québec, 545, boulevard Crémazie Est, bureau 1000, Montréal (Québec) H2M 2V1, telephone: 514 906-0350, ext. 3014, fax: 514 873-5947.

All comments must be submitted in writing in the 45 days following publication of this draft regulation, to Christian Daneau, Secretary and Director of the Direction des services juridiques et secrétariat, Commission des transports du Québec, 545, boulevard Crémazie Est, bureau 1000, Montréal (Québec) H2M 2V1. All comments will be analyzed by the Commission des transports du Québec.

CHRISTIAN DANEAU,
*Secretary of the Commission
des transports du Québec*

Regulation amending the Regulation respecting the maximum number of taxi owner’s permits per taxi servicing area and certain conditions of operation

An Act respecting transportation services by taxi (R.S.Q., c. S-6.01)

1. The schedule of the Regulation respecting the maximum number of taxi owner’s permits per taxi servicing area and certain conditions of operation is amended with the replacement of the number 31 by the number 30 in the Taxi Owner’s Permits column for the A.53 Sept-Îles servicing area (administrative number: 102053).

2. This Regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec*.

1602

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

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