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Part

2

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Laws and Regulations

Volume 143

Summary

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Contents

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- (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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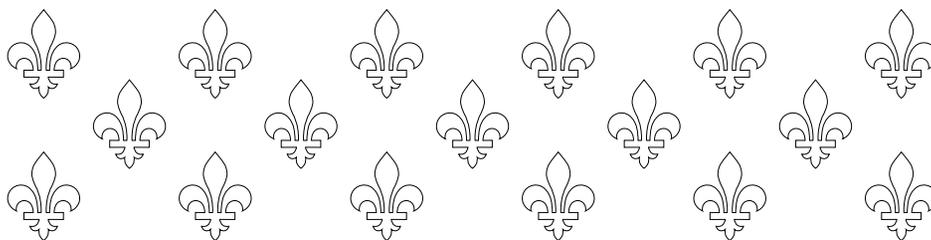
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NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 15
(2011, chapter 17)

Anti-Corruption Act

Introduced 11 May 2011
Passed in principle 19 May 2011
Passed 8 June 2011
Assented to 13 June 2011

Québec Official Publisher
2011

EXPLANATORY NOTES

The purpose of this Act is to strengthen actions to prevent and to fight corruption in contractual matters within the public sector.

This Act establishes the office of Anti-Corruption Commissioner. The Commissioner's mission will be to ensure, on behalf of the State, the coordination of actions to prevent and to fight corruption in contractual matters within the public sector. The Commissioner's functions will include receiving, recording and examining disclosures of wrongdoings in order to provide appropriate follow-up action, in addition to directing or coordinating investigation teams made up of members of the Commissioner's personnel or designated by the Government. The Act also provides for the appointment of an Associate Commissioner for Audits, who will be responsible for coordinating audit teams designated by the Government, but specifies that the audit teams and investigation units designated by the Government are to continue to carry out their mandates in their field of competence within their respective department or body.

A procedure for the disclosure of wrongdoings to the Commissioner is established. The procedure makes it possible for any person to disclose information to the Commissioner the person believes could show that a wrongdoing has been committed or is about to be committed, or that the person has been asked to commit a wrongdoing.

The Act makes it unlawful to take a reprisal against a person who has disclosed a wrongdoing or is cooperating in an audit or an investigation regarding a wrongdoing, or to threaten to take a reprisal so that a person will abstain from making a disclosure or cooperating in an audit or an investigation. The Act respecting labour standards is amended to protect all persons against reprisal measures.

This Act also provides for setting up, within the Commission de la construction du Québec, an independent audit team in charge of conducting audits in the construction industry, under the coordination of the Associate Commissioner for Audits. It specifies that members of the Commission's personnel assigned to the independent team must exercise their functions as such on an exclusive basis. The independent team will report to the chairman of the Commission in

that person's capacity as chief executive officer of the Commission, rather than to the members of the Commission.

The Act respecting contracting by public bodies and certain municipal Acts are amended to make contractors convicted of certain offences ineligible for public contracts. The creation of a register to that effect is provided for and provisions are introduced to allow the Chair of the Conseil du trésor to conduct audits to determine whether the manner in which contracts are awarded by public bodies and contract management measures are applied by them is consistent with prescribed rules.

Finally, the Tax Administration Act is amended to make increases in the amount of certain fines.

LEGISLATION AMENDED BY THIS ACT:

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Tax Administration Act (R.S.Q., chapter A-6.002);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Labour Code (R.S.Q., chapter C-27);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Act respecting contracting by public bodies (R.S.Q., chapter C-65.1);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Police Act (R.S.Q., chapter P-13.1);
- Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01).

REGULATION AMENDED BY THIS ACT:

- Code of ethics of Québec police officers (R.R.Q., chapter P-13.1, r. 1).

Bill 15

ANTI-CORRUPTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PURPOSE AND SCOPE

1. The purpose of this Act is to strengthen actions to prevent and to fight corruption in contractual matters within the public sector. It establishes the office of Anti-Corruption Commissioner as well as the mission and powers of the Commissioner. It also establishes a procedure to facilitate the disclosure of wrongdoings to the Commissioner.

2. For the purposes of this Act, a wrongdoing means

(1) a contravention of a federal or a Québec law or of a regulation made under such a law, if the contravention pertains to corruption, malfeasance, collusion, fraud or influence peddling in, for example, awarding, obtaining or performing contracts granted, in the exercise of their functions, by a body or a person belonging to the public sector;

(2) a misuse of public funds or public property or a gross mismanagement of contracts within the public sector; or

(3) directing or counselling a person to commit a wrongdoing described in paragraph 1 or 2.

3. For the purposes of this Act, the following are bodies and persons belonging to the public sector:

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

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

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

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

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

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

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

(8) any childcare centre, any day care centre benefiting from subsidized childcare spaces and any home childcare coordinating office referred to in the Educational Childcare Act (R.S.Q., chapter S-4.1.1);

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

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

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

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

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

CHAPTER II

ANTI-CORRUPTION COMMISSIONER

DIVISION I

ESTABLISHMENT AND MISSION

4. The office of Anti-Corruption Commissioner is established.

The mission of the Commissioner is to ensure, on behalf of the State, the coordination of actions to prevent and to fight corruption in contractual matters within the public sector. The Commissioner exercises the functions conferred on the Commissioner by this Act, with the independence provided for in this Act.

5. The Government appoints a Commissioner, chosen from a list of at least three persons declared qualified to hold the office by a selection committee formed for that purpose. The Commissioner must, in particular, meet the conditions set out in subparagraphs 1 and 2 of the second paragraph of section 12.

The Government determines the remuneration, employee benefits and other conditions of employment of the Commissioner.

The Commissioner is appointed for a fixed term that cannot exceed five years. On expiry of the term, the Commissioner remains in office until reappointed or replaced.

6. If the Commissioner is absent or unable to act, the Minister may appoint a person to replace the Commissioner for the period the Commissioner is absent or unable to act.

If the office of Commissioner is vacant following a resignation or otherwise, the Minister may appoint an interim Commissioner for a period which cannot exceed 18 months.

7. The Commissioner is a peace officer for the whole territory of Québec.

The Commissioner must take the oath set out in Schedule I before a judge of the Court of Québec.

8. The Government also appoints an Associate Commissioner for Audits. The Associate Commissioner is responsible for coordinating, with the independence provided for in this Act, the audit teams designated by the Government.

Sections 5 and 6 apply, with the necessary modifications, to the Associate Commissioner.

The Associate Commissioner, who may not be a peace officer, must take the oath set out in Schedule II before a judge of the Court of Québec.

DIVISION II

FUNCTIONS AND POWERS

9. The Commissioner has the following functions:

(1) to receive, record and examine disclosures of wrongdoings for the purpose of providing appropriate follow-up action;

(2) to direct or coordinate the activities of any investigation unit made up of members of the Commissioner's personnel or designated by the Government, as the case may be;

(3) to order investigations, on the Commissioner's own initiative, in order to detect the commission of wrongdoings;

(4) to make recommendations to the Chair of the Conseil du trésor and to the Minister of Municipal Affairs, Regions and Land Occupancy concerning any measure with respect to the awarding of contracts whose conditions are determined by an Act under their administration;

(5) to make recommendations to the Minister and to any body or person belonging to the public sector on any measure to prevent and to fight corruption; and

(6) to assume an educative and preventive role in the fight against corruption.

The Commissioner may also conduct or assign any investigation or any further investigation requested by the Director of Criminal and Penal Prosecutions.

In addition, the Commissioner exercises all other functions assigned by the Government or the Minister.

10. The Associate Commissioner has the following functions:

(1) to coordinate the activities of any audit team designated by the Government;

(2) to ensure that the audit teams carry out their mandates in their respective fields of competence; and

(3) to inform the Commissioner of any matter under audit that the Associate Commissioner believes could more appropriately be dealt with by an investigation or a proceeding relating to a penal or criminal offence under a federal or a Québec law.

11. An act, document or writing is binding on or may be attributed to the Commissioner or the Associate Commissioner only if it is signed by them or, to the extent provided in the delegation of signature instrument, by a member of the Commissioner's personnel. The delegation instrument must be published in the *Gazette officielle du Québec* but takes effect upon its signing by the Commissioner.

In any civil or penal proceeding, any document purporting to be signed by the Commissioner or the Associate Commissioner is evidence of its contents and of the capacity of the signatory, in the absence of proof to the contrary.

12. Members of the Commissioner's personnel are appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

A person must meet the following minimum requirements to be hired as a member of the personnel of the Commissioner and remain as such:

(1) be of good moral character; and

(2) not have been convicted anywhere of an offence for an act or omission that is either an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or an offence, referred to in section 183 of that Code, under any of the Acts listed in that section and that is related to the employment.

The requirements set out in subparagraphs 1 and 2 of the second paragraph apply to the members of both the audit teams and the investigation units designated by the Government.

13. Subject to the Associate Commissioner's duties and responsibilities under this Act, the Commissioner defines the duties and responsibilities of the personnel of the Commissioner and directs their work.

14. The Commissioner may designate persons as investigators from among the personnel of the Commissioner.

Those investigators act within a specialized investigation unit under the authority of the Commissioner. They are peace officers for the whole territory of Québec and must take the oaths set out in Schedules A and B to the Police Act (R.S.Q., chapter P-13.1) before the Commissioner.

The Commissioner, in exercising the functions of office, is authorized to administer, throughout Québec, the same oaths as a commissioner for oaths appointed under the Courts of Justice Act (R.S.Q., chapter T-16).

15. The audit teams designated by the Government continue to carry out their mandates in their field of competence within their respective department or body, in accordance with their responsibilities and powers under the law. In addition, they must

(1) inform the Associate Commissioner of any matter under audit that they believe could more appropriately be dealt with by an investigation or a proceeding relating to a penal or criminal offence under a federal or a Québec law; and

(2) report to the Associate Commissioner on any action taken in the case files sent to them by the Associate Commissioner.

16. The investigation units designated by the Government continue to carry out their mandates in their field of competence, within their respective department or body, in accordance with their responsibilities and powers under the law. In addition, they must

(1) carry out any investigation requested by the Commissioner and inform the Commissioner of the start of any penal or criminal investigation;

(2) provide the Commissioner with any information useful to the Commissioner's functions; and

(3) report to the Commissioner on the progress made in investigations.

17. The Commissioner, the Commissioner's personnel, the Associate Commissioner and the audit teams or investigation units designated by the Government may, in the exercise of their functions and in keeping with the constitutional requirements regarding privacy, exchange information, despite the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) and any other communication restrictions under other laws of Québec.

18. The Commissioner must inform the Director of Criminal and Penal Prosecutions at the very start of any penal or criminal investigation and request advice from the latter.

19. A request by the Commissioner or the Associate Commissioner not to undertake or to suspend an investigation or an audit suspends any prescription provided for under Québec law for a period of two years or until that request is withdrawn, whichever comes first.

DIVISION III

IMMUNITY

20. No judicial proceedings may be brought against the Commissioner, the Commissioner's personnel, the Associate Commissioner or members of the audit teams or investigation units designated by the Government for an act or omission in good faith in the exercise of their functions under this Act.

21. Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (R.S.Q. chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised, nor any injunction granted, against the Commissioner, the Commissioner's personnel, the Associate Commissioner or members of the audit teams or investigation units designated by the Government in the exercise of their functions under this Act.

Any judge of the Court of Appeal may, on a motion, summarily annul any decision rendered, order issued or injunction granted contrary to the first paragraph.

DIVISION IV

REPORT TO THE PUBLIC

22. The Commissioner reports to the public on the status of the Commissioner's activities at least twice yearly and within an interval of not more than eight months. The Commissioner may, in particular, report on recommendations made under subparagraphs 4 and 5 of the first paragraph of section 9.

The Commissioner may also publish a report on any matter within the Commissioner's authority, if the Commissioner considers the matter important enough to warrant it.

DIVISION V

FINANCIAL PROVISIONS AND ANNUAL REPORT

23. The fiscal year of the Commissioner ends on 31 March.

24. Each year, the Commissioner submits to the Minister the budgetary estimates for the following fiscal year in accordance with the form, content and schedule determined by the Minister.

25. Not later than 31 July each year, the Commissioner submits an annual management report to the Minister, who lays it before the National Assembly within 30 days after it is received if the Assembly is sitting or, if it is not, within 30 days of resumption.

The report must include the following information:

(1) the number of disclosures of wrongdoings received and the number looked into;

(2) the number of case files referred for audit;

(3) the number of investigations requested by the Commissioner;

(4) the number of arrests made;

(5) the number of convictions obtained; and

(6) any other information the Minister requires.

CHAPTER III

DISCLOSURE OF WRONGDOINGS

DIVISION I

PROCEDURE FOR DISCLOSURE

26. Any person who wishes to disclose a wrongdoing may do so by disclosing information to the Commissioner that the person believes could show that a wrongdoing has been committed or is about to be committed, or that could show that the person has been asked to commit a wrongdoing.

27. Any person making a disclosure of wrongdoing may do so despite the Act respecting Access to documents held by public bodies and the Protection of personal information, the Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1), any other communication restrictions under other laws of Québec and any duty of loyalty or confidentiality that may be binding on the person, in particular, with respect to an employer or a client.

This Act does not however authorize a person making a disclosure to communicate information to the Commissioner that is protected by professional secrecy between an advocate or a notary and a client.

28. Upon receipt of a disclosure of wrongdoing, the Commissioner must designate a member of the Commissioner's personnel to examine it and determine what action should be taken.

29. After the disclosure of wrongdoing has been examined, the Commissioner may decide no further action is required if the matter is frivolous or does not fall within the Commissioner's mission. In that case, the Commissioner so informs the person who made the disclosure.

If the Commissioner decides to take further action regarding the disclosure, the Commissioner sends the case file to the Associate Commissioner or to the investigation units concerned, as the case may be.

30. The Commissioner and the Associate Commissioner ensure that the rights of all persons involved as a result of disclosures of wrongdoings are respected, including persons making disclosures, witnesses and persons alleged to be responsible for wrongdoings.

DIVISION II

PROTECTION AGAINST REPRISALS

31. The Commissioner and the Associate Commissioner must take all necessary measures to protect, to the extent possible, the identity of persons making a disclosure.

32. It is forbidden to take a reprisal against a person who has disclosed a wrongdoing or has cooperated in an audit or an investigation regarding a wrongdoing, or again to threaten to take a reprisal against a person so that he or she will abstain from making such a disclosure or cooperating in such an audit or investigation.

33. The demotion, suspension, termination of employment or transfer of a person referred to in section 32 or any disciplinary or other measure that adversely affects the employment or working conditions of such a person is presumed to be a reprisal.

34. Any person who contravenes section 32 is guilty of an offence and is liable to a fine of

(1) \$2,000 to \$20,000, in the case of a natural person; and

(2) \$10,000 to \$250,000, in the case of a legal person.

For any subsequent offence, the amounts are doubled.

35. Any person, such as a director or an officer of a legal person or of an employer, who, by an act or omission, helps a person to commit an offence under section 34 or who, by encouragement, advice or consent or by an authorization or order, induces another person to commit such an offence is guilty of the same offence.

CHAPTER IV

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

36. Schedule 1 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting the following in alphabetical order:

“Anti-Corruption Commissioner”.

TAX ADMINISTRATION ACT

37. Section 62 of the Tax Administration Act (R.S.Q., chapter A-6.002) is amended by replacing “not less than \$1,000 and not more than \$25,000” in the first paragraph by “not less than \$2,000 and not more than \$1,000,000”.

38. Section 62.0.1 of the Act is amended by replacing “not less than \$1,000 and not more than \$25,000” in the first paragraph by “not less than \$2,000 and not more than \$1,000,000”.

39. Section 69.1 of the Act is amended by adding the following subparagraph after subparagraph *x* of the second paragraph:

“(y) the Anti-Corruption Commissioner or the Associate Commissioner for Audits, in respect of information necessary for the enforcement of the Anti-Corruption Act (2011, chapter 17).”

40. Section 69.8 of the Act is amended by replacing “and *x*” in the first paragraph by “, *x* and *y*”.

CITIES AND TOWNS ACT

41. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting the following section after section 573.3.3.1:

“**573.3.3.2.** Division I of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1) applies with the necessary modifications to any municipal contract for the performance of work or the supply of insurance, equipment, materials or services.

For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts, and every municipality is deemed to be a public body and the Minister of Municipal Affairs, Regions and Land Occupancy is, in respect of those contracts, the minister responsible referred to in either of sections 21.3 and 21.5 of that Act.”

LABOUR CODE

42. Schedule I to the Labour Code (R.S.Q., chapter C-27), amended by section 150 of chapter 16 of the statutes of 2011, is again amended by adding the following paragraph at the end:

“(30) section 59 of the Anti-Corruption Act (2011, chapter 17).”

MUNICIPAL CODE OF QUÉBEC

43. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 938.3.1:

“**938.3.2.** Division I of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1) applies with the necessary modifications to any municipal contract for the performance of work or the supply of insurance, equipment, materials or services.

For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts, and every municipality is deemed to be a public body and the Minister of Municipal Affairs, Regions and Land Occupancy is, in respect of those

contracts, the minister responsible referred to in either of sections 21.3 and 21.5 of that Act.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

44. The Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by inserting the following section after section 118.1:

“**118.1.1.** Division I of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1) applies with the necessary modifications to any contract awarded by the Community for the performance of work or the supply of insurance, equipment, materials or services.

For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts, and the Community is deemed to be a public body and the Minister of Municipal Affairs, Regions and Land Occupancy is, in respect of those contracts, the minister responsible referred to in either of sections 21.3 and 21.5 of that Act.”

45. Section 118.2 of the Act is amended by replacing “118.1” in the first paragraph by “118.1.1”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

46. The Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by inserting the following section after section 111.1:

“**111.1.1.** Division I of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1) applies with the necessary modifications to any contract awarded by the Community for the performance of work or the supply of insurance, equipment, materials or services.

For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts, and the Community is deemed to be a public body and the Minister of Municipal Affairs, Regions and Land Occupancy is, in respect of those contracts, the minister responsible referred to in either of sections 21.3 and 21.5 of that Act.”

47. Section 111.2 of the Act is amended by replacing “111.1” in the first paragraph by “111.1.1”.

ACT RESPECTING CONTRACTING BY PUBLIC BODIES

48. Section 1 of the Act respecting contracting by public bodies (R.S.Q., chapter C-65.1) is replaced by the following section:

1. The purpose of this Act is to determine the conditions that are to govern the contracts that a public body may enter into with a contractor who is a for-profit legal person established for a private interest, a general, limited or undeclared partnership, a natural person who operates a sole proprietorship or an enterprise most of whose employees are handicapped persons.

The purpose of this Act is also to determine certain conditions that are to govern the contracts that a body described in section 7 may enter into with such a contractor.

Moreover, this Act determines certain conditions that are to govern subcontracts related to a contract described in the first or second paragraph.”

49. The Act is amended by inserting the following chapter after section 21:

“CHAPTER V.1

“INELIGIBILITY FOR PUBLIC CONTRACTS

“DIVISION I

“CRITERIA FOR INELIGIBILITY AND OVERSIGHT MEASURES

21.1. A contractor described in section 1 who is convicted, by a final judgment, of any offence determined by regulation is ineligible for public contracts, as of the recording of the conviction in the register provided for in section 21.6, for the period specified by regulation for that offence, which cannot exceed five years. The conviction must be recorded in the register within 30 days after the final judgment.

A contractor who is ineligible for public contracts may not submit a bid to obtain a contract described in section 3 with a public body or a body described in section 7, enter into such a contract by mutual agreement or enter into a subcontract that is directly related to such a contract.

21.2. If an associate of a contractor described in section 1 is convicted, by a final judgment, of any offence referred to in the first paragraph of section 21.1, the contractor is ineligible for public contracts, as of the recording of the conviction in the register provided for in section 21.6, for the period specified by regulation for that offence, which cannot exceed five years. The conviction must be recorded in the register within 30 days after the final judgment.

For the purposes of this Act, “associate” means, in the case of a legal person, a director or any other officer of the legal person or a person holding shares carrying more than 50% of the voting rights attached to the shares of the capital stock of the legal person that may be exercised under any circumstances and, in the case of a general, limited or undeclared partnership, a partner or any other officer of the partnership.

For the purposes of this section, an offence committed by an associate other than a shareholder described in the second paragraph must have been committed in exercising functions for the contractor.

“21.3. If a contractor who has entered into a contract described in section 3 with a public body or a body described in section 7 becomes ineligible for public contracts while the contract is in process, the public body or body must obtain the authorization of the minister responsible so that the contractor may continue to perform the contract.

The minister responsible may make this authorization subject to certain conditions, including the condition that the contractor agree to the implementation, at the contractor’s own expense, of oversight and monitoring measures determined by regulation.

“21.4. A contractor who is convicted, by a final judgment, of an offence under section 21.14 after having been convicted, by a final judgment, of the same offence in the preceding two years is ineligible for public contracts for a period of two years after the recording of that fact in the register provided for in section 21.6.

“21.5. Despite sections 21.1, 21.2 and 21.4, a public body or a body described in section 7 may, with the authorization of the minister responsible, enter into a contract with a contractor who is ineligible for public contracts under either of those sections if the public body or body finds itself in one of the situations described in subparagraphs 2 to 4 of the first paragraph of section 13, provided the contractor agrees to the implementation, at the contractor’s expense, of oversight and monitoring measures determined by regulation.

As well, if a public body or a body described in section 7 finds itself in a situation described in subparagraph 1 of the first paragraph of section 13, it may enter into a contract with a contractor who is ineligible for public contracts under section 21.1, 21.2 or 21.4, provided it obtains the authorization of the chief executive officer of the public body or body, who must inform the minister responsible within 30 days after granting the authorization.

“DIVISION II**“ESTABLISHMENT, PURPOSE AND EFFECTS OF REGISTER**

“21.6. The Chair of the Conseil du trésor keeps a register of enterprises ineligible for public contracts.

“21.7. The register must contain the following information concerning each contractor referred to in section 21.1, 21.2 or 21.4:

(1) in the case of a natural person who operates a sole proprietorship, his or her name, the name of the proprietorship, the address of its principal establishment in Québec and, if it is registered, its Québec business number;

(2) in the case of a legal person or a general, limited or undeclared partnership, its name, the address of its principal establishment in Québec and, if it is registered, its Québec business number;

(3) the offence of which the contractor was convicted or the offence of which an associate of the contractor was convicted, resulting in the application of section 21.2 and, in the latter case, the name of the associate and the municipality in whose territory the associate is domiciled;

(4) the date of the end of the period of ineligibility for public contracts; and

(5) any other information determined by regulation.

“21.8. Every public body and every body described in section 7 that is designated in a regulation must provide the information referred to in section 21.7 to the Chair of the Conseil du trésor, in the cases, on the conditions and in the manner determined by regulation.

“21.9. The Chair of the Conseil du trésor may, in accordance with the applicable legislative provisions, enter into an agreement with a government other than the Gouvernement du Québec or a department or body of such a government to provide for the recording of information referred to in section 21.7 in the register.

“21.10. The information contained in the register is public information and must be made available by the Chair of the Conseil du trésor, including by posting it on the Conseil du trésor website.

“21.11. Before entering into a contract described in section 3, public bodies and bodies described in section 7 must make sure the bidders, or the successful bidder, are not named in the register or, if they are named in the register, that their period of ineligibility for public contracts has ended.

Similarly, a contractor who has entered into a contract described in section 3 with a public body or a body described in section 7 must, before entering into any subcontract required for the performance of the contract, make sure the subcontractors are not named in the register or, if they are named in the register, that their period of ineligibility for public contracts has ended.

“DIVISION III

“INFORMATION AND RECTIFICATION

“**21.12.** When a contractor is named in the register, the Chair of the Conseil du trésor informs the contractor in writing without delay, specifying the grounds for the registration and the contractor’s period of ineligibility for public contracts.

The contractor must provide in writing to the Chair of the Conseil du trésor, within the time determined by the Chair, the name of every public body and of every body described in section 7 with which a contract described in section 3 is in process.

A contractor who fails to provide the information required under the second paragraph commits an offence and is liable, for each day the offence continues, to a fine of \$100 to \$200 in the case of an individual and \$200 to \$400 in the case of a legal person for each of the first five days of delay, and to a fine of \$200 to \$400 in the case of an individual and \$400 to \$800 in the case of a legal person for each additional day of delay.

“**21.13.** A contractor who has entered into a contract described in section 3 with a public body or a body described in section 7 must provide a list to the body, before performance of the contract begins, indicating the following information for each subcontract, if any, that the contractor has entered into:

(1) the name and address of the principal establishment of the subcontractor;

(2) the amount and date of the subcontract.

A contractor who, while a contract entered into with a public body or a body described in section 7 is in process, enters into a subcontract must notify the public body of such fact by providing it with a modified list before performance of the subcontract begins.

A contractor who fails to provide the information required under this section commits an offence and is liable, for each day the offence continues, to a fine of \$100 to \$200 in the case of an individual and \$200 to \$400 in the case of a legal person for each of the first five days of delay, and to a fine of \$200 to \$400 in the case of an individual and \$400 to \$800 in the case of a legal person for each additional day of delay.

“21.14. A contractor who, in the context of performing a contract with a public body or a body described in section 7, enters into a subcontract with an ineligible contractor commits an offence and is liable to a fine of \$1,000 to \$10,000 in the case of an individual and \$2,000 to \$20,000 in the case of a legal person.

“21.15. A contractor who may have been mistakenly named in the register or in respect of whom inaccurate information is recorded in the register may ask the Chair of the Conseil du trésor to make the necessary rectifications in the register.

The Chair verifies the accuracy of the entry in the register by contacting the body that provided the information, and takes any appropriate action.

“21.16. The Chair of the Conseil du trésor may, on the Chair’s own initiative or following a request, remove any unlawful entry from the register.”

50. The heading of Chapter VI of the Act is replaced by the following:

“ACCOUNTABILITY REPORTING

“DIVISION I

“INFORMATION TO BE PUBLISHED”.

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

“DIVISION II

“REPORT BY THE CHAIR OF THE CONSEIL DU TRÉSOR

“22.1. The Chair of the Conseil du trésor must submit a report to the Government on the carrying out of this Act, at the latest on 13 June 2014 and every five years thereafter.

The Minister of Health and Social Services and the Minister of Education, Recreation and Sports provide to the Chair of the Conseil du trésor, at the time determined by the Conseil du trésor, the accountability reporting information considered necessary for the production of that report.

The report is tabled in the National Assembly within 30 days after it is submitted to the Government or, if the Assembly is not sitting, within 30 days of resumption.”

52. Section 23 of the Act is amended

(1) by adding the following subparagraphs after subparagraph 7 of the first paragraph:

“(8) determine the offences under a federal or a Québec law or under a regulation under such a law in respect of which a conviction entails ineligibility for public contracts;

“(9) establish, for each of the offences determined pursuant to subparagraph 8, the period of ineligibility for public contracts;

“(10) designate the public bodies and the bodies described in section 7 that must provide the information referred to in section 21.7 to the Chair of the Conseil du trésor and determine the cases, conditions and manner in which the information must be communicated;

“(11) determine the other information that must be recorded in the register of enterprises ineligible for public contracts;

“(12) establish oversight and monitoring measures for contractors to be applied by the persons accredited by the Chair of the Conseil du trésor and determine the cases, other than those specified in this Act, conditions, period and manner – including the sanctions for non-compliance – in which these measures apply to a contractor, who must in all cases assume the expenses;

“(13) establish the procedure and conditions for the issue of accreditation to persons responsible for the application of the oversight and monitoring measures under subparagraph 12, and fix the conditions for the renewal, suspension or cancellation of accreditation and the related fees.”;

(2) by inserting “or by bodies described in section 7” after “section 4” in subparagraph 1 of the second paragraph.

53. Section 25 of the Act is amended

(1) by inserting “or a body described in section 7” after “public body” in the first paragraph;

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

“The minister responsible for a public body or a body described in section 7 may authorize the body to enter into a contract on conditions different from those applicable to it under a regulation under this Act, and determine the conditions for such a contract.”

54. The Act is amended by inserting the following after section 27:

“CHAPTER VIII.1

“AUDITS

“27.1. The Chair of the Conseil du trésor is competent to conduct an audit to determine if the awarding of contracts by a body within the meaning

of this Act and its enforcement of the management policies relating to those contracts are consistent with the rules prescribed under this Act.

The Chair of the Conseil du trésor may designate a person in writing to conduct the audit.

“27.2. The audit referred to in section 27.1 consists, to the extent considered appropriate by the Chair of the Conseil du trésor, in assessing compliance of the body’s contractual activities with applicable laws, regulations, policies and directives.

“27.3. At the request of the Chair of the Conseil du trésor, a body being audited under this chapter must send or otherwise make available to the Chair all documents and information the Chair considers necessary to conduct the audit.

“27.4. The Chair of the Conseil du trésor provides an opinion on the audit and makes any appropriate recommendations to the Conseil du trésor.”

ACT RESPECTING LABOUR STANDARDS

55. Section 3.1 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by adding the following paragraph at the end:

“Subparagraph 7 of the first paragraph of section 122 and, where they relate to a recourse under that subparagraph, the other sections of Division II of Chapter V also apply to all employees and to all employers.”

56. Section 122 of the Act is amended by adding the following subparagraph after subparagraph 6 of the first paragraph:

“(7) on the ground of a disclosure by an employee of a wrongdoing within the meaning of the Anti-Corruption Act (2011, chapter 17) or on the ground of an employee’s cooperation in an audit or an investigation regarding such a wrongdoing.”

57. Section 140 of the Act is amended by adding “except subparagraph 7 of the first paragraph of section 122” at the end of paragraph 6.

POLICE ACT

58. Section 126 of the Police Act (R.S.Q., chapter P-13.1) is amended

(1) by inserting “of section 14 of the Anti-Corruption Act (2011, chapter 17) and” after “peace officers within the meaning” in the first paragraph;

(2) by replacing “highway controllers” in the first paragraph by “them”;

(3) by inserting “to the Anti-Corruption Commissioner,” after “in the same manner” in the third paragraph.

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

59. Section 4 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20) is amended by inserting “, cooperate in efforts to prevent and to fight corruption to the extent required by law” after “of this Act” in the last paragraph.

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

“§3.—*Independent audit team*

“**15.1.** An independent audit team is set up within the Commission.

“**15.2.** The independent team is in charge of conducting audits in the construction industry under the coordination of the Associate Commissioner for Audits appointed under section 8 of the Anti-Corruption Act (2011, chapter 17).

“**15.3.** The members of the Commission’s personnel assigned to the independent team exercise their functions as such on an exclusive basis. They may exercise the powers conferred by sections 7, 7.1 and 7.3, subparagraphs *e* and *f* of the first paragraph of section 81 and section 81.0.1.

“**15.4.** The independent team is under the administration of the chairman of the Commission, in the chairman’s capacity as chief executive officer of the Commission. The chairman of the Commission may however delegate all or part of that function to a member of the Commission’s personnel.

The chairman of the Commission shall report on the administration of the independent team to the Anti-Corruption Commissioner only.

“**15.5.** The Minister of Public Security, the Minister of Labour, the Anti-Corruption Commissioner and the Commission shall enter into an operating agreement with respect to the independent team. This agreement must include measures to ensure that the independent team’s activities are kept confidential from the Commission including its board of directors, and measures defining how members of the Commission’s personnel who are not assigned to the independent team are to cooperate with it.

“**15.6.** The expenses related to the activities of the independent team, including the salaries, allowances, indemnities and employee benefits of the personnel assigned to it, are charged against the appropriations granted to the Anti-Corruption Commissioner, in the manner determined in the agreement referred to in section 15.5.

“**15.7.** For the purposes of a prescriptive period which, pursuant to this Act, starts to run on the day the Commission becomes aware of a fact, the Commission is presumed not to be aware of a fact that is known to a member of the independent team, unless the Commission has been informed of the fact by the Associate Commissioner for Audits appointed under section 8 of the Anti-Corruption Act (2011, chapter 17).”

61. Section 85 of the Act is replaced by the following section:

“**85.** The employees of the Commission authorized to exercise powers under sections 7, 7.1 and 7.3, subparagraphs *e* and *f* of the first paragraph of section 81 and section 81.0.1 shall constitute a bargaining unit for the purposes of certification granted under the Labour Code (chapter C-27).

The association certified to represent the employees referred to in the first paragraph may not be affiliated with a representative association or an organization to which such an association is affiliated, nor enter into a service agreement with such an association or organization.”

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

“**85.0.1.** To be authorized to exercise a power referred to in section 85, an employee of the Commission must

(1) be of good moral character; and

(2) not have been convicted anywhere of an offence for an act or omission that is either an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or an offence, referred to in section 183 of that Code, under one of the Acts listed in that section and that is related to the employment.”

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

63. The Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by inserting the following section after section 108.1:

“**108.1.1.** Division I of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1) applies with the necessary modifications to any contract awarded by a transit authority for the performance of work or the supply of insurance, equipment, materials or services.

For the purposes of the provisions of Chapter V.1 of that Act, except section 21.8, the contracts referred to in the first paragraph are deemed to be public contracts, and every transit authority is deemed to be a public body and the Minister of Municipal Affairs, Regions and Land Occupancy is, in respect of those contracts, the minister responsible referred to in either of sections 21.3 and 21.5 of that Act.”

64. Section 108.2 of the Act is amended by replacing “108.1” in the first paragraph by “108.1.1”.

CODE OF ETHICS OF QUÉBEC POLICE OFFICERS

65. Section 1 of the Code of ethics of Québec police officers (R.R.Q., chapter P-13.1, r. 1) is amended

(1) by inserting “the Anti-Corruption Commissioner,” after “applies to” in the second paragraph;

(2) by inserting “of section 14 of the Anti-Corruption Act (2011, chapter 17) and” after “every peace officer within the meaning” in the second paragraph.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

66. Despite section 5, the Anti-Corruption Commissioner who is in office on 12 June 2011 becomes, on the same conditions and for the remainder of the term of office, the Commissioner appointed under this Act.

67. An audit team or an investigation unit designated by Order in Council 114-2011 (2011, G.O. 2, 956, in French only) constitutes a team or unit designated by the Government within the meaning of this Act.

68. Subject to the rights provided for under the Labour Code (R.S.Q., chapter C-27), the certified association representing all employees of the Commission de la construction du Québec on (*insert the date preceding the date of coming into force of section 61*) continues to represent all employees of the Commission who are not referred to in section 85 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20) as it reads on (*insert the date of coming into force of section 61*).

The collective agreement applicable on (*insert the date preceding the date of coming into force of section 61*) continues to apply to those employees until it is replaced.

69. Despite the coming into force of section 61, the certified association representing all employees of the Commission de la construction du Québec on (*insert the date preceding the date of coming into force of section 61*) also represents all employees of the Commission who are referred to in section 85 of the Act respecting labour relations, vocational training and workforce management in the construction industry as it reads on (*insert the date of coming into force of section 61*), except for the purpose of entering into a collective agreement.

The association ceases to represent employees who are not referred to in that section 85 as soon as another association is certified under the Labour Code to represent the employees or, failing that, on (*insert the date that is six months after the date of coming into force of section 61*).

70. The collective agreement applicable to all employees of the Commission de la construction du Québec on (*insert the date preceding the date of coming into force of section 61*) continues to apply to the employees who are referred to in section 85 of the Act respecting labour relations, vocational training and workforce management in the construction industry as it reads on (*insert the date of coming into force of section 61*), until it is replaced by a collective agreement between the employer and the association newly certified to represent those employees.

If no association has been certified to represent those employees on (*insert the date that is six months after the date of coming into force of section 61*), the collective agreement ceases to apply to those employees even if it has not been replaced.

71. The association certified to represent the employees referred to in section 85 of the Act respecting labour relations, vocational training and workforce management in the construction industry as it reads on (*insert the date of coming into force of section 61*) succeeds, where applicable, to the rights and obligations of the certified association representing those employees on (*insert the date preceding the date of coming into force of section 61*).

The first paragraph does not apply to rights and obligations toward an organization with which the association whose rights and obligations are succeeded to is affiliated.

The assets of the association whose rights and obligations are succeeded to are transferred, in proportion to the number of employees it no longer represents, to the successor association.

72. The Commission des relations du travail may, on a motion, resolve any difficulty arising from the application of any of sections 68 to 71, including one that may arise from the rule set out in the third paragraph of section 71.

The provisions of the Labour Code that pertain to the Commission des relations du travail and its commissioners and to their decisions and the exercise of their powers apply, with the necessary modifications.

73. The Minister of Public Security is responsible for the administration of this Act.

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

(1) sections 25 to 35, 37, 38, 42, 54 to 57, 59 to 62 and 68 to 72, which come into force on 1 September 2011, unless the Government sets an earlier date or earlier dates for the coming into force of these provisions; and

(2) sections 41, 43 to 47, 49, 63 and 64, which come into force on the date or dates to be set by the Government, which may not be later than 1 June 2012.

SCHEDULE I

(Section 7)

OATH OF OFFICE

I, *(name)*, declare under oath that I will fulfill my duties as Anti-Corruption Commissioner with honesty and justice and in conformity with the Code of ethics of Québec police officers and that I will not accept any sum of money or benefit of any kind for what I do or may do in the discharge of the duties of my office, other than what is allowed me by law.

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

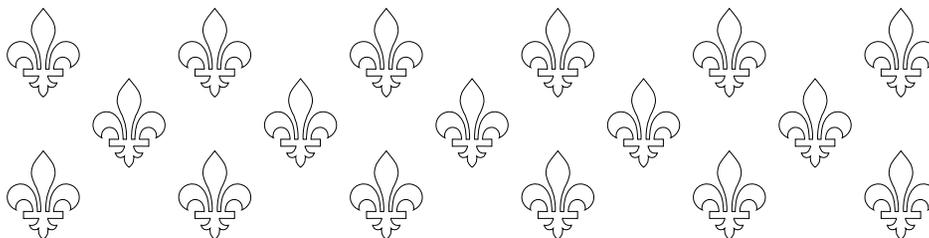
SCHEDULE II

(Section 8)

OATH OF OFFICE

I, *(name)*, declare under oath that I will fulfill my duties as Associate Commissioner for Audits with honesty and justice and that I will not accept any sum of money or benefit of any kind for what I do or may do in the discharge of the duties of my office, other than what is allowed me by law.

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 18
(2011, chapter 13)

An Act to limit oil and gas activities

Introduced 12 May 2011
Passed in principle 19 May 2011
Passed 10 June 2011
Assented to 13 June 2011

Québec Official Publisher
2011

EXPLANATORY NOTES

Under this Act, oil and gas activities in the St. Lawrence River upstream of Île d'Anticosti and on the islands situated in that part of the river are prohibited.

The holder of a licence to explore for petroleum, natural gas and underground reservoirs is exempted from performing the exploration work required by law and the term of such licences is suspended.

Bill 18

AN ACT TO LIMIT OIL AND GAS ACTIVITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. No mining right provided for under Divisions IX to XIII of Chapter III of the Mining Act (R.S.Q., chapter M-13.1) may be issued for the part of the St. Lawrence River west of longitude 64°31'27" in the NAD83 geodetic reference system or for the islands situated in that part of the river.

2. Any mining right referred to in section 1 and issued for the zone described in that section is revoked.

However, where part of a territory under a licence or lease is in that zone, the licence or lease remains valid but the area situated in that zone is withdrawn from the territory under the licence or lease.

Section 180 of the Mining Act applies, with the necessary modifications, to work performed in the territory covered by the revoked licences.

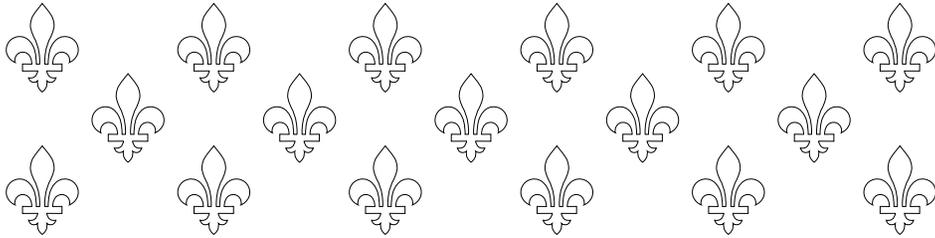
This section does not apply to the lease to operate an underground reservoir bearing the number 1990BR301.

3. The holder of a licence to explore for petroleum, natural gas and underground reservoirs is exempted from performing the work required under the Mining Act until the date determined by the Minister, which date may not be later than 13 June 2014. In that case, the term of the licence is deemed to be suspended in accordance with section 169.2 of that Act. At the end of the exemption period, the expiry date of the licence is deferred to the end of the period for performing the work that remains to run after the lifting of the suspension.

The time limit for filing the report that the holder of a licence to explore for petroleum, natural gas and underground reservoirs who performs work during the exemption period provided for in the first paragraph must submit under the second paragraph of section 177 of the Mining Act is deferred to six months after the new expiry date of the licence determined under the first paragraph.

4. The application of sections 1 and 2 entails no compensation from the State.

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 88
(2011, chapter 14)

**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**

**Introduced 17 March 2010
Passed in principle 13 May 2010
Passed 10 June 2011
Assented to 13 June 2011**

**Québec Official Publisher
2011**

EXPLANATORY NOTES

This Act makes various amendments to the Environment Quality Act as regards residual materials management. It better defines the concept of reclamation and enables the Government to determine what residual material treatment operations constitute reclamation. An order of precedence is established in the treatment of residual materials and reduction at source is given priority. The Minister of Sustainable Development, Environment and Parks is given the power to delegate various responsibilities to Recyc-Québec as regards the reclamation of residual materials.

The current compensation regime is modified as regards the recovery and reclamation services provided by the municipalities. More particularly, the Act amends the Environment Quality Act and the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, in order to define the calculation method and the performance and efficiency criteria used to determine the annual compensation owed to municipalities by the persons who produce, market or otherwise distribute materials subject to compensation. The amount of the compensation is to be divided among the materials or classes of materials, according to the share allotted to each by the Government. Recyc-Québec is to have the responsibility of determining the annual amount of the compensation on the basis of the information the municipalities will be required to send to that organization.

The Act provides for an annual increase of the percentage of the compensation owed to municipalities until full compensation of the admissible cost has been reached in 2013.

Furthermore, the Act determines how the annual compensation is to be paid and distributed to municipalities, including interest and penalties in the case of non-payment, and sets out the conditions under which payment of the compensation that may be allotted to newspapers may be made in whole or in part through a contribution in goods or services. The Act also provides for the determination of the indemnity payable to Recyc-Québec for its management costs and other expenses incidental to the compensation regime.

Lastly, the Act includes transitional measures applicable to the determination, payment and distribution of the compensation owed to municipalities for the years 2010, 2011 and 2012.

LEGISLATION AMENDED BY THIS ACT:

- Environment Quality Act (R.S.Q., chapter Q-2).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (Order in Council 1049-2004 (2004, G.O. 2, 3153)).

Bill 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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ENVIRONMENT QUALITY ACT

1. Section 53.1 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing “composting” in the definition of “reclamation” by “biological treatment, including composting and biomethanation, land farming”.

2. Section 53.2 of the Act is amended by inserting “except those contained in another residual material or produced by the treatment of such a material,” after “gaseous substances,”.

3. The Act is amended by inserting the following section after section 53.4:

“53.4.1. The policy described in section 53.4 and any plan or program prepared by the Minister in the area of residual materials management must give priority to reduction at source and respect the following order of precedence in the treatment of the materials:

- (1) re-use;
- (2) recycling, including through biological treatment or land farming;
- (3) any other reclamation operation through which residual materials are processed for use as raw material substitutes;
- (4) energy conversion; and
- (5) elimination.

However, that order of precedence may be waived if justified by an analysis of the life cycle of the products and services that takes into account the global effects of their production and consumption and the resulting residual materials management.

The thermal destruction of residual materials constitutes energy conversion insofar as the processing of the materials respects the regulatory standards prescribed by the Government, including a positive energy assessment and the minimum energy efficiency required, and contributes to the reduction of greenhouse gas emissions.”

4. Section 53.30 of the Act is amended

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

“(1.1) determine the operations involved in the processing of residual materials that constitute reclamation within the meaning of this division, and particularly under which conditions thermal destruction of residual materials constitutes energy conversion;”;

(2) by replacing “composting” in subparagraph 4 of the first paragraph by “biological treatment”;

(3) by inserting the following subparagraph after subparagraph *b* of subparagraph 6 of the first paragraph:

“(b.1) to obtain from the Minister, on the conditions fixed, a certificate attesting to the conformity of every program or measure described in subparagraph *b* with the applicable regulatory prescriptions;”;

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

“The Minister may delegate to the Société québécoise de récupération et de recyclage various responsibilities relating to the administration of any regulatory provision made under subparagraph 6 of the first paragraph. If the delegation concerns the issuing of a certificate described in subparagraph *b.1* of that subparagraph, the fees fixed under section 31.0.1 for obtaining such certificates are payable to the Société.”

5. Sections 53.31.3 to 53.31.6 of the Act are replaced by the following sections:

“53.31.3. The annual compensation owed to the municipalities is based on the cost of the services they provide during a year to deal with the materials or classes of materials subject to compensation, that is, the collection, transportation, sorting and conditioning costs, including an indemnity for the management of those services.

The Société québécoise de récupération et de recyclage shall determine annually the amount of the compensation, by calculating for each municipality, in accordance with the calculation method and the performance and effectiveness criteria determined by regulation of the Government, the costs of the services provided that are eligible for compensation and the management

indemnity to which the municipality is entitled, and by aggregating all the costs and fees calculated for the municipalities.

“53.31.4. For the purposes of section 53.31.3, the Government shall prescribe by regulation the information and documents a municipality is required to send to the Société québécoise de récupération et de recyclage not later than 30 June each year, and the other conditions under which they must be sent. The regulation must also specify the penalties applicable if those obligations are not met.

Should a municipality fail to send the required information or documents to the Société before 1 September of a given year, the cost of the services provided by the municipality that is eligible for compensation is determined in accordance with the rules set by regulation. For that purpose, the Société may estimate the quantity of materials subject to compensation that was recovered or reclaimed in that municipality’s territory by using the data from other municipalities in accordance with that regulation.

Such a regulation may also include specific calculation rules in the case where the Société deems that a municipality’s failure to comply results from special circumstances beyond its control.

“53.31.5. The amount of the annual compensation owed to the municipalities under section 53.31.3 is divided among the materials or classes of materials subject to compensation, according to the share allotted to each by order of the Government.

However, the Government may, by regulation and for every material or class of materials it specifies,

- (1) set the maximum amount of the annual compensation payable; and
- (2) limit the amount of the annual compensation payable to a percentage it sets.

“53.31.6. After obtaining the opinion of the Société québécoise de récupération et de recyclage, the Government may review the share of the annual compensation owed to the municipalities that is attributed to one or more materials or classes of materials.

The opinion of the Société must take into account the data the Société collects on the nature, quantity and destination of the residual materials produced in Québec, and on the costs related to their recovery and reclamation. The Société must also consult the certified bodies established under sections 53.31.9 to 53.31.11 and the Union des municipalités du Québec, the Fédération québécoise des municipalités locales et régionales (FQM) or any other body it considers appropriate.”

6. Sections 53.31.7 and 53.31.8 of the Act are repealed.

7. Section 53.31.12 of the Act is amended

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

“It shall also remit to the Société, in addition to the compensation owed to the municipalities, the amount payable to the Société under section 53.31.18.”;

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

“The Government may, by regulation, determine how the amounts identified in the first and second paragraphs are to be paid, including any interest or penalties due in case of non-payment. The Société and the certified body may make arrangements regarding payment, subject to the applicable regulatory prescriptions.”;

(3) by striking out the third, fourth and fifth paragraphs.

8. The Act is amended by inserting the following section after section 53.31.12:

“53.31.12.1. If, by regulation, the Government subjects newspapers to the compensation regime provided for in this division, it may determine on what conditions the amount of the annual compensation owed to the municipalities that is allotted to that class of materials may be paid in whole or in part through a contribution in goods or services, and prescribe the characteristics newspapers must possess to benefit from that mode of payment.

The contribution in goods or services must enable the Québec-wide, regional and local dissemination of information, awareness and educational messages on environmental matters and favour messages intended to promote the recovery and reclamation of residual materials.”

9. Section 53.31.13 of the Act is replaced by the following section:

“53.31.13. A certified body may collect from its members and from persons who, without being members, carry on activities similar to those carried on by the members where the designated materials or classes of materials are concerned, the contributions necessary to remit the full amount of compensation, including any interest or other applicable penalties, and to indemnify the body for its management costs and other expenses incidental to the compensation regime.

The certified body may similarly collect the amount payable to the Société québécoise de récupération et de recyclage under section 53.31.18.”

10. Section 53.31.14 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “The schedule may cover a maximum of three years.”;

(2) by striking out “, which must take into account payments through a contribution in goods or services made in accordance with section 53.31.12” in the third paragraph;

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

“Subject to the applicable regulatory prescriptions and following consultations with the Union des municipalités du Québec, the Fédération québécoise des municipalités locales et régionales (FQM) and any other body the Société québécoise de récupération et de recyclage considers appropriate, the schedule of contributions must also state how payment may be made through contributions in goods or services.”;

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

“The schedule of contributions must be submitted to the Government, which may approve it with or without modification.”

11. Section 53.31.15 of the Act is replaced by the following section:

“53.31.15. A certified body must send to the Société québécoise de récupération et de recyclage its proposal for a schedule of contributions, together with a report on the consultations prescribed under section 53.31.14,

(1) within the time set by the Government in the regulation designating the material or class of materials subject to compensation, if it is the first time a schedule is proposed; or

(2) not later than 31 December of the year in which the schedule in force expires, in all other cases.

The Société must give the Government an opinion on the proposed schedule.

If a certified body fails to send its proposed schedule and the consultation report within the time prescribed, the Société must submit to the Government, within 45 days after the deadline, a proposed schedule for the contributions payable for the current year. The proposed schedule is approved by the Government, with or without modification.

The approved schedule of contributions must be published in the *Gazette officielle du Québec*.”

12. Section 53.31.16 of the Act is amended by replacing “as a compensatory contribution to the municipalities bears interest at the rate fixed under” in the first paragraph by “as a contribution toward the compensation payable to municipalities and the indemnity payable to the Société québécoise de récupération et de recyclage under section 53.31.18 bears interest at the rate fixed under the first paragraph of”.

13. Sections 53.31.17 and 53.31.18 of the Act are replaced by the following sections:

“53.31.17. The Société québécoise de récupération et de recyclage shall distribute to the municipalities the amount of the compensation paid by a certified body, in accordance with the distribution and payment rules determined by regulation of the Government.

“53.31.18. The Government shall determine by regulation the amount payable to the Société québécoise de récupération et de recyclage to indemnify the Société for its management costs and other expenses related to the current compensation regime, including expenses for information, awareness and educational activities and for development activities related to the reclamation of the designated materials or classes of materials.

That amount may not exceed 5% of the annual compensation owed to the municipalities.”

REGULATION RESPECTING COMPENSATION FOR MUNICIPAL SERVICES PROVIDED TO RECOVER AND RECLAIM RESIDUAL MATERIALS

14. Section 1 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, enacted by Order in Council 1049-2004 (2004, G.O. 2, 3153), is amended

(1) by adding “and determines the calculation method and the performance and efficiency criteria used to determine the annual compensation” after “compensation regime applies” at the end of the second paragraph;

(2) by replacing “the maximum compensatory contribution limits” in the last paragraph by “the indemnity payable to the Société québécoise de récupération et de recyclage by the persons to whom the compensation regime applies,”.

15. Section 2 of the Regulation is replaced by the following section:

“2. The compensation regime under subdivision 4.1 of Division VII of Chapter I of the Environment Quality Act (R.S.Q., c. Q-2) applies to the following classes of materials:

(1) containers and packaging: this class includes all types of flexible or rigid material, including paper, carton, plastic, glass or metal, used alone or in combination with other materials to contain, protect, wrap or present a product or a set of products at any stage in the movement of the product or set of products from the producer to the ultimate user or consumer.

However, this class excludes pallets designed to facilitate the handling and transport of a number of sales units or grouped packagings, and containers and packaging that are included in other classes of materials;

(2) newspapers: this class includes paper and other cellulosic fibres used as a medium for written current affairs periodicals published on newsprint, particularly dailies and weeklies.

This class also includes containers and packaging used to deliver newspapers directly to the ultimate consumer or recipient;

(3) printed matter: this class includes paper and other cellulosic fibres, whether or not they are used as a medium for text or images, except books and materials in the newspapers class of materials.

This class also includes containers or packaging used to deliver printed matter directly to the ultimate consumer or recipient.”

16. The heading of subdivision 2 of Division III of the Regulation is amended by replacing “Written media” by “Newspapers”.

17. Section 6 of the Regulation is amended

(1) by replacing “written media” in the first paragraph by “newspapers”;

(2) by replacing “written media” in the second paragraph by “newspaper”.

18. Division IV of the Regulation is replaced by the following divisions:

“DIVISION IV

“CALCULATION METHOD, PAYMENT AND DISTRIBUTION OF COMPENSATION

“§1. — *Calculation of costs eligible for compensation and of management indemnity*

“**7.** The calculation of the cost of the services provided by a municipality that is eligible for compensation must be based on the net cost of the services provided during the year preceding the year for which the compensation is owed. That cost corresponds to the expenses incurred by the municipality during that year to collect, transport, sort and condition the materials or classes of materials subject to compensation, after deducting any income, rebate or other gain related to the materials and received by the municipality.

Expenses incurred by a municipality for the purchase of containers, for information, awareness and educational activities or for the granting of service contracts and the follow-up on payments owed under such contracts are not included in the costs mentioned in the first paragraph.

“8. For the purpose of calculating the cost of the services they provide that is eligible for compensation, the municipalities are divided into six groups:

(1) municipalities serving fewer than 3,000 inhabitants, situated less than 100 km from the cities of Montréal or Québec;

(2) municipalities serving 3,000 to 25,000 inhabitants, situated less than 100 km from the cities of Montréal or Québec;

(3) municipalities serving more than 25,000 inhabitants, situated less than 100 km from the cities of Montréal or Québec, including those two cities;

(4) municipalities serving fewer than 3,000 inhabitants, situated 100 km or more from the cities of Montréal or Québec;

(5) municipalities serving 3,000 to 25,000 inhabitants, situated 100 km or more from the cities of Montréal or Québec; and

(6) municipalities serving more than 25,000 inhabitants, situated 100 km or more from the cities of Montréal or Québec.

“8.1. The Société québécoise de récupération et de recyclage determines, for each municipality, the cost of the services that is eligible for compensation by comparing the performance and efficiency of a municipality with the performance and efficiency of the other municipalities of the same group, using the factors established under sections 8.2 and 8.3.

“8.2. The performance and efficiency factor for each municipality is determined by applying the following formula:

$$PE = \frac{\text{(cost/tonnes)}}{\text{(kg/inhab.)}}$$

“PE” is the performance and efficiency factor of the municipality for the year concerned;

“cost” is the net cost declared by the municipality for the services it provided during the year;

“tonnes” is the quantity, in metric tonnes, of materials subject to compensation that was recovered or reclaimed during the year, as declared by the municipality;

“kg” is the quantity, in kilograms, of materials subject to compensation that was recovered or reclaimed during the year, as declared by the municipality; and

“inhab.” is the number of inhabitants in the municipality, as determined in the Order in Council made under section 29 of the Act respecting municipal territorial organization (R.S.Q., c. O-9).

“8.3. The performance and efficiency factor for each group of municipalities constituted under section 8 is determined by carrying out the following operations in the following order:

(1) once the performance and efficiency factor for each municipality in a group has been determined under section 8.2, the two subsets formed by the factors situated, respectively, in the lowest 12.5% and the highest 12.5% are excluded, and the arithmetic mean of the factors remaining between those two subsets is then calculated;

(2) the standard deviation is calculated, that is, the mean difference between the remaining factors mentioned in paragraph 1 and the arithmetic mean established under that paragraph; and

(3) the results obtained in paragraphs 1 and 2 are added together.

“8.4. If the performance and efficiency factor determined for a municipality is equal to or lower than that established for the group of municipalities to which it belongs, the cost of the services provided by the municipality that is eligible for compensation corresponds to the net cost declared by the municipality under section 8.6.

If the performance and efficiency factor determined for a municipality is higher than that of the group of municipalities to which it belongs, the cost of the services provided by the municipality that is eligible for compensation corresponds to the amount obtained by applying the following formula:

$$EC = [PE_G \times (\text{kg/inhab.})] \times \text{tonnes}$$

“EC” is the cost of the services provided by the municipality that is eligible for compensation;

“PE_G” is the performance and efficiency factor determined for the group of municipalities to which the municipality belongs;

“kg” is the quantity, in kilograms, of materials subject to compensation that was recovered or reclaimed during the year, as declared by the municipality;

“inhab.” is the number of inhabitants in the municipality, as determined in the Order in Council made under section 29 of the Act respecting municipal territorial organization; and

“tonnes” is the quantity, in metric tonnes, of materials subject to compensation that was recovered or reclaimed during the year, as declared by the municipality.

However, for the years 2010, 2011 and 2012, the cost of the services provided by a municipality that is eligible for compensation may in no case be lower than 70% of the net cost declared by the municipality under section 8.6.

“8.5. To indemnify the municipalities both for the management costs related to the services they provide for the recovery and reclamation of materials or classes of materials subject to compensation, and for the purchase of the containers required to collect them, an amount equivalent to 8.55% of the eligible cost determined under section 8.4 must be added to that cost to determine the annual compensation owed to each municipality.

“8.6. Every municipality is required to send to the Société québécoise de récupération et de recyclage, not later than 30 June each year, a declaration stating, for the year preceding the year for which the compensation is owed, the quantity of materials subject to compensation that was recovered or reclaimed in its territory and the net cost of the services it provided for the collection, transportation, sorting and conditioning of those materials.

The declaration must be signed by the municipality’s external auditor, who must state whether, in the external auditor’s opinion, the declaration fairly presents the information it contains.

“8.7. In accordance with section 53.31.4 of the Environment Quality Act, the compensation owed to a municipality that fails to send a declaration complying with the prescriptions of section 8.6 to the Société québécoise de récupération et de recyclage within the time set in that section is reduced by 10% as a penalty, unless the Société deems that the failure results from special circumstances beyond the municipality’s control.

If a municipality fails to file the declaration by 1 September of a given year, the cost eligible for compensation is calculated by applying the formula provided in the second paragraph of section 8.4, with the following modifications:

(1) the performance and efficiency factor “PE_G” is replaced by the smallest performance and efficiency factor calculated for a municipality that belongs to that same group and used for the calculation under paragraph 1 of section 8.3;

(2) the quantity of materials subject to compensation that was recovered or reclaimed during the year in the territory of the municipality in default is estimated by the Société on the basis of the most recent data it has on other municipalities in that same group; and

(3) the amount obtained is reduced by 15%.

The amount of the compensation calculated under the second paragraph may be paid only if a declaration has been filed for the year concerned.

However, the provisions of the second and third paragraphs do not apply if the Société deems, in accordance with the third paragraph of section 53.31.4 of the Environment Quality Act, that special circumstances beyond the municipality's control prevented the municipality from respecting the prescribed conditions when sending in its declaration. In such a case, the cost of the services provided by the municipality that is eligible for compensation for that year is calculated by the Société by applying the formula provided in the second paragraph of section 8.4. The quantity of materials subject to compensation is estimated by the Société in accordance with subparagraph 2 of the second paragraph of this section.

Even if compensation is paid, the municipality must file its declaration with the Société as soon as possible.

“§2. — *Limitation on the annual compensation owed to the municipalities*

“**8.8.** For each of the years listed below, the annual compensation payable for the services provided by the municipalities may not exceed the amount corresponding to the percentage given below of the compensation owed to them under this division:

- (1) for the year 2010: 70%;
- (2) for the year 2011: 80%; and
- (3) for the year 2012: 90%.

“**8.9.** The amount of the annual compensation owed to the municipalities that is allotted to the newspapers class may not exceed,

- (1) for the year 2010: \$2,660,000;
- (2) for the years 2011 and 2012: \$3,040,000;
- (3) for the year 2013: \$6,460,000;
- (4) for the year 2014: \$6,840,000; and
- (5) for the year 2015: \$7,600,000.

For each of the subsequent years, the amount of the annual compensation may not exceed the amount set in subparagraph 5 of the first paragraph, increased by 10% annually, until, for a given year, that amount is equal to or greater than the amount corresponding to the share of the compensation allotted to that class of materials under the first paragraph of section 53.31.5 of the Environment Quality Act, in which case this section ceases to apply.

“§3. — *Terms of payment and failure to pay*

“**8.10.** Not later than 31 October each year, a certified body must pay to the Société québécoise de récupération et de recyclage, an amount equivalent to at least 80% of the annual compensation owed to the municipalities for the year concerned. The balance of the compensation must be paid not later than 31 December of the same year.

However, if the schedule of contributions referred to in section 53.31.15 of the Environment Quality Act is published in the *Gazette officielle du Québec* after 31 May, the dates on which the payments provided for in the first paragraph are deferred to the end of the fifth and seventh months, respectively, following the publication of the schedule.

Despite the first and second paragraphs, the amount of the compensation owed to the municipalities for the years listed below and allotted to the containers and packaging class and the printed matter class must be paid to the Société by the certified body in the following manner:

(1) for the years 2010 and 2011: at least 70% of the amount due not later than 31 October 2012, and the balance, not later than 1 March 2013;

(2) for the year 2012: at least 80% of the amount due not later than 1 March 2013, and the balance, not later than 31 October 2013;

(3) for the year 2013: at least 80% of the amount due not later than 1 March 2014, and the balance, not later than 31 October 2014; and

(4) for the year 2014: at least 40% of the amount due not later than 31 October 2014, and the balance, not later than 1 March 2015.

“**8.11.** Any sum not yet paid to the Société québécoise de récupération et de recyclage by a certified body as of the expiry dates set out in section 8.10 bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (R.S.Q., c. A-6.002).

“**8.12.** The amount of the annual compensation owed to the municipalities that is allotted to the newspapers class may be paid, in whole or in part, through a contribution in goods or services.

However, if it is to be paid through a contribution in goods or services, the amount of the annual compensation may not exceed

(1) for each of the years 2013 and 2014: \$3,420,000; and

(2) for each subsequent year: \$3,800,000.

“**8.12.1.** The annual compensation may be paid through a contribution in goods or services, to the extent provided in section 8.12, provided the certified

body proposed a schedule of contributions to the Société québécoise de récupération et de recyclage, in accordance with sections 53.31.14 and 53.31.15 of the Environment Quality Act, determining the contributions payable and the manner in which payment may be made.

The proposed schedule must provide for the Québec-wide, regional and local dissemination of the environmental information, awareness and educational messages prescribed by the second paragraph of section 53.31.12.1 of that Act, and determine the sanctions and other penalties applicable in the event of non-compliance with that section.

“8.12.2. The certified body must report to the Société québécoise de récupération et de recyclage on the implementation of the schedule determining a contribution in goods or services within 30 days following the end of each calendar year covered by the schedule.

However, the certified body must report to the Société on the implementation of the schedule for the years 2010, 2011 and 2012 not later than 31 January 2013.

“§4. — Distribution of compensation to the municipalities

“8.13. The Société québécoise de récupération et de recyclage must distribute the compensation owed to the municipalities not later than 30 days after it receives from the certified body, for a material or class of materials subject to compensation, the last payment on the total amount owed for the year concerned.

The Société must distribute to the municipalities any interest or penalties collected.

“DIVISION IV.1

“INDEMNITY PAYABLE TO SOCIÉTÉ QUÉBÉCOISE DE RÉCUPÉRATION ET DE RECYCLAGE

“8.14. The amount payable annually to the Société québécoise de récupération et de recyclage to indemnify it for its management costs and other expenses mentioned in section 53.31.18 of the Environment Quality Act is equal to the amount corresponding to the percentage given below of the annual compensation owed to the municipalities under Division IV:

- (1) for the year 2010: 3.25%;
- (2) for the year 2011: 2.75%;
- (3) for the year 2012: 2.25%; and
- (4) for each subsequent year: 2%.

Despite the first paragraph, the indemnity payable to the Société may in no case be greater than \$3,000,000.

The amount of the indemnity is divided among the materials or classes of materials subject to compensation, according to the share allotted to each by the Government under section 53.31.5 of the Environment Quality Act.

“8.15. A certified body must pay to the Société québécoise de récupération et de recyclage the amount due under section 8.14 not later than 31 December each year. Any sum not yet paid to the Société as of the expiry date bears interest at the rate determined under section 8.11.

Despite the first paragraph, for each of the years given below, the amount must be paid to the Société by the following deadlines:

- (1) for the years 2010 and 2011: not later than 1 March 2013;
- (2) for the year 2012: not later than 31 October 2013;
- (3) for the year 2013: not later than 31 October 2014; and
- (4) for the year 2014: not later than 1 March 2015.”

TRANSITIONAL AND FINAL PROVISIONS

19. For the year 2009, the determination, payment and distribution of the compensation owed to the municipalities, and the determination of the percentage to which the Société québécoise de récupération et de recyclage is entitled under section 53.31.18 of the Environment Quality Act (R.S.Q., chapter Q-2), continue to be governed by that Act and the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, enacted by Order in Council 1049-2004 (2004, G.O. 2, 3153), as they read before 13 June 2011.

20. Despite section 7 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, the calculation of the cost of the services provided by a municipality that is eligible for compensation for the year 2010 must be based on the net cost of the services provided that year.

21. For the purpose of determining the amount of compensation owed to the municipalities for the years 2010 and 2011, the declaration under section 8.6 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials must be sent to the Société québécoise de récupération et de recyclage by every municipality not later than 11 October 2011.

If a municipality fails to file the declaration by that date, the cost eligible for compensation for those two years is calculated by applying the formula

provided in the second paragraph of section 8.4 of the Regulation, with the following modifications:

(1) the performance and efficiency factor “PE_G” is replaced by the smallest performance and efficiency factor calculated for a municipality that belongs to that same group and used for the calculation under paragraph 1 of section 8.3;

(2) the quantity of materials subject to compensation that was recovered or reclaimed during the year in the territory of the municipality in default is estimated by the Société on the basis of the most recent data it has on other municipalities in that same group; and

(3) the amount obtained is reduced by 10%.

However, the provisions of the second paragraph do not apply if the Société deems, in accordance with the third paragraph of section 53.31.4 of the Environment Quality Act, that special circumstances beyond the municipality’s control prevented the municipality from respecting the prescribed conditions when sending in its declaration. In such a case, the cost of the services provided by the municipality that is eligible for compensation for those two years is calculated by the Société by applying the formula provided in the fourth paragraph of section 8.7 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials.

22. The annual compensation owed to the municipalities and the amount payable to the Société québécoise de récupération et de recyclage to indemnify it for its management costs and other expenses mentioned in section 53.31.18 of the Environment Quality Act for the years 2010, 2011 and 2012 are divided among the materials or classes of materials subject to compensation in the following proportions:

(1) 60% for containers and packaging;

(2) 30% for printed matter; and

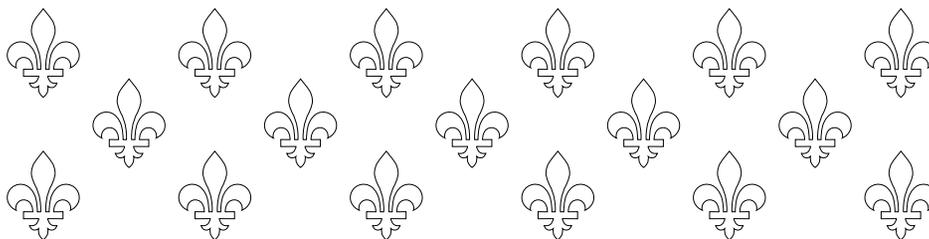
(3) 10% for newspapers.

23. For the purpose of determining the contributions a certified body may collect from its members and from the persons mentioned in section 53.31.13 of the Environment Quality Act for the years 2010, 2011 and 2012, the certified body must send both the proposed schedule of contributions for those three years and the consultation report, required under section 53.31.15 of that Act, to the Société québécoise de récupération et de recyclage not later than 10 December 2011. If the certified body fails to send the documents within the time prescribed, the third paragraph of section 53.31.15 applies.

The certified body must also send to the Société, before that date, the proposed schedule under which the amount of the annual compensation owed

to the municipalities for those years and allotted to the newspapers class may be paid in whole or in part through a contribution in goods or services.

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 127
(2011, chapter 15)

An Act to improve the management of the health and social services network

**Introduced 9 December 2010
Passed in principle 5 May 2011
Passed 8 June 2011
Assented to 13 June 2011**

**Québec Official Publisher
2011**

EXPLANATORY NOTES

The purpose of this Act is to introduce new rules to improve the management of the health and social services network.

The membership of the board of directors of the institutions and agencies is modified to include independent members. Each board of directors is to create a governance and ethics committee and an audit committee and determine their functions.

The boards of directors of the institutions will be required to exercise their responsibilities in a manner that is coherent with province-wide and regional orientations and to establish a multi-year strategic plan, as the agencies are already required to do. The parties involved will be required to agree on how to measure the results of implementing such plans.

The public is given new ways to participate in the management of the health and social services network.

Lastly, the agencies will be able to take additional measures when institutions experience difficulties with respect to the quality of the health services or social services they offer, or to their administration or operation.

LEGISLATION AMENDED BY THIS ACT:

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

Bill 127

AN ACT TO IMPROVE THE MANAGEMENT OF THE HEALTH AND SOCIAL SERVICES NETWORK

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

1. Section 19 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing “of sections 78.1 and 107.1” in paragraph 7 by “of section 78.1, in the fourth paragraph of section 107.1”.

2. Section 51 of the Act is amended by replacing “elected or co-opted members of the board of directors of the local authority” in the third paragraph by “members of the board of directors of the local authority who are not employed by or do not practise a profession with the authority”.

3. Section 99.8 of the Act is amended by adding the following sentence at the end: “It must report on the application of this section in a separate section of the annual management report.”

4. Section 107.1 of the Act is amended

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

“**107.1.** Every institution must have the health services and social services it provides accredited by a recognized accreditation body.

The accreditation is valid for not more than four years. The institution must see that its accreditation is maintained at all times.

If an accreditation body refuses to accredit an institution, the institution must, within 12 months after the refusal, submit a new application for accreditation and inform the agency of the fact.”;

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

“The institution must make the body’s report public within 60 days after receiving it and send it to the agency and the different professional orders concerned whose members practise a profession in a centre operated by the institution.”

5. Section 126 of the Act is amended by striking out the second paragraph.

6. Section 127 of the Act is repealed.

7. Section 128 of the Act is amended

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

“A decision by the Minister to accept the agency’s proposal must be approved by the Government. The decision must specify the day and month the elections, designations, appointments and co-optations must be completed to be in compliance with section 129. Sections 135, 137, 138 and 147 apply.”;

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

“The invitation to the public is made jointly by the boards of directors of the institutions concerned.

Despite the first paragraph of section 149, the term of office of the members of the first board of directors established under this section ends on the date set for the next election, designation, appointment or co-optation of members to the new board, depending on whether the members were elected, designated, appointed or co-opted.

On the thirtieth day following the day on which the co-optations are completed, the institutions concerned by a decision made by the Minister under this section cease to be administered by their respective boards of directors and begin to be administered by the first board of directors established under this section.”

8. Section 128.1 of the Act is repealed.

9. Sections 129 to 131 of the Act are replaced by the following sections:

“129. The board of directors of each institution referred to in sections 119 to 126 is composed of the following persons, who become members of the board as and when they are elected, designated, appointed or co-opted:

(1) the executive director of the institution;

(2) two independent persons elected by the public in an election held under section 135;

(3) two persons designated by and from among the members of the institution’s users’ committee or committees;

(4) one person designated by the boards of directors of the institution’s foundations, if applicable;

(5) two persons designated by the universities with which the institution is affiliated if the institution operates a centre designated as a university hospital centre, a university institute or an affiliated university centre;

(6) four or, if applicable, five persons from within the institution, including

(a) one person designated by and from among the members of the council of physicians, dentists and pharmacists of the institution, if applicable;

(b) one person designated by and from among the members of the council of nurses of the institution, if applicable;

(c) one person or, if subparagraph *a* or *b* cannot be applied owing to the absence of one of those councils, two persons or, if both subparagraphs *a* and *b* cannot be applied owing to the absence of both of those councils, three persons designated by and from among the members of the multidisciplinary council of the institution; the designated persons must have different position titles and, if applicable, be members of different professional orders;

(d) one person designated by and from among the members of the council of midwives of the institution, if applicable; and

(e) one person designated by and from among the personnel of the institution who is not a member of any of the councils mentioned in subparagraphs *a* to *d*;

(7) two independent persons appointed by the agency concerned on the basis of the expertise and experience profiles adopted by the board; and

(8) six independent persons co-opted, on the basis of the expertise and experience profiles adopted by the board, by the members of the board of directors identified in paragraphs 2 to 7 once they have been elected, designated or appointed. At least one of those persons must be chosen from a list provided by the community organizations identified by the agency concerned that serve the people in the region.

A person referred to in subparagraph 3, 4 or 5 of the first paragraph may not be employed by or practise a profession in the institution. Nor may a person referred to in subparagraph 4 of the first paragraph be employed by or practise a profession in the foundations that designate the person.

“130. The board of directors must be made up of an equal number of men and women. If the difference between their numbers is no greater than two, there is a presumption of parity.

For the purposes of the first paragraph, the executive director and the two elected members are not counted.

“131. For the purposes of section 129, a person qualifies as independent if the person has no direct or indirect relation or interest, in particular of a financial, commercial, professional or philanthropic nature, likely to interfere with the quality of the person’s decisions as regards the interests of the institution.

A person is deemed not to be independent if that person

(1) is in the employ of the institution or has been in such employ in the three years before being elected, designated, appointed or co-opted to office, or practises or has practised a profession in the institution;

(2) has an immediate family member who is the executive director, an assistant executive director or a senior management officer of the institution;

(3) provides goods or services for valuable consideration to the institution;

(4) is employed by the Ministère de la Santé et des Services sociaux, by an agency or by the Régie de l’assurance maladie du Québec, receives remuneration from the Régie or is a member of the board of directors of an agency or of the Régie; or

(5) is a user lodged in the institution.

For the purposes of this section, “immediate family member” means a person’s spouse or child, the spouse’s child, the person’s mother or father, the spouse of the person’s mother or father, or the spouse of the person’s child or of the person’s spouse’s child.”

10. Section 132.2 of the Act is amended by replacing “paragraph 8 of section 129 and paragraph 7 of sections 130, 131 and 133,” by “subparagraph 4 of the first paragraph of section 129.”

11. Sections 132.3 and 133 of the Act are replaced by the following sections:

“132.3. A member of the board of directors of an institution elected, appointed or co-opted as an independent director must disclose in writing to the board any situation likely to affect the member’s status.

“133. No act or document of an institution or decision of the board of directors is invalid because the board is not made up of an equal number of men and women or because there are fewer independent directors than prescribed by this Act.”

12. Section 133.0.1 of the Act is amended by replacing “paragraph 6 of section 129 and paragraph 5 of sections 130, 131 and 133,” by “subparagraph c of subparagraph 6 of the first paragraph of section 129.”

13. Section 133.1 of the Act is repealed.

14. Section 133.2 of the Act is replaced by the following section:

“**133.2.** New members must be designated as soon as

(1) the first foundation of an institution within the meaning of subparagraph 4 of the first paragraph of section 129 is created;

(2) a centre is designated by the Minister as a university hospital centre, a university institute or an affiliated university centre within the meaning of subparagraph 5 of the first paragraph of section 129;

(3) a council of physicians, dentists and pharmacists or a council of nurses within the meaning of subparagraphs *a* and *b* of subparagraph 6 of the first paragraph of section 129 is established for an institution, allowing the addition of a member designated by and from among the members of the new council; or

(4) a council of midwives within the meaning of subparagraph *d* of subparagraph 6 of the first paragraph of section 129 is established for an institution, allowing the addition of a member designated by and from among the members of the new council.

These persons are designated in accordance with the procedure provided for in section 137.

Despite the first paragraph of section 149, the term of office of a person designated under this section ends on the date set for the next designations.

When a member is designated in accordance with subparagraph 3 of the first paragraph, one member from the multidisciplinary council, designated under subparagraph *c* of subparagraph 6 of the first paragraph of section 129 must withdraw voluntarily or following a drawing of lots.”

15. Sections 133.3 and 133.4 of the Act are repealed.

16. Section 135 of the Act is amended

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

“**135.** Every four years, on the day of the month of October or November that the Minister determines, every institution shall invite the public to elect the persons referred to in subparagraph 2 of the first paragraph of section 129.”;

(2) by replacing “and limitations set out in sections 150 and 151” in the second paragraph by “set out in section 150”;

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

“A person who works in an institution or who practises a profession in a centre operated by an institution may not vote in an election held for that institution. Nor may a minor vote in the election.”

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

“**137.** The Minister shall, by regulation, determine the procedure for designating the persons referred to in subparagraphs 3 to 6 of the first paragraph of section 129. The regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

The designations take place on the date set by the Minister.”

18. Section 138 of the Act is replaced by the following section:

“**138.** Once the elections, designations and appointments have taken place, the members elected, designated or appointed, except the executive director, shall carry out the co-optations under subparagraph 8 of the first paragraph of section 129 within the next 30 days, even if some positions still remain vacant.

The co-optations must bring to the board of directors persons whose expertise and qualifications are considered useful for the administration of the institutions concerned and ensure better representation of the different parts of the territory and better sociocultural, ethnocultural, linguistic and demographic representation of the population served by the institutions.

In the case of an institution operating a child and youth protection centre or a rehabilitation centre for young persons with adjustment problems or for mothers with adjustment problems, the co-optations must also bring to the board of directors at least one person under 35 years of age if no such person is as yet on the board.”

19. Section 139 of the Act is amended by replacing “of paragraph 8 of section 129 and paragraph 7 of sections 130, 131 and 133” by “of sections 170, 180, 181.1, 262.1, 322.1 and 327”.

20. Section 149 of the Act is replaced by the following section:

“**149.** The term of office of a member of the board of directors other than the executive director is four years. However, the actual term of office may vary, depending on the date set for the next election, designation, appointment or co-optation of members to the new board.

A member may not serve more than two consecutive terms.

However, if a member serves a term of office of less than two years, the term is not taken into account for the purposes of the second paragraph.

On the expiry of their term, board members shall remain in office until replaced or until elected, designated, appointed or co-opted again.”

21. Section 151 of the Act is repealed.

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

“**152.** A person ceases to be a member of a board of directors upon ceasing to qualify for election, designation, appointment or co-optation.”

23. Section 156 of the Act is replaced by the following section:

“**156.** A vacancy on the board of directors is filled for the unexpired portion of the term.

In the case of an elected, designated or co-opted member, the vacancy is filled by resolution of the board of directors provided the person who is the subject of the resolution has the same qualifications to be a member of the board of directors as the person being replaced.

A vacancy that is not filled by the board of directors within 120 days may be filled by the agency.

An unexplained absence from the number of regular and consecutive board meetings stipulated in the rules of internal management, in the cases and circumstances set out in those rules, constitutes a vacancy.”

24. Section 157 of the Act is replaced by the following section:

“**157.** Each year, the members of a board of directors shall elect a vice-chairman and a secretary from among their number, and a chairman from among the independent members.”

25. The Act is amended by inserting the following section after section 158:

“**158.1.** The chairman of the board of directors and the executive director shall report to the agency on the results obtained measured against the objectives set out in the strategic plan and the management and accountability agreement.”

26. Section 159 of the Act is amended by replacing “In no case may the chairman or the vice-chairman of the board of directors” by “The vice-chairman of the board of directors may not”.

27. Section 161.1 of the Act is replaced by the following section:

“161.1. If all the members of the board of directors consent, they may participate in a public meeting of the board by means of equipment enabling all participants to communicate directly with one another. In such a case, however, a place must be provided for the public to attend the meeting and participate in the question period.”

28. Section 164 of the Act is amended by replacing the third and fourth paragraphs by the following paragraphs:

“The members of the board of directors may also, in emergencies and if all consent, participate in a special meeting of the board by means of equipment enabling all participants to communicate directly with one another.

The minutes of such a meeting must mention the equipment used to enable all participants to communicate directly with one another. The decisions made at the meeting must be tabled at the following public meeting.”

29. Section 170 of the Act is amended by replacing “The board of directors shall manage the affairs and exercise all the powers of every institution under its administration” by “The board of directors of an institution shall manage the affairs and exercise all the powers of the institution”.

30. Section 171 of the Act is amended

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

“171. The board of directors of an institution shall establish strategic orientations in accordance with province-wide and regional orientations. It must also establish priorities and ensure compliance with them.”;

(2) by replacing “Priorities” in the second paragraph by “Strategic orientations”;

(3) by replacing “ces” in the last paragraph in the French text by “les”.

31. Section 172 of the Act is replaced by the following sections:

“172. The board of directors of an institution must also

(1) adopt the strategic plan and the annual management report;

(2) approve the management and accountability agreement;

(3) approve the financial statements;

(4) ensure the pertinence, quality, safety and effectiveness of the services provided;

(5) ensure respect for users' rights and promptness in processing users' complaints;

(6) ensure the economical and efficient use of human, material and financial resources;

(7) ensure the participation and development of human resources and see that they are motivated, that they are valued, and that their skills are maintained;

(8) ensure that performance is monitored and results are reported; and

(9) ensure that the teaching and research mission is complied with if the institution operates a centre designated as a university hospital centre, a university institute or an affiliated university centre.

“172.1. The board of directors shall exercise its responsibilities in keeping with province-wide and regional orientations while fostering networking with local, regional and provincial partners.”

32. Section 181 of the Act is amended by replacing the first paragraph by the following paragraphs:

“181. The board of directors shall establish a governance and ethics committee and an audit committee. Each committee must be composed in the majority of independent members and chaired by an independent member.

The board may also establish other committees to advise it in the pursuit of its mission. It shall determine the composition, functions, duties and powers of the committees, and the rules governing the administration of their affairs and their internal management.”

33. The Act is amended by inserting the following sections after section 181:

“181.0.0.1. The functions of the governance and ethics committee include drawing up

(1) governance rules for the conduct of the institution's affairs;

(2) a code of ethics and professional conduct, in accordance with section 3.0.4 of the Act respecting the Ministère du Conseil exécutif (chapter M-30), applicable to members of the board of directors;

(3) expertise and experience profiles to be used in appointing or co-opting independent board members, making sure to identify the diverse expertise required and the desired representation of the milieu based on its characteristics;

- (4) criteria for evaluating the performance of the board; and
- (5) initiation and ongoing training programs for board members.

The committee shall carry out the evaluation referred to in subparagraph 4 of the first paragraph in accordance with the criteria approved by the board.

“181.0.0.2. The audit committee must include at least one member with accounting or financial expertise.

Moreover, the members of the committee may not be employed by or practise a profession in the institution.

“181.0.0.3. The functions of the audit committee include

(1) making sure a plan for the optimal utilization of the institution’s resources is put in place, and following up on that plan;

(2) making sure that a risk management process for the conduct of the institution’s affairs is put in place and followed;

(3) reviewing any activity likely to be detrimental to the institution’s financial health that is brought to its attention;

(4) examining the financial statements with the auditor appointed by the board of directors;

(5) recommending the approval of the financial statements by the board of directors; and

(6) seeing that internal control mechanisms are put in place and making sure that they are appropriate and effective.”

34. Section 181.0.2 of the Act is amended by replacing “paragraph 2 of any of sections 129, 130, 131 or 133” by “subparagraph 3 of the first paragraph of section 129”.

35. Section 181.0.3 of the Act is amended by replacing “1 and 2” in the first paragraph by “3 and 4”.

36. Section 181.2 of the Act is amended by striking out “129 to 131, 133,”.

37. The Act is amended by inserting the following division after section 182.0.1:

“DIVISION II.0.1**“ORGANIZATION OF SERVICES**

“182.0.2. In accordance with province-wide and regional orientations and recognized standards of accessibility, integration, quality, effectiveness and efficiency, and taking into account available resources, the institution is responsible for preparing a multi-year strategic plan containing the following elements:

- (1) a description of the mission of the institution;
- (2) a statement of the social and health needs of the clientele served or the local population, based on an understanding of the health and well-being of that clientele or population;
- (3) a description of the context in which the institution acts and the main challenges it faces;
- (4) the directions and objectives to be pursued with respect to, among other things, the accessibility, continuity, quality and safety of care and services with a view to improving the health and well-being of the population;
- (5) the results targeted over the period covered by the plan; and
- (6) the performance indicators to be used in measuring results.

The strategic plan must also take into account the priorities established in the clinical and organizational projects with which the institution is associated.

“182.0.3. The strategic plan is sent to the agency.

“182.0.4. The agency and the institution meet to discuss the adjustments to the strategic plan, where applicable, and to agree on how to follow up on the plan. The adjustments are then submitted to the board of directors of the institution.”

38. Section 182.1 of the Act is amended by replacing “referred to in the second paragraph of section 126 or section 133.1” in the second paragraph by “that operates a centre designated as a university hospital centre, university institute or affiliated university centre”.

39. Section 182.3 of the Act is amended by striking out “which the agency shall transmit to the Minister.”

40. Section 182.7 of the Act is amended

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

“(1) a presentation of the results obtained measured against the objectives set out in the strategic plan and in the management and accountability agreement entered into with the agency;”;

(2) by striking out “, which shall communicate it to the Minister” in the third paragraph.

41. The Act is amended by inserting the following sections after section 182.8:

“**182.9.** The institution must publish its annual management report on its website.

“**182.10.** An institution must set up a website to inform the public of the services it offers.”

42. Section 193 of the Act is replaced by the following sections:

“**192.1.** The board of directors of a public institution must draw up an expertise and experience profile for the appointment of the executive director.

“**193.** The executive director of a public institution is appointed by the board of directors on the recommendation of a selection committee.

The selection committee is established by the board of directors and is composed of five members, including one person designated by the Minister and one person designated by the agency.

The recommendation of the selection committee to the board of directors must receive the consent of the majority of the committee members.

If the recommendation of the selection committee does not receive either the consent of the person designated by the Minister or the consent of the person designated by the agency, the board of directors must establish a new selection committee.

“**193.0.1.** If the board of directors administers more than one institution, the executive director is the executive director of each of those institutions.

If the executive director is absent or unable to act, the board of directors may designate a person to exercise the functions and powers of the executive director.”

43. Section 209 of the Act is amended by replacing “Each institution must set up a committee for the users of its services and” in the first paragraph by “A users’ committee is established for each institution, and each institution must” and by inserting “allocate to it” after “which is not a party to an agreement,”.

44. Section 278 of the Act is amended by striking out “and to the Minister”.

45. Section 295 of the Act is amended by replacing the second paragraph by the following paragraph:

“The institution shall publish its annual financial report on its website within 30 days after the report is adopted by the board of directors, subject to the protection of the personal information it contains.”

46. Section 319 of the Act is amended by replacing the second paragraph by the following paragraph:

“The letters patent give the names of no fewer than five persons and not more than the maximum number of persons elected, designated, appointed or co-opted under section 129; such persons are members of the board of directors until the elections, designations, appointments or co-optations provided for in that section take place. Once appointed, the executive director of the institution is also a member of the board of directors.”

47. Section 340 of the Act is amended by adding “the agency must report on the application of this subparagraph in a separate section of its annual management report;” at the end of subparagraph 7.7 of the second paragraph.

48. Section 343 of the Act is amended by replacing the second paragraph by the following paragraph:

“The agency shall supervise the election, designation and co-optation of the members of the boards of directors of public institutions where provided for by this Act.”

49. The Act is amended by inserting the following section after section 343:

“343.0.1. Every agency must set up a website to inform the public of the services offered in the region.”

50. Section 343.1 of the Act is amended

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

“343.1. An agency may establish a people’s forum in its area of jurisdiction; the activities of the forum are coordinated by the president and executive director.”;

(2) by replacing “three” in the second paragraph by “four”.

51. Section 346.1 of the Act is amended

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

“346.1. In accordance with province-wide orientations and recognized standards of accessibility, integration, quality, effectiveness and efficiency, and taking into account available resources, the agency is responsible for preparing a multi-year strategic plan for its region containing the following elements:

(1) a description of the mission of the agency;

(2) a statement of the social and health needs and the distinctive characteristics of the population, based on an understanding of the health and well-being of that population;

(3) a description of the context in which the agency acts and the main challenges it faces;

(4) the directions and objectives to be pursued with respect to, among other things, the accessibility, continuity, quality and safety of care and services with a view to improving the health and well-being of the population;

(5) the results targeted over the period covered by the plan; and

(6) the performance indicators to be used in measuring results.”;

(2) by inserting “, if applicable” after “people’s forum” in the second paragraph.

52. The Act is amended by inserting the following sections after section 346.1:

“346.2. The strategic plan of the agency must be approved by the Minister.

“346.3. The agency shall establish a regional coordination committee composed of the president and executive director of the agency and the executive directors of the institutions.

The agency shall ensure that the chairmen of the boards of directors of the institutions are present at any meeting of the committee at which the strategic orientations of the region or the whole network are to be defined.”

53. Section 370.1 of the Act is amended by striking out “, including one person working for an institution referred to in section 119 or the first paragraph of section 126 and one person working for an institution referred to in section 120, 121, 124 or 125 or the second paragraph of section 126” in subparagraph 1 of the second paragraph.

54. Section 385.7 of the Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) a presentation of the results obtained measured against the objectives set out in the strategic plan and the management and accountability agreement entered into with the Minister;”.

55. The Act is amended by inserting the following section after section 385.9:

“385.10. Every agency must publish its annual management report on its website.”

56. Sections 397 and 397.0.1 of the Act are replaced by the following sections:

“397. The affairs of an agency are administered by a board of directors composed of the following members appointed by the Minister:

(1) five independent persons chosen after consultation with various groups, including the regional conference of elected officers, on the basis of the expertise and experience profiles adopted by the board;

(2) one person who is a member of the regional panel of heads of departments of specialized medicine, chosen from a list provided by the panel;

(3) one person who is a member of the regional department of general medicine, chosen from a list provided by the department;

(4) one person who is a member of a regional pharmaceutical services committee, chosen from a list provided by the committee;

(5) one person who is a member of the regional nursing commission, chosen from a list provided by the commission;

(6) one person who is a member of the regional multidisciplinary commission, chosen from a list provided by the commission;

(7) one person chosen from a list provided by the organizations representing labour;

(8) one person chosen from a list provided by the users' committees of the institutions;

(9) one person chosen from a list provided by the community organizations in the region;

(10) one person chosen from a list provided by the universities with which the institutions that have a university designation are affiliated; and

(11) the president and executive director of the agency.

“397.0.1. All the lists referred to in section 397 must contain an equal number of men and women.

In addition, the board of directors must be made up of an equal number of men and women. If the difference between their numbers is no greater than one, there is a presumption of parity.

For the purposes of the second paragraph, the president and executive director is not counted.”

57. The Act is amended by inserting the following section after section 397.0.1:

“397.0.2. Sections 131, 132.3 and 133 apply, with the necessary modifications, to the board of directors of an agency.

In addition, a person who is a member of the board of directors of an institution whose head office is situated in the area of jurisdiction of the agency concerned may not sit on the board of directors of the agency as an independent member.”

58. Section 397.2 of the Act is amended by replacing “three” in the first paragraph by “four”.

59. Section 397.3 of the Act is amended by striking out “most equitable representation possible of men and women and of” .

60. Section 398.1 of the Act is amended

(1) by replacing “or who receives remuneration from the latter, and no person having made a service contract under section 259.2, may” in the second paragraph by “not even if the person is on unpaid leave at the time, and no person who receives remuneration from the Régie or has entered into a service contract under section 259.2 may”;

(2) by replacing “4” in the fourth paragraph by “9”.

61. Section 399 of the Act is amended

(1) by replacing “three years” in the first paragraph by “four years. Other than the president and executive director, members may not serve more than two consecutive terms.”;

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

“However, if a member serves a term of less than two years, the term is not taken into account for the purposes of the first paragraph.”

62. Section 402 of the Act is replaced by the following section:

“402. Each year, the members of a board of directors shall elect a vice-chairman and a secretary from among their number, and a chairman from among the independent members.”

63. Section 403 of the Act is amended by replacing “1 to 3” by “2 to 6”.

64. Section 405 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “It shall define the strategic directions of the agency in accordance with province-wide orientations.”;

(2) by inserting “, and ensuring that they are used economically and efficiently” after “1” in subparagraph 2 of the second paragraph;

(3) by adding the following paragraphs at the end of the second paragraph:

“(5) adopting the strategic plan and the annual management report;

“(6) approving the management and accountability agreement;

“(7) approving the financial statements; and

“(8) ensuring that performance is monitored and results are reported.”

65. The Act is amended by inserting the following section after section 405:

“405.1. The board of directors shall exercise its responsibilities in keeping with province-wide orientations while fostering networking with local, regional and provincial partners.”

66. Section 407 of the Act is amended by replacing “181,” by “181 to 181.0.0.3,”.

67. Section 412.2 of the Act is amended by replacing “4 and 6” by “8 and 9”.

68. The heading of Division V of Chapter I of Title I of Part III of the Act is replaced by the following heading:

“POWERS OF INTERVENTION OF THE AGENCY”.

69. The Act is amended by inserting the following section after the heading of Division V of Chapter I of Title I of Part III:

“413.1.1. If an institution is experiencing difficulties with respect to the quality of the health services or social services it offers, or with respect to

its administration, organization or operation, the agency may provide assistance and support to the institution at the latter's request.

Such assistance and support must be the subject of an agreement between the agency and the institution, stipulating the nature, duration and expected results of the assistance and support.

An institution that has received assistance and support must report to the agency on any developments in the situation."

70. The Act is amended by inserting the following section after section 413.1.1:

"413.1.2. If an institution is experiencing difficulties that seriously compromise either the quality of the health services or social services it offers or its administration, organization or operation, the agency may appoint up to two observers for a period it determines.

The observers may attend all meetings of the institution's board of directors, committees and supervisory committees but are not entitled to vote.

The observers shall submit their observations to the agency, which shall determine the recommendations to be made to the institution. The agency may also require the institution to provide it with an action plan for implementing the recommendations."

71. Section 431.1 of the Act is replaced by the following section:

"431.1. In accordance with recognized standards of accessibility, integration, quality, effectiveness and efficiency and available resources, the Minister shall prepare a multi-year strategic plan for all of Québec containing the following elements:

- (1) a description of the mission of the department;
- (2) a statement of the social and health needs and the distinctive characteristics of the population, based on an understanding of the health and well-being of that population;
- (3) a description of the context in which the department acts and the main challenges it faces;
- (4) the directions and objectives to be pursued with respect to, among other things, the accessibility, continuity, quality and safety of care and services with a view to improving the health and well-being of the population;
- (5) the results targeted over the period covered by the plan; and
- (6) the performance indicators to be used in measuring results."

72. The Act is amended by inserting the following section after section 433.1:

“433.2. The Minister must

(1) ensure that ongoing and adapted training is given to the members of each board of directors and to the president and executive directors, executive directors and assistant executive directors of the agencies and institutions;

(2) see to succession planning for the president and executive directors, executive directors and assistant executive directors of the agencies and institutions.”

73. The Act is amended by inserting the following section after section 434:

“434.1. In exceptional circumstances and when the quality of care and services depends on it, and after obtaining the opinion of the Collège des médecins du Québec, the Ordre professionnel des dentistes du Québec and the Ordre professionnel des pharmaciens du Québec, the Minister may entrust the responsibilities of a council of physicians, dentists and pharmacists of an institution to one or more persons designated by the Minister.

The persons so designated must be members of one of those professional orders.”

74. Section 490 of the Act is amended

(1) by replacing “120 days” in the first paragraph by “180 days”;

(2) by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(6) where the institution is experiencing difficulties that seriously compromise either the quality of the health services or social services it offers or its administration, organization or operation.”

75. Section 491 of the Act is amended by replacing “120” by “180”.

76. Section 492 of the Act is amended by replacing “90” by “180”.

77. Section 498 of the Act is amended

(1) by striking out “or election” in paragraph 2;

(2) by adding the following after paragraph 3:

“(4) declare the office of the members of the board of directors of an institution forfeited, and entrust the administration of the institution to the agency concerned for up to four years.

In the case provided for in subparagraph 4 of the first paragraph, the Government must first give the stakeholders in the territory of the institution the opportunity to submit observations.

The agency entrusted with the administration of an institution referred to in subparagraph 4 of the first paragraph must administer the institution as a separate administrative entity and appoint an executive director to manage it.

The Government may terminate the administration at any time, or renew it if necessary; each renewal is for a maximum of four years. If the Government terminates the administration, it provides for the appointment of the new board of directors of the institution.”

78. Section 500 of the Act is amended by adding the following paragraph at the end:

“Following an investigation, the Government may formulate recommendations for an agency or an institution and require the agency or institution to draw up an action plan for implementing them.”

79. Section 530.18 of the Act is amended by replacing “in the manner set out in the first paragraph of section 156” by “by resolution provided the person so designated has the same qualifications to be a member of the board of directors as the person being replaced. The board of directors shall inform the regional board of the designation.”

80. Section 530.52 of the Act is amended by inserting “346.2,” after “346.1,”.

81. Section 530.60 of the Act is amended by striking out subparagraph 2 of the second paragraph.

82. Section 530.61.1 of the Act is amended by inserting “and 385.10” after “385.8”.

83. Title IV of Part IV.2 of the Act is replaced by the following title:

“TITLE IV

“BOARD OF DIRECTORS OF THE INSTITUTION

“**530.62.** The executive director of the board of directors of the institution to which this Part applies is replaced by a president and executive director appointed by the Minister.

“530.63. The provisions of this Act applicable to the executive director of a public institution and the provisions of sections 399, 400, 403 and 413.1 apply, with the necessary modifications, to the president and executive director of the institution to which this Part applies.

“530.64. In sections 129, 147 and 156, “the agency” means “the Minister”.”

84. Section 531 of the Act is amended by replacing “of the second paragraph” in the first paragraph by “of the second or fourth paragraph”.

TRANSITIONAL AND FINAL PROVISIONS

85. The term of the members of the board of directors of a public institution, except the executive director or the president and executive director, is extended until 31 January 2012.

Despite any inconsistent provision, board members elected, designated, appointed or co-opted between 1 September 2011 and 31 January 2012 take office on 1 February 2012.

86. The term of the members of the board of directors of a health and social services agency referred to in paragraphs 5, 8, 10 and 11 of section 397 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), as they read on 12 June 2011, ends on 31 July 2012.

87. When establishing the first board of directors of an institution or an agency after 13 June 2011, the expertise and experience profiles provided for in subparagraphs 7 and 8 of the first paragraph of section 129 of the Act respecting health services and social services, as replaced by section 9, and the expertise and experience profiles provided for in paragraph 1 of section 397 of the Act respecting health services and social services, as replaced by section 56, do not apply.

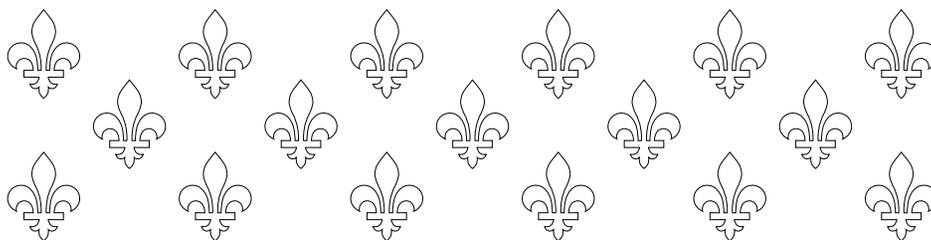
88. For the purposes of sections 149 and 399 of the Act respecting health services and social services, as replaced and amended, respectively, by sections 20 and 61, when determining the number of consecutive terms a member may serve, the terms the member served before 1 February 2012 in the first case and before 1 August 2012 in the second case are not taken into account.

89. The provisions of this Act come into force on 13 June 2011, except

(1) sections 24, 26, 32, 33, 42 and 81, which come into force on 1 February 2012;

(2) sections 56 to 60, 62, 63, 66 and 67, which come into force on 1 August 2012; and

(3) sections 41 and 45, which come into force on the date to be set by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 130
(2011, chapter 16)

**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**

**Introduced 11 November 2010
Passed in principle 16 February 2011
Passed 8 June 2011
Assented to 13 June 2011**

**Québec Official Publisher
2011**

EXPLANATORY NOTES

This Act restructures certain government departments, bodies and funds.

The Ministère des Services gouvernementaux is abolished and its responsibilities transferred to the Chair of the Conseil du trésor.

Certain funds are abolished or merged with other funds. Accordingly, the Act

(1) establishes the Natural Resources Fund to take over the activities of the forestry fund, the sustainable forest development fund and the mining heritage fund, and receives the revenues collected by the Agence de l'efficacité énergétique, which is abolished by this Act and whose activities are transferred to the Ministère des Ressources naturelles et de la Faune;

(2) creates the position of chief scientist, whose incumbent acts as chair of the board of directors of each of the three funds created under the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation to support research and, more particularly, coordinates efforts on issues that are common to the three funds and advises the Minister on the development of research and science; the Act also provides for the appointment of a scientific director to each fund;

(3) establishes the Territorial Information Fund to take over the activities of the land information fund and the geographic information fund;

(4) establishes the Natural Disaster Assistance Fund to take over the activities of the ice storm fund and the financial assistance fund in respect of certain disaster-affected areas;

(5) abolishes the farm-loan insurance and forestry-loan insurance funds, and transfers their activities to La Financière agricole du Québec;

(6) abolishes the government air service fund and transfers its activities to the Centre de services partagés du Québec; and

(7) abolishes the Fonds de l'industrie des courses de chevaux.

The following advisory councils are integrated into the government departments they come under: the Conseil consultatif du travail et de la main-d'œuvre, the Conseil de la science et de la technologie, the Conseil des relations interculturelles, the Conseil de la famille et de l'enfance, the Conseil des aînés and the Conseil permanent de la jeunesse.

The activities of some bodies are integrated into another body or a government department. Thus, the activities of the Conseil des services essentiels are integrated into those of the Commission des relations du travail; those of the Corporation d'hébergement du Québec, into those of the Société immobilière du Québec, except those of its financial division, which are transferred to the Ministère des Finances; and those of Immobilière SHQ, into those of the Société d'habitation du Québec.

The Act abolishes the Société québécoise d'assainissement des eaux and creates the Commission sur l'éthique en science et en technologie to advise the Minister of Economic Development, Innovation and Export Trade on the ethical issues arising from science and technology.

For the purposes of such restructuring, a number of transitional measures are provided with regard to the transfer of the rights and obligations of abolished bodies and funds, the continuation of their activities, the transfer of their assets and personnel, and the terms of their members.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting equal access to employment in public bodies (R.S.Q., chapter A-2.01);
- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Financial Administration Act (R.S.Q., chapter A-6.001);
- Public Administration Act (R.S.Q., chapter A-6.01);

- Act respecting the Agence du revenu du Québec (R.S.Q., chapter A-7.003);
- Act respecting legal aid and the provision of certain other legal services (R.S.Q., chapter A-14);
- Sustainable Forest Development Act (R.S.Q., chapter A-18.1);
- Archives Act (R.S.Q., chapter A-21.1);
- Building Act (R.S.Q., chapter B-1.1);
- Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);
- Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Labour Code (R.S.Q., chapter C-27);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Health and Welfare Commissioner (R.S.Q., chapter C-32.1.1);
- Act respecting contracting by public bodies (R.S.Q., chapter C-65.1);
- Forestry Credit Act (R.S.Q., chapter C-78);
- Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Executive Power Act (R.S.Q., chapter E-18);
- Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (R.S.Q., chapter E-20.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Public Service Act (R.S.Q., chapter F-3.1.1);

- Forest Act (R.S.Q., chapter F-4.1);
- Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1);
- Mining Act (R.S.Q., chapter M-13.1);
- Act respecting the Ministère de l’Agriculture, des Pêcheries et de l’Alimentation (R.S.Q., chapter M-14);
- Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (R.S.Q., chapter M-17.2);
- Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2);
- Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (R.S.Q., chapter M-30.01);
- Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting educational programming (R.S.Q., chapter P-30.1);
- Public Protector Act (R.S.Q., chapter P-32);
- Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1);
- Act respecting the Régie de l’énergie (R.S.Q., chapter R-6.01);
- Act respecting the collective bargaining plan of criminal and penal prosecuting attorneys (R.S.Q., chapter R-8.1.2);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1);
- Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20);
- Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (R.S.Q., chapter R-24.0.2);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.2);
- Act respecting Services Québec (R.S.Q., chapter S-6.3);
- Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8);
- Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1);
- Act respecting the Québec sales tax (R.S.Q., chapter T-0.1);
- Securities Act (R.S.Q., chapter V-1.1).

LEGISLATION REPEALED BY THIS ACT:

- Act respecting the Agence de l’efficacité énergétique (R.S.Q., chapter A-7.001);
- Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1);
- Act respecting the Conseil consultatif du travail et de la main-d’œuvre (R.S.Q., chapter C-55);
- Act respecting the Conseil de la famille et de l’enfance (R.S.Q., chapter C-56.2);
- Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01);

- Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2);
- Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01);
- Act respecting the Corporation d’hébergement du Québec (R.S.Q., chapter C-68.1);
- Act respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances (R.S.Q., chapter E-1.2);
- Act respecting the government air service fund (R.S.Q., chapter F-3.2.2);
- Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3);
- Act respecting the Ministère des Services gouvernementaux (R.S.Q., chapter M-26.1);
- Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1);
- Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 (1996, chapter 45);
- Act to establish a fund in respect of the ice storm of 5 to 9 January 1998 (1998, chapter 9).

LEGISLATION ENACTED BY THIS ACT:

- Act to establish the Natural Disaster Assistance Fund (2011, chapter 16, Schedule I);
- Act respecting energy efficiency and innovation (2011, chapter 16, Schedule II).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting the annual share payable to the Agence de l’efficacité énergétique (R.R.Q., chapter R-6.01, r. 5);

- Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal, approved by Order in Council 916-90 (1990, G.O. 2, 1758);
- Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office, approved by Order in Council 566-98 (1998, G.O. 2, 1752);
- Regulation respecting the remuneration of arbitrators, approved by Order in Council 851-2002 (2002, G.O. 2, 3809).

Bill 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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

MINISTÈRE DES SERVICES GOUVERNEMENTAUX

DIVISION I

ABOLITION OF MINISTÈRE DES SERVICES GOUVERNEMENTAUX AND TRANSFER OF ITS ACTIVITIES TO CONSEIL DU TRÉSOR

- 1.** The Act respecting the Ministère des Services gouvernementaux (R.S.Q., chapter M-26.1) is repealed.
- 2.** The Public Administration Act (R.S.Q., chapter A-6.01) is amended by inserting the following sections after section 77:

“77.1. The Chair of the Conseil du trésor shall also

(1) develop a variety of means to give individuals and enterprises, as well as departments and bodies of the Administration, simplified access to quality services throughout Québec;

(2) encourage optimal use of information and communications technologies in the delivery of public services while taking into consideration the choice of individuals regarding the mode of service delivery, and support methods that foster an efficient and economical delivery of services;

(3) encourage in particular the development of leading-edge expertise giving departments and bodies of the Administration access to shared services that they would not reasonably be able to develop on their own;

(4) prepare and propose to the Government policies and guidelines designed, on the one hand, to improve service delivery so that individuals and enterprises can access services more easily, and, on the other, to make shared services

available to the departments and bodies of the Administration, thus contributing to service improvement;

(5) coordinate the implementation of government policies and guidelines that concern information resources, and ensure follow-up;

(6) ensure the development, implementation and deployment of the e-government initiative and the promotion and implementation of any measure furthering the adaptation of public services to e-government;

(7) coordinate the efforts of departments and bodies of the Administration to achieve an integrated approach to the delivery of services to individuals and enterprises and a shared understanding of service quality standards;

(8) ensure the implementation of shared services for departments and bodies of the Administration where such an initiative answers a need for efficiency and profitability in the management of their human, financial, physical and information resources;

(9) propose standards to the Government for the Government's signature and visual identification to be complied with by the departments and bodies designated by the Government; and

(10) ensure that the immovables and other property the departments and bodies of the Administration require to deliver their services are made available to them.

“77.2. The Chair of the Conseil du trésor is also responsible for the register of civil status and appoints the registrar of civil status. The registrar of civil status works within Services Québec.”

3. The personnel members of the Ministère des Services gouvernementaux become, without further formality, employees of the Secrétariat du Conseil du trésor.

DIVISION II

AMENDING PROVISIONS

4. Section 18 of the Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1) is amended

(1) by replacing “10” in the first paragraph by “11”;

(2) by striking out “, and the Deputy Minister of Government Services” in the first paragraph.

5. Section 21 of the Act is amended by striking out “, except for the Deputy Minister of Government Services” in the first paragraph.

6. Section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended by striking out subparagraph 36 of the first paragraph.

7. Section 1 of the Government Departments Act (R.S.Q., chapter M-34) is amended by striking out paragraph 36.

8. The words “Minister of Government Services” wherever they appear in the following provisions are replaced by “Chair of the Conseil du trésor”:

(1) sections 5 and 109 of the Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1);

(2) section 60 of the Act respecting Services Québec (R.S.Q., chapter S-6.3).

9. The words “At the Minister’s request” in section 11 of the English text of the Act respecting Services Québec are replaced by “At the request of the Chair of the Conseil du trésor”, and the word “Minister” is replaced by “Chair of the Conseil du trésor” everywhere it appears in the following sections, with the necessary modifications, that is, by using “Chair” in the English text whenever a preceding use of the full title makes its repetition unnecessary:

(1) sections 12, 39, 48, 50, 51, 53 and 108 of the Act respecting the Centre de services partagés du Québec;

(2) sections 11, 19, 20, 40, 44, 46, 47, 49 and 59 of the Act respecting Services Québec.

10. The words “Deputy Minister of Government Services” are replaced by “secretary of the Conseil du trésor” in section 6.1 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (R.S.Q., chapter E-20.1).

CHAPTER II

FONDS D’ASSURANCE-PRÊTS AGRICOLES ET FORESTIERS

DIVISION I

ABOLITION OF FUND AND TRANSFER OF ITS ACTIVITIES

11. The Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1) is repealed.

12. Section 19 of the Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1) is amended

(1) by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(5.1) guarantee to a lender the repayment of a financial commitment granted under a program it administers;”;

(2) by replacing subparagraph 6 of the first paragraph by the following subparagraph:

“(6) determine what financial commitments granted under a program are covered by the repayment guarantee, and specify the extent and duration of the coverage.”

13. Section 20 of the Act is amended

(1) by replacing “the Fonds d’assurance-prêts agricoles et forestiers or by the agency” in subparagraph 4 of the first paragraph by “the agency, including a financial commitment covered by the right to insurance under section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1) before 1 October 2011”;

(2) by adding the following subparagraph after subparagraph 5 of the first paragraph:

“(6) rules concerning financial commitment repayment guarantees.”

14. Section 22 of the Act is amended

(1) by adding the following subparagraph after subparagraph 11 of the first paragraph:

“(12) decide whether a claim presented by a lender who benefits from the financial commitment repayment guarantee is admissible and in good order, and decide on the amount of the repayment to be made under the rules of a program.”;

(2) by inserting “or 12” after “subparagraph 10” in the second paragraph;

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

“A person who is subrogated in the rights of a lender is entitled to a financial commitment repayment guarantee if the person is a designated lender designated under subparagraph 5 of the first paragraph of section 19 or a person authorized to act as a lender under subparagraph 3 of the first paragraph of this section.”

15. Section 24 of the Act is amended by adding the following paragraph at the end:

“In addition, at least once every five years, the agency shall conduct an actuarial analysis of the financial commitment repayment guarantee, to evaluate the risk of sustaining losses from financial commitments covered by the repayment guarantee.”

16. Section 30 of the Act is amended

- (1) by inserting “or a lender” after “enterprise” in the first paragraph;
- (2) by inserting “or the lender” after “enterprise” in the second paragraph.

17. Section 31 of the Act is amended by adding the following paragraph at the end:

“The agency may also refuse or cancel the financial commitment repayment guarantee of a lender who no longer meets the conditions under which it was granted or who fails to comply with a request made by the agency under section 30 or under the program governing the guarantee.”

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

“34.1. With the sums at its disposal, the agency maintains an account exclusively dedicated to the coverage of potential losses resulting from financial commitments covered by the repayment guarantee.

The sums in this account which the agency does not expect to need in the short term to cover losses are deposited with the Caisse de dépôt et placement du Québec.”

DIVISION II

AMENDING PROVISIONS

19. Section 169 of the Sustainable Forest Development Act (R.S.Q., chapter A-18.1) is amended by replacing paragraph 4 by the following paragraph:

“(4) determine what financial commitments granted under the program are covered by the financial commitment repayment guarantee under subparagraph 5.1 of the first paragraph of section 19 of the Act respecting La Financière agricole du Québec (chapter L-0.1), and specify the extent and duration of the coverage.”

20. Section 170 of the Act is amended by replacing “the Fonds d’assurance-prêts agricoles et forestiers set up under the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1)” in paragraph 2 by “La Financière agricole du Québec”.

21. Section 29 of the Forestry Credit Act (R.S.Q., chapter C-78) is amended by replacing the third and fourth paragraphs by the following paragraphs:

“La Financière agricole du Québec guarantees to the lender, in accordance with the Act respecting La Financière agricole du Québec (chapter L-0.1), the

repayment of losses in principal and interest resulting from loans contracted on or after 1 August 1978, and of the expenses allowable under a program established under that Act that are incurred to claim or obtain payment.

A lender may benefit from the guarantee referred to in the first or third paragraph for two or more loans contracted under this subdivision by the same borrower, provided that the outstanding principal on such loans at no time exceeds the amounts indicated in section 13, subject to the right of the lender to the same guarantee for any additional amount representing the balance of a loan of which payment is assumed by the borrower as heir or legatee by particular title.”

22. Section 40 of the Act to promote forest credit by private institutions (R.S.Q., chapter C-78.1) is amended by replacing “the loan insurance contemplated in section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1)” by “a financial commitment repayment guarantee provided for by subparagraph 5.1 of the first paragraph of section 19 of the Act respecting La Financière agricole du Québec (chapter L-0.1).”

23. Section 124.38 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing “the Fonds d’assurance-prêts agricoles et forestiers set up under the Act respecting farm-loan insurance and forestry-loan insurance (chapter A-29.1)” in paragraph 2 by “La Financière agricole du Québec”.

24. Section 172.2 of the Act is amended by replacing paragraph 4 by the following paragraph:

“(4) determine what financial commitments granted under the program are covered by the financial commitment repayment guarantee under subparagraph 5.1 of the first paragraph of section 19 of the Act respecting La Financière agricole du Québec (chapter L-0.1), and specify the extent and duration of the coverage.”

DIVISION III

TRANSITIONAL PROVISIONS

25. La Financière agricole du Québec replaces the Fonds d’assurance-prêts agricoles et forestiers, acquires its rights and assumes its obligations.

26. The records and other documents of the Fonds d’assurance-prêts agricoles et forestiers become records and documents of La Financière agricole du Québec.

27. The sums in the Fonds d’assurance-prêts agricoles et forestiers are transferred to the dedicated account provided for in section 34.1 of the Act respecting La Financière agricole du Québec (R.S.Q., chapter L-0.1) and are used not only to pay losses resulting from financial commitments covered by the repayment guarantee of La Financière agricole du Québec, but also to pay

losses resulting from financial commitments covered by loan insurance under the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., chapter A-29.1), repealed by section 11.

28. The Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance (R.R.Q., chapter A-29.1, r. 1) continues to apply until it is replaced by a program established by La Financière agricole du Québec under subparagraph 6 of the first paragraph of section 20 of the Act respecting La Financière agricole du Québec.

However, the regulation continues to apply to claims received by La Financière agricole du Québec prior to the coming into force of the replacement program.

CHAPTER III

GOVERNMENT AIR SERVICE FUND

29. The Act respecting the government air service fund (R.S.Q., chapter F-3.2.2) is repealed.

30. Section 4 of the Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1) is amended by adding the following paragraph at the end:

“A further mission of the Centre is to provide, in support of the mission of the Government, aircraft charter services and air transportation services for such uses as air ambulance transportation, forest fire fighting, territory surveillance and passenger transportation. In addition, the Centre may provide aircraft pilot accreditation, instruction and training services. For the provision of the latter services and forest fire fighting services, the Centre may enter into an agreement with a legal person established for a private interest.”

31. The Centre de services partagés du Québec is substituted for the Minister responsible for the administration of the Act respecting the government air service fund with regard to government air service fund activities; it acquires the rights and assumes the obligations of the Minister with regard to such activities.

The fund-related records and other documents of the Minister become records and documents of the Centre.

32. The Centre de services partagés du Québec becomes a party, without continuance of suit, to any proceedings to which the Attorney General of Québec was a party that relate to government air service fund activities.

33. Despite section 3, the personnel members of the government department under the responsibility of the Minister responsible for the administration of the Act respecting the government air service fund who are assigned to

government air service fund activities become, without further formality, employees of the Centre de services partagés du Québec.

CHAPTER IV

FONDS DE L'INDUSTRIE DES COURSES DE CHEVAUX

34. Division IV.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14), comprising sections 21.1 to 21.12, is repealed.

35. Section 540.1 of the Act respecting the Québec sales tax (R.S.Q., chapter T-0.1) is repealed.

CHAPTER V

GEOGRAPHIC INFORMATION FUND AND LAND INFORMATION FUND

DIVISION I

INTEGRATION OF FUNDS TO FORM TERRITORIAL INFORMATION FUND

36. The Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is amended by replacing the heading of subdivision 1 of Division II.1 and section 17.2 by the following:

“§1. — *Territorial Information Fund*

“**17.2.** The Territorial Information Fund is established.”

37. Section 17.3 of the Act is amended

(1) by striking out “except interest” in the part before paragraph 1;

(2) by adding the following at the end:

“(4) the sums referred to in section 17.12.0.1;

“(5) the fees collected under section 8.1 of the Act to promote the reform of the cadastre in Québec (chapter R-3.1);

“(6) the sums specified in an order made under the second paragraph of section 17.4.

“These sums are credited to the Fund component, provided for in section 17.4, that corresponds to the purposes for which they are paid.”

38. Sections 17.4 to 17.7 of the Act are replaced by the following sections:

“17.4. The Fund shall be used to finance the costs of certain goods and services supplied by the Minister and shall comprise two components:

(1) the geographic component, dedicated to financing the costs of goods and services supplied under paragraphs 8.1 and 8.2 of section 12;

(2) the land component, dedicated to financing the costs of goods and services supplied under paragraphs 17.3, 17.4, 17.6 and 17.7 of section 12 and paragraph 3 of section 12.2.

The Government may, on the Minister’s recommendation, determine other activities that may be financed by the Fund, decide which component those activities fall under, create new components as needed and specify any new sums to be included in the Fund.

An order under the second paragraph may take effect as of the start date of the fiscal year in which it is made.

“17.5. The management of the sums making up the Fund shall be entrusted to the Minister of Finance. The sums are paid to the order of the Minister of Finance and deposited with the financial institutions designated by the Minister of Finance.

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

The Minister may advance sums credited to one component to another.

The particulars of the management of the Fund are determined by the Conseil du trésor.”

39. Section 17.10.1 of the Act is amended by adding the following paragraph at the end:

“Any sum advanced to the Fund is repayable out of that Fund.”

40. The Act is amended by inserting the following section after section 17.12:

“17.12.0.1. The Minister may, subject to the applicable legislative provisions and with the authorization of the Government, make agreements with any government, body or person to facilitate the production of the goods and services financed by the Fund. Any sums payable pursuant to such an agreement shall be paid into the Fund.”

41. The Act is amended by striking out subdivision 2 of Division II.1, comprising sections 17.12.1 to 17.12.11.

DIVISION II

AMENDING PROVISIONS

42. Section 87.2 of the Act respecting legal aid and the provision of certain other legal services (R.S.Q., chapter A-14) is amended by replacing “land information fund” by “land component of the Territorial Information Fund”.

43. Section 8.1 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) is amended by replacing “land information fund” in the fourth paragraph by “land component of the Territorial Information Fund”.

DIVISION III

TRANSITIONAL PROVISIONS

44. The assets and liabilities of the geographic information fund are transferred to the Territorial Information Fund established by section 17.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) and credited to the geographic component.

45. The assets and liabilities of the land information fund are transferred to the Territorial Information Fund established by section 17.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune and credited to the land component.

CHAPTER VI

SUSTAINABLE FOREST DEVELOPMENT FUND, FORESTRY FUND AND MINING HERITAGE FUND

46. Section 313 of the Sustainable Forest Development Act (R.S.Q., chapter A-18.1) is repealed.

47. Section 359 of the Act is repealed.

48. The Act is amended by replacing “forestry fund” wherever it appears in sections 336, 347, 349 and 362 by “forestry component of the Natural Resources Fund”.

49. Section 37 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing “forestry fund” by “forestry component of the Natural Resources Fund established by section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2)”.

50. The heading of subdivision iv of subdivision 4 of Division I of Chapter III of Title I of the Act is replaced by the following heading:

“iv. CONTRIBUTIONS TO FORESTRY COMPONENT OF NATURAL RESOURCES FUND”.

51. The Act is amended

(1) by replacing “forestry fund” wherever it appears in sections 73.1, 73.2, 79.2, 82, 92.0.2, 92.0.11 and 104.5 by “forestry component of the Natural Resources Fund”;

(2) by replacing “forestry fund established under section 170.2” in section 73.5 by “forestry component of the Natural Resources Fund”.

52. Title IV.1 of the Act, comprising sections 170.2 to 170.11, is repealed.

53. Division III of Chapter X of the Mining Act (R.S.Q., chapter M-13.1), comprising sections 305.6 to 305.16, is repealed.

54. The Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is amended by inserting the following subdivision after section 17.12.11:

“§3.—*Natural Resources Fund*

“**17.12.12.** A Natural Resources Fund is established to finance certain activities of the department. The Fund consists of the following components:

(1) a forestry component, whose purpose is to finance activities relating to seedling production, forestry inventory data and forestry research and other activities aimed at maintaining or improving the protection, development or processing of forest resources;

(2) a sustainable forest development component, whose purpose is to finance activities relating to sustainable forest development and forest management, increasing timber production, forestry research and other activities relating to forest education and awareness and to the protection, development or processing of forest resources;

(3) an energy efficiency and innovation component, whose purpose is to finance programs and measures relating to energy efficiency and innovation, and activities relating to the Minister’s responsibilities with regard to such programs and measures;

(4) a mining heritage component, whose purpose is to finance activities that foster the development of mineral potential, including such activities as geoscience knowledge acquisition, research and development in mining

exploration and development and mining site rehabilitation and restoration techniques, and support for the development of Québec entrepreneurship.

The Government may, on the Minister's recommendation, determine other activities that may be financed by the Fund, decide which component those activities fall under, create new components as needed and specify any new sums to be included in the Fund.

An order under the second paragraph may take effect as of the start date of the fiscal year in which it is made.

“17.12.13. The Fund is made up of the sums specified in an order made under the second paragraph of section 17.12.12, the sums specified in sections 17.12.14 to 17.12.17 and the following sums credited to the appropriate component according to the purpose for which they are paid:

(1) the sums paid into the Fund by the Minister out of the appropriations granted by Parliament for the purpose referred to in section 17.12.12;

(2) the sums paid into the Fund by the Minister of Finance under the first paragraph of section 17.10 and section 17.10.1;

(3) the gifts, legacies and other contributions paid into the Fund to further its objects.

“17.12.14. The following sums are credited to the forestry component of the Fund:

(1) the sums paid by the Minister under section 73.5 and the fourth paragraph of sections 92.0.2 and 92.0.11 of the Forest Act (chapter F-4.1) which, in addition to any related surplus, are allocated exclusively to the financing of activities connected with forest management and development;

(2) the sums collected in respect of the sale of property or services financed by the Fund;

(3) the part that exceeds \$500,000 of the fines paid by offenders during a fiscal year of the Fund for an offence under the Forest Act or the regulations;

(4) the sums collected after 31 March 2003 in respect of the sale of timber confiscated by the Minister under section 203 of the Forest Act and the proceeds of the sale of the timber deposited after that date with the Ministère des Finances under section 192 of that Act following the guilty plea or conviction of an offender;

(5) the damages, including any punitive damages awarded by the court under section 172.3 of the Forest Act, paid following a civil action for damage caused to a forest in the domain of the State, in particular where the person responsible for the damage cut timber illegally;

(6) the sums paid to reimburse the costs incurred by the Minister under the second paragraph of section 59.2 of the Forest Act to establish a general forest management plan;

(7) the sums paid to reimburse the costs incurred by the Minister under the second paragraph of section 61 of the Forest Act to establish a corrective plan and the sums paid to reimburse the costs incurred by the Minister under section 61.1 of that Act to perform any contractual obligation referred to in section 60 of that Act which an agreement holder failed to perform;

(8) the interest on bank balances in proportion to the sums referred to in subparagraph 1 of this paragraph and paragraph 3 of section 17.12.13.

A portion of the sums paid under section 71 of the Forest Act by the holder of a timber supply and forest management agreement may, with government authorization, be credited to the forestry component of the Fund.

The Government determines the terms and conditions governing the payment of sums into the forestry component of the Fund as well as the activities, from among those referred to in subparagraph 1 of the first paragraph of section 17.12.12, that the sums are to be used for.

The surpluses accumulated in the forestry component are paid to the Consolidated Revenue Fund on the dates and to the extent determined by the Government, in proportion to the sums credited to the forestry component under subparagraph 2 of the first paragraph, the second paragraph and paragraph 1 of section 17.12.13.

“17.12.15. The following sums are credited to the sustainable forest development component of the Fund:

(1) the sums paid into the Fund under the second paragraph;

(2) the income generated by administrative fees paid for the examination of applications for forestry permits or wood processing plant operating permits issued under the Sustainable Forest Development Act (chapter A-18.1), or for the examination of applications for a forest producer’s certificate issued under that Act, including the fees paid for copies of those certificates;

(3) the sums collected in respect of the sale of property or services financed by the Fund;

(4) the fines paid by offenders against the Sustainable Forest Development Act or the regulations;

(5) the sums paid as a reimbursement of the costs incurred by the Minister under the second paragraph of section 65 of the Sustainable Forest Development Act to take the corrective measures required of those who carry out forest development activities;

(6) the sums collected from the sale of timber confiscated by the Minister under section 223 of the Sustainable Forest Development Act and the proceeds of the sale of timber deposited with the Ministère des Finances under section 215 of that Act following the guilty plea or conviction of an offender;

(7) the damages, including any punitive damages awarded by the court under section 226 of the Sustainable Forest Development Act, paid following a civil action for damage caused to a forest in the domain of the State, in particular where the person responsible for the damage cut timber illegally;

(8) the income from investments of the sums making up the sustainable forest development component.

The Government may authorize the payment, into the sustainable forest development component of the Fund, of part of the following sums required for the financing of activities referred to in Chapter VI of Title II of the Sustainable Forest Development Act and of activities related to increasing timber production, or for the establishment of a reserve:

(1) the proceeds from the sale of timber and other forest products in the domain of the State;

(2) the fees paid by holders of forestry permits or wood processing plant operating permits issued under the Sustainable Forest Development Act.

The surpluses accumulated in the sustainable forest development component, except the sums referred to in the second paragraph, are paid into the Consolidated Revenue Fund in the proportion, on the dates and to the extent determined by the Government.

“17.12.16. The following sums are credited to the energy efficiency and innovation component of the Fund:

(1) the sums collected from energy distributors under section 17 of the Act respecting energy efficiency and innovation (2011, chapter 16, Schedule II);

(2) the fees or other sums collected for services provided by the Minister under an energy efficiency, energy innovation or greenhouse gas reduction program or measure;

(3) the sums paid as a reimbursement of the costs incurred by the Minister under section 9 or the second paragraph of section 13 of the Act respecting energy efficiency and innovation;

(4) the fines paid by offenders against the Act respecting energy efficiency and innovation;

(5) the income from investments of the sums making up the energy efficiency and innovation component.

“17.12.17. The following sums are credited to the mining heritage component of the Fund:

(1) the sums collected as mining duties under the Mining Duties Act (chapter D-15) and paid into the Fund on the dates and to the extent determined by the Government;

(2) the income from investments of the sums making up the mining heritage component.

The surpluses accumulated in the mining heritage component are paid into the Consolidated Revenue Fund on the dates and to the extent determined by the Government.

“17.12.18. Sections 17.5 and 17.8 to 17.12 apply to the Natural Resources Fund, with the necessary modifications.”

55. The Minister of Finance advances the required start-up sums to the Natural Resources Fund established by section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2). The Government determines the sums advanced and the date on which they must be paid into the Fund. The sums are taken out of the Consolidated Revenue Fund.

56. The assets and liabilities of the forestry fund established under section 170.2 of the Forest Act (R.S.Q., chapter F-4.1) are transferred to the Natural Resources Fund and credited to its forestry component.

57. The forestry component of the Natural Resources Fund terminates on 31 March 2013.

The assets and liabilities of that component are transferred on 1 April 2013 to the sustainable forest development component of the same Fund.

If the assets and liabilities transferred to the sustainable forest development component are insufficient for the start-up of that component, sums from the Consolidated Revenue Fund may be paid into the Natural Resources Fund and credited to the sustainable forest development component, to the extent determined by the Government.

58. The assets and liabilities of the mining heritage fund, established under section 305.6 of the Mining Act (R.S.Q., chapter M-13.1), are transferred to the Natural Resources Fund and credited to its mining heritage component.

CHAPTER VII

FONDS QUÉBÉCOIS DE LA RECHERCHE SUR LA NATURE ET LES TECHNOLOGIES, FONDS DE LA RECHERCHE EN SANTÉ DU QUÉBEC AND FONDS QUÉBÉCOIS DE LA RECHERCHE SUR LA SOCIÉTÉ ET LA CULTURE

DIVISION I

QUÉBEC RESEARCH FUND

59. The heading of Chapter V of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01) is replaced by the following heading:

“QUÉBEC RESEARCH FUND”.

60. Section 46 of the Act is amended

(1) by replacing “Fonds québécois de la recherche sur la nature et les technologies” by “Québec Research Fund–Nature and Technology”;

(2) by replacing “Fonds de la recherche en santé du Québec” by “Québec Research Fund–Health”;

(3) by replacing “Fonds québécois de la recherche sur la société et la culture” by “Québec Research Fund–Society and Culture”.

61. Section 50 of the Act is amended

(1) by replacing “of not more than 14” in the first paragraph by “of an odd number of not more than 15”;

(2) by replacing “a chairman and managing director” in the first paragraph by “the chief scientist and the scientific director”.

62. The Act is amended by inserting the following sections after section 50:

“**50.1.** The Government chooses the chief scientist from among at least three persons approved by a committee following a selection process established by the Government. The committee is to be composed of at least three members appointed by the Government.

The selection process does not apply to a chief scientist whose term is renewed. However, within six months prior to the expiry of the chief scientist's term, each board of directors carries out a performance evaluation and sends it to the Minister, along with recommendations as to the advisability of renewing the chief scientist's term.

The Government determines the remuneration, employee benefits and other conditions of employment of the chief scientist. The office of chief scientist is a full-time position.

“50.2. The Government appoints a scientific director to each fund, on the recommendation of that fund’s board of directors. The scientific director ensures that the activities of the fund are properly run.

If the board of directors refuses or neglects to make the recommendation required under the first paragraph, the Government may appoint a scientific director after notifying the members of the board.

Within six months prior to the expiry of the scientific director’s term, the board of directors includes with the recommendation provided for in the first paragraph an evaluation of the scientific director’s performance.

The Government determines the remuneration, employee benefits and other conditions of employment of the scientific director. The office of scientific director is a full-time position.

“50.3. The members of the board of directors designate a vice-chair from among their number.”

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

“51. The chief scientist is the chair of the board of directors of all three funds, and is responsible for calling meetings and ensuring that they run smoothly. The chief scientist exercises the powers assigned by the by-laws of each fund and the functions assigned by the boards of directors.

If absent from a board meeting, the chief scientist is replaced by the vice-chair of the board.”

64. Section 52 of the Act is amended by replacing “chairman and managing director is appointed” in the first paragraph by “chief scientist and the scientific director are appointed”.

65. Section 53 of the Act is amended by replacing “chairman and managing director” in the second paragraph by “chief scientist and the scientific director”.

66. Section 54 of the Act is amended by adding “, 50.1, 50.2 or 50.3, as applicable” after “section 50” in the first paragraph.

67. Sections 55 and 56 of the Act are replaced by the following sections:

“55. The chief scientist advises the Minister on the development of research and science and, in accordance with the mandate assigned by the

Minister, works to enhance Québec's position and influence in Canada and internationally.

The chief scientist coordinates efforts on issues that are common to the three funds, as well as intersectoral research activities.

The chief scientist is also responsible for administering the human, physical, financial and information resources of the three funds, and for consolidating and integrating the administrative activities of the funds.

“56. The members of the boards of directors other than the chief scientist and the scientific directors are not remunerated except in the cases, on the conditions and to the extent that may be determined by the Government. However, they are entitled to a reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.”

68. Section 57 of the Act is replaced by the following section:

“57. In no case may the chief scientist or scientific directors, under pain of forfeiture of office, have any direct or indirect interest in an undertaking, body or association causing their personal interest to conflict with that of the Fund. However, such forfeiture is not incurred if such an interest devolves to them by succession or gift, provided that they renounce or dispose of it with all possible dispatch.

Any other member of the board of directors who has any interest in such an undertaking, body or association must, under pain of forfeiture of office, disclose it in writing to the chief scientist and abstain from participating in any deliberation and any decision concerning that undertaking, body or association. Such a board member must also withdraw from a meeting for the duration of the deliberations and the vote on the issue.

This section does not prevent a board member from expressing an opinion on general measures relating to conditions of employment within the Fund which would also apply to the board member.”

69. Section 58 of the Act is amended by replacing “chairman and managing director” in the third paragraph by “chief scientist”.

70. Section 61 of the Act is amended by replacing “Fonds québécois de la recherche sur la nature et les technologies” by “Québec Research Fund–Nature and Technology”.

71. Section 62 of the Act is amended by replacing “Fonds de la recherche en santé du Québec” by “Québec Research Fund–Health”.

72. Section 63 of the Act is amended by replacing “Fonds québécois de la recherche sur la société et la culture” by “Québec Research Fund–Society and Culture”.

73. Section 70 of the Act is replaced by the following section:

“**70.** Each fund must adopt by-laws in accordance with the principles set out in the Act respecting the governance of state-owned enterprises (chapter G-1.02).

Each fund must adopt a policy for examining and dealing with complaints about operations connected with its activities.”

74. Section 73 of the Act is replaced by the following sections:

“**73.** In the pursuit of its objectives, a fund may receive gifts, legacies, subsidies and other contributions, provided that any conditions attached are compatible with the achievement of its mission.

“**73.1.** Each fund advises the Minister on any matter in its area of competence that is submitted to it by the Minister, and makes any recommendations it considers appropriate.”

75. Section 75 of the Act is amended

(1) by replacing “its chairman and managing director or by a member of its personnel” in the first paragraph by “the chief scientist, the scientific director or a member of the personnel of the Fund”;

(2) by replacing “chairman and managing director of the Fonds” in the second paragraph by “chief scientist”.

76. Section 76 of the Act is replaced by the following sections:

“**76.** The minutes of the meetings of the board of directors, approved by the board and certified by the chief scientist or any other person authorized by a fund, are authentic. The same applies to documents and copies of documents emanating from a fund or forming part of its records, if they are so certified.

“**76.1.** An intelligible transcription of a decision or other data stored in a computer or in a computer-readable medium by a fund is a document of that fund and constitutes proof of its contents if it is certified by a person referred to in section 75.”

DIVISION II

TRANSITIONAL PROVISIONS

77. The chairman and managing director of the Fonds québécois de la recherche sur la société et la culture is reintegrated into the public service under the conditions governing an eventual return to the public service.

The term of the chairman and managing director of the Fonds québécois de la recherche sur la nature et les technologies ends without compensation other than the transition allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

The term of the chairman and managing director of the Fonds de la recherche en santé du Québec ends without compensation in accordance with his deed of appointment.

78. The selection process provided for in section 50.1 of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01), enacted by section 62, does not apply to the appointment of the first chief scientist.

79. The new names given to the funds under section 60 do not change the nature of the funds. They continue their activities under their new names, without other formality.

CHAPTER VIII

NATURAL DISASTER ASSISTANCE FUND

80. The Act to establish the Natural Disaster Assistance Fund, the text of which appears in Schedule I, is enacted.

CHAPTER IX

CONSEIL CONSULTATIF DU TRAVAIL ET DE LA MAIN-D'ŒUVRE

DIVISION I

ABOLITION OF COUNCIL AND TRANSFER OF ITS ACTIVITIES TO MINISTÈRE DU TRAVAIL

81. The Act respecting the Conseil consultatif du travail et de la main-d'œuvre (R.S.Q., chapter C-55) is repealed.

82. The Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2) is amended by inserting the following sections after section 12:

“12.1. The Minister shall establish a labour and workforce advisory committee under the name “Comité consultatif du travail et de la main-d’œuvre” to advise the Minister on any question that the Minister submits to it respecting matters within the Minister’s competence. It shall also advise any other minister on any question related to labour or the workforce that the Minister submits to it, at the request of the other minister, respecting matters within the competence of that other minister.

The advisory committee may also study any matter relating to labour or the workforce and, with the Minister’s approval, commission studies and research it judges conducive to or necessary for the achievement of its objects.

“12.2. The advisory committee shall release the general policy that guides it in advising the Minister in respect of the list of arbitrators referred to in section 77 of the Labour Code (chapter C-27) and advising the Minister under this section. The policy may include criteria for the appraisal of the arbitrators’ qualifications and conduct.

The Minister shall examine complaints about the remuneration and expenses claimed by arbitrators on the list, and about the conduct and qualifications of those arbitrators.

The Minister shall endeavour to resolve complaints to the satisfaction of the complainant and the arbitrator. If a complaint cannot be so resolved, the Minister may ask the advisory committee for its opinion before making a decision on the complaint.

“12.3. The advisory committee may solicit opinions and suggestions from the public on any matter it is studying or about to study, and may submit recommendations on the matter to the ministers referred to in section 12.1.

“12.4. The advisory committee may form special committees to study specific questions, gather pertinent information and report to the committee on their findings and recommendations.

A special committee is composed of an equal number of committee members appointed under each of subparagraphs 2 and 3 of the first paragraph of section 12.6.

At the request of the advisory committee, the Minister may appoint persons who are not members of the committee as temporary members of a special committee. These persons are not remunerated; however, they may be compensated for the costs they incur to attend meetings and may receive an attendance allowance and the fees set by the Government.

“**12.5.** The members of the advisory committee may not be prosecuted by reason of an act performed in good faith in the exercise of their functions under section 12.2, section 77 of the Labour Code (chapter C-27) or section 216 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

“**12.6.** The advisory committee is composed of the following members, appointed by the Minister:

- (1) a committee chair;
- (2) six persons chosen from among those recommended by the most representative employee associations;
- (3) six persons chosen from among those recommended by the most representative employer associations.

The Deputy Minister of Labour or the Deputy Minister’s delegate is a member of the committee by virtue of office but is not entitled to vote.

“**12.7.** The members of the advisory committee, other than the chair and the Deputy Minister of Labour or the Deputy Minister’s delegate, are appointed for three years; the chair is appointed for five years.

“**12.8.** The members of the advisory committee remain in office, despite the expiry of their term, until they are replaced or reappointed.

“**12.9.** A vacant position on the advisory committee, except that of the Deputy Minister of Labour or the Deputy Minister’s delegate, is filled in the manner prescribed for the appointment of the member to be replaced.

“**12.10.** The chair of the advisory committee directs the committee’s activities, prepares meeting agendas, calls and presides at meetings, coordinates and ensures the continuity of the committee’s work, sees to the preparation of files, provides members with information on the matters to be studied and serves as liaison between the committee and the Minister of Labour or any other minister referred to in section 12.1.

The Minister sets the chair’s fees, allowances, salary and, if warranted, additional salary.

“**12.11.** The chair of the advisory committee, if absent from a meeting, is replaced on an alternating basis by one of the members appointed under subparagraphs 2 and 3 of the first paragraph of section 12.6, after being designated for this purpose by the other members present.

“**12.12.** The members of the advisory committee other than the committee chair and the Deputy Minister of Labour or the Deputy Minister’s delegate are not remunerated. However, they are entitled to a reimbursement of expenses

incurred in the exercise of their functions, on the conditions and to the extent determined by the Minister.”

83. Section 216 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing the second, third and fourth paragraphs by the following paragraph:

“Each year, after consultation with the professional orders concerned and the Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), the Minister draws up a list of health professionals who agree to act as members of the Bureau.”

84. Sections 228, 385 and 407 of the Act are amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” wherever it appears by “Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

85. Section 591 of the Act is repealed.

DIVISION II

AMENDING PROVISIONS

86. Sections 77 and 103 of the Labour Code (R.S.Q., chapter C-27) are amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” wherever it appears by “Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

87. Sections 20 and 21 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) are amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” wherever it appears by “Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

88. 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 replacing “Conseil consultatif du travail et de la main-d’œuvre” in subparagraph 8.5 of the first paragraph by “Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

89. Section 16 of the Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal, approved by Order in Council 916-90 (1990, G.O. 2, 1758), is amended by replacing “the Conseil consultatif du travail et de la main-d’œuvre” in paragraph 3 by “the Comité consultatif du travail et de la main-d’œuvre

established under section 12.1 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2)”.

90. Section 24 of the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office, approved by Order in Council 566-98 (1998, G.O. 2, 1752), is amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” wherever it appears by “Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2)”.

91. Section 18 of the Regulation respecting the remuneration of arbitrators, approved by Order in Council 851-2002 (2002, G.O. 2, 3809), is amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” by “Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2)”.

DIVISION III

TRANSITIONAL PROVISIONS

92. The Minister of Labour replaces the Conseil consultatif du travail et de la main-d’œuvre, acquires its rights and assumes its obligations.

93. The assets of the Conseil consultatif du travail et de la main-d’œuvre are transferred to the Minister of Labour.

The records and other documents of that council become records and documents of that Minister.

94. The examination of any complaint of which the Conseil consultatif du travail et de la main-d’œuvre was seized on or before 1 October 2011 under the second paragraph of section 2.1 of the Act respecting the Conseil consultatif du travail et de la main-d’œuvre (R.S.Q., chapter C-55) is continued by the Minister of Labour under section 12.2 of the Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2).

95. The personnel members of the Conseil consultatif du travail et de la main-d’œuvre become, without further formality, employees of the Ministère du Travail.

96. The term of the members of the Conseil consultatif du travail et de la main-d’œuvre ends on 1 October 2011.

The president is reintegrated into the public service under the conditions governing an eventual return to the public service set out in his deed of appointment.

CHAPTER X

CONSEIL DE LA FAMILLE ET DE L'ENFANCE

97. The Act respecting the Conseil de la famille et de l'enfance (R.S.Q., chapter C-56.2) is repealed.

98. The Minister of Families replaces the Conseil de la famille et de l'enfance, acquires its rights and assumes its obligations.

99. The assets of the Conseil de la famille et de l'enfance are transferred to the Minister of Families.

The records and other documents of that council become records and documents of that Minister.

100. The personnel members of the Conseil de la famille et de l'enfance become, without further formality, employees of the Ministère de la Famille et des Aînés.

101. The term of the members of the Conseil de la famille et de l'enfance ends on (*insert the date of coming into force of this section*).

The term of the chairman ends without compensation other than the allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

CHAPTER XI

CONSEIL DES AÎNÉS

102. The Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01) is repealed.

103. Section 3.1 of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (R.S.Q., chapter M-17.2) is amended by adding the following paragraph at the end:

“(5) forming a national ethics committee on aging to give its opinion on any question submitted to it by the Minister with regard to these matters.”

104. Section 19 of the Act respecting Services Québec (R.S.Q., chapter S-6.3) is amended by striking out “and a representative of the Conseil des aînés” in the second paragraph.

105. The Minister responsible for Seniors replaces the Conseil des aînés, acquires its rights and assumes its obligations.

106. The assets of the Conseil des aînés are transferred to the Minister responsible for Seniors.

The records and other documents of that council become records and documents of that Minister.

107. The personnel members of the Conseil des aînés become, without further formality, employees of the Ministère de la Famille et des Aînés.

108. The term of the members of the Conseil des aînés ends on (*insert the date of coming into force of this section*).

CHAPTER XII

CONSEIL DES RELATIONS INTERCULTURELLES

109. The Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2) is repealed.

110. Section 3.1 of the Act respecting educational programming (R.S.Q., chapter P-30.1) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) a person designated by the Minister of Immigration and Cultural Communities;”.

111. Section 16 of the Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal, approved by Order in Council 916-90 (1990, G.O. 2, 1758), is amended by striking out paragraph 5.

112. The Minister of Immigration and Cultural Communities replaces the Conseil des relations interculturelles, acquires its rights and assumes its obligations.

113. The assets of the Conseil des relations interculturelles are transferred to the Minister of Immigration and Cultural Communities.

The records and other documents of that council become records and documents of that Minister.

114. The personnel members of the Conseil des relations interculturelles become, without further formality, employees of the Ministère de l'Immigration et des Communautés culturelles.

115. The term of the members of the Conseil des relations interculturelles ends on (*insert the date of coming into force of this section*).

The term of the president ends without compensation other than the allowance provided for in section 21 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

CHAPTER XIII

CONSEIL PERMANENT DE LA JEUNESSE

116. The Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01) is repealed.

117. Section 16 of the Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal, approved by Order in Council 916-90 (1990, G.O. 2, 1758), is amended by striking out paragraph 7.

118. The Minister responsible for the Secrétariat à la jeunesse replaces the Conseil permanent de la jeunesse, acquires its rights and assumes its obligations.

119. The assets of the Conseil permanent de la jeunesse are transferred to the Minister responsible for the Secrétariat à la jeunesse.

The records and other documents of that council become records and documents of that Minister.

120. The personnel members of the Conseil permanent de la jeunesse become, without further formality, employees of the Ministère du Conseil exécutif.

121. The term of the members of the Conseil permanent de la jeunesse ends on (*insert the date of coming into force of this section*).

The term of the president and vice-president ends without compensation other than the allowance provided for in sections 21 and 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only), that is, a transition allowance if their term has expired or a separation allowance if it has not.

CHAPTER XIV

CONSEIL DE LA SCIENCE ET DE LA TECHNOLOGIE

122. Chapter IV of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01), comprising sections 31 to 45, is repealed.

123. Section 3.1 of the Act respecting educational programming (R.S.Q., chapter P-30.1) is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) a person designated by the Minister of Economic Development, Innovation and Export Trade;”.

124. The Minister of Economic Development, Innovation and Export Trade replaces the Conseil de la Science et de la Technologie, acquires its rights and assumes its obligations.

125. The assets of the Conseil de la Science et de la Technologie are transferred to the Minister of Economic Development, Innovation and Export Trade.

The records and other documents of that council become records and documents of that Minister.

126. The personnel members of the Conseil de la Science et de la Technologie become, without further formality, employees of the Ministère du Développement économique, de l’Innovation et de l’Exportation.

127. The term of the members and observers of the Conseil de la Science et de la Technologie ends on (*insert the date of coming into force of this section*).

CHAPTER XV

ACT RESPECTING ENERGY EFFICIENCY AND INNOVATION

128. The Act respecting energy efficiency and innovation, the text of which appears in Schedule II, is enacted.

CHAPTER XVI

CONSEIL DES SERVICES ESSENTIELS

DIVISION I

ABOLITION OF COUNCIL AND TRANSFER OF ITS ACTIVITIES TO COMMISSION DES RELATIONS DU TRAVAIL

129. Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended

(1) by striking out “a mediator of the Conseil des services essentiels,” in subparagraph 3 of paragraph 1;

(2) by replacing subparagraph 7 of paragraph 1 by the following subparagraph:

“(7) a public servant of the Commission assigned to functions referred to in section 137.48 or 137.48.1;”.

130. Section 109.1 of the Code is amended by replacing “the Conseil des services essentiels” in subparagraph i of paragraph c by “the Commission”.

131. Division I of Chapter V.1 of the Code, comprising sections 111.0.1 to 111.0.14, is repealed.

132. The Code is amended by replacing, wherever they appear in Divisions II, III and IV of Chapter V.1, “Conseil des services essentiels” and “council” where it refers to the Conseil des services essentiels by “Commission”.

133. Section 111.20 of the Code is amended

(1) by replacing “may file a” in the first paragraph by “may file or, at the request of an interested party, authorize the filing of”;

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

“Any person who transgresses or refuses to comply with an order or undertaking in which the person is named or designated, or who knowingly contravenes an order or undertaking in which the person is not designated, is guilty of contempt of court and may be condemned by the court having jurisdiction, in accordance with the procedure provided for in articles 53 to 54 of the Code of Civil Procedure (chapter C-25), to a fine not exceeding \$50,000 with or without a term of imprisonment not exceeding one year. These penalties may be re-imposed until the offender complies with the order or undertaking.”

134. The Code is amended by inserting the following division after section 111.20:

“DIVISION V

“MISCELLANEOUS PROVISIONS

“**111.21.** The Commission must brief the parties about the essential services to be maintained during a strike.

The Commission may also provide information to the public about any matter involving the maintenance of essential services.

“**111.22.** When the Commission acts under a provision of this chapter, sections 117, 121 to 123, 125, 129 and 133 do not apply.”

135. Section 114 of the Code is amended by striking out “sections 111.0.1 to 111.2, sections 111.10 to 111.20 and” in the second paragraph.

136. Section 115.1 of the Code is amended

- (1) by replacing “two” in the portion before paragraph 1 by “three”;
- (2) by inserting the following paragraph after paragraph 1:

“(1.1) the essential services division;”.

137. The Code is amended by inserting the following section after section 115.2:

“**115.2.1.** Matters arising from the enforcement of the provisions regarding essential services contained in Chapter V.1 of this Code, the Act respecting the Agence du revenu du Québec (chapter A-7.003), the Act respecting the collective bargaining plan of criminal and penal prosecuting attorneys (chapter R-8.1.2) or the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2) shall be decided by the essential services division.”

138. Section 115.3 of the Code is replaced by the following section:

“**115.3.** Subject to sections 115.2 and 115.2.1, proceedings brought under this Code or an Act referred to in Schedule I shall be decided by the labour relations division.”

139. The Code is amended by inserting the following section after section 115.3:

“**115.4.** The commissioners may sit in any division.”

140. Section 124 of the Code is amended by replacing “A complaint, a proceeding or an application shall be heard and decided” in the first paragraph by “Every matter shall be heard and decided”.

141. Section 128 of the Code is amended by adding “or, if the decision was rendered under Chapter V.1, within the time determined by the president” at the end of the second paragraph.

142. Section 137.11.1 of the Code is repealed.

143. Section 137.40 of the Code is amended by replacing “either division” in the last paragraph by “any division”.

144. The Code is amended by inserting the following section after section 137.48:

“137.48.1. For the purposes of Chapter V.1, the Commission may engage persons to conduct an investigation or help the parties come to an agreement.”

145. Section 137.49 of the Code is replaced by the following section:

“137.49. When a commissioner is appointed, the president assigns the commissioner to one or more divisions of the Commission.

To expedite the business of the Commission, the president may reassign or temporarily assign a commissioner to another division.

In assigning work to commissioners, the president may take their specific knowledge and experience into account.”

146. Section 138 of the Code is amended

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

“The Commission may also establish rules to be observed by the parties in reaching an agreement or drawing up a list pursuant to Chapter V.1.”;

(2) by inserting “or third” after “second” in the third paragraph.

147. Section 139 of the Code is amended by striking out “the Conseil des services essentiels,”.

148. Section 140.1 of the Code is amended

(1) by replacing “council” wherever it appears by “Commission”;

(2) by replacing “sections 111.0.10 or 111.0.13” by “section 137.48.1”.

149. Section 143.1 of the Code is amended by replacing “of the council established by section 111.0.1 or by persons appointed by it” by “of the Commission or of a person appointed by it pursuant to Chapter V.1”.

150. Schedule I to the Code is amended

(1) by replacing “section 19” in paragraph 26 by “sections 12.7 to 12.9, the last paragraph of section 12.11 and section 19”;

(2) by replacing “54 and 127” in paragraph 27 by “the last paragraph of section 53 and sections 54 and 127”;

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

“(29) section 50 of the Act respecting the Agence du revenu du Québec (chapter A-7.003).”

DIVISION II

AMENDING PROVISIONS

151. Section 50 of the Act respecting the Agence du revenu du Québec (R.S.Q., chapter A-7.003) is amended by replacing “the Conseil des services essentiels” wherever it appears by “the Commission des relations du travail”.

152. Section 69 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended

(1) by replacing “of the Conseil des services essentiels established by the Labour Code (chapter C-27)” in the second paragraph by “of the Commission des relations du travail”;

(2) by replacing “to the Conseil des services essentiels” in the third paragraph by “to the Commission des relations du travail”.

153. Section 12.5 of the Act respecting the collective bargaining plan of criminal and penal prosecuting attorneys (R.S.Q., chapter R-8.1.2) is amended by replacing “the Conseil des services essentiels established by the Labour Code (chapter C-27)” in the first paragraph by “the Commission des relations du travail”.

154. The Act is amended by replacing “Conseil des services essentiels” and “council” where it refers to the Conseil des services essentiels by “Commission des relations du travail” and “Commission”, respectively.

155. Section 53 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (R.S.Q., chapter R-24.0.2) is amended

(1) by replacing “the Conseil des services essentiels established by section 111.0.1 of the Labour Code” in subparagraph 3 of the second paragraph by “the Commission des relations du travail”;

(2) by replacing “The Conseil des services essentiels” in the second paragraph by “The Commission des relations du travail”.

DIVISION III

TRANSITIONAL PROVISIONS

156. Section 115.4 of the Labour Code (R.S.Q., chapter C-27) applies to commissioners in office on 1 October 2011, despite any mention of a division to which they are assigned in their deeds of appointment.

These commissioners continue nonetheless, subject to the second paragraph of section 137.49 of the Labour Code, to be assigned to the division identified in their deeds of appointment.

157. The Commission des relations du travail replaces the Conseil des services essentiels, acquires its rights and assumes its obligations.

158. The assets, records and other documents of the Conseil des services essentiels become assets, records and documents of the Commission des relations du travail.

159. The term of the members of the Conseil des services essentiels ends on 1 October 2011.

With the authorization of the president of the Commission des relations du travail and for the period the president determines, members of the Commission may nonetheless continue to exercise their functions, for the same salary, in order to conclude cases they have begun but have yet to determine.

160. The full-time members of the Conseil des services essentiels are declared qualified to be appointed as commissioners of the Commission des relations du travail if they satisfy the requirements set out in section 137.12 of the Labour Code (R.S.Q., chapter C-27).

To determine whether those members satisfy the requirements referred to in the first paragraph, a selection committee is formed that acts in accordance with sections 5 to 14, 16 and 19 of the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail, enacted by Order in Council 500-2002 (2002, G.O. 2, 2319), except with regard to the prior notice of recruitment and the holding of an interview, with the necessary modifications.

A report containing the names of members who satisfy the requirements referred to in the first paragraph is submitted by the committee to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif and to the Minister of Labour.

The Minister of Labour recommends to the Government the appointment of the persons declared qualified to be appointed as commissioners to the Commission des relations du travail.

161. The full-time members of the Conseil des services essentiels who are not appointed as commissioners of the Commission des relations du travail and have job security in the public service are reintegrated into the public service under the conditions governing an eventual return to the public service set out in their deeds of appointment. The term of the other members ends without compensation other than that provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un

emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

162. The personnel members of the Conseil des services essentiels in office on 11 November 2010 and still in office on 30 September 2011 become, without further formality, employees of the Commission des relations du travail. These employees are deemed to have been appointed under the Public Service Act (R.S.Q., chapter F-3.1.1). For casual or contractual employees of the council, this applies only for the unexpired portion of their contract.

The Conseil du trésor determines their remuneration, classification and any other applicable conditions of employment.

The same applies to personnel members of the Conseil des services essentiels appointed after 11 November 2010, provided the appointment was authorized by the secretary of the Conseil du trésor.

163. Matters pending before the Conseil des services essentiels are continued before the Commission des relations du travail by one of the members who has heard the parties.

164. The Commission des relations du travail becomes a party, without continuance of suit, to any proceedings to which the Conseil des services essentiels was a party.

CHAPTER XVII

CORPORATION D'HÉBERGEMENT DU QUÉBEC

DIVISION I

AMALGAMATION OF CORPORATION D'HÉBERGEMENT DU QUÉBEC AND SOCIÉTÉ IMMOBILIÈRE DU QUÉBEC

165. The Act respecting the Corporation d'hébergement du Québec (R.S.Q., chapter C-68.1) is repealed.

166. Section 4 of the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1) is amended

(1) by replacing “nine” in the first paragraph by “11”;

(2) by inserting “, two of whom must have an appropriate profile for the health and social services sector,” after “members” in the second sentence of the second paragraph.

167. Section 5 of the Act is amended by replacing “six” by “eight”.

168. The Act is amended by inserting the following sections after section 20:

“20.1. The Société’s objects in respect of health and social service providers, and for a consideration, are

(1) to offer those providers and the Minister of Health and Social Services technical, contractual and financial expertise relating to the management, construction, maintenance and acquisition of health and social sector installations, equipment and infrastructures;

(2) to own movable and immovable property used or to be used by health and social service providers;

(3) to provide financial support to health and social service providers for the carrying out of projects, activities or particular operations falling within the scope of their mission;

(4) to develop property management expertise in the health and social sector in partnership with the private sector;

(5) at the request of the Minister of Health and Social Services, to transfer the ownership of any vacant immovable or other unused asset owned by the Société under subparagraph 2, subject to the conditions agreed between that Minister and the Société; and

(6) to carry out any other mandate the Minister of Health and Social Services entrusts to it.

For those purposes, it may, among other things, exercise its powers under paragraphs 1 to 3 of section 18, except the power to maintain an immovable occupied by a public or private institution under agreement within the meaning of either of the Acts mentioned in the fourth paragraph.

Section 260, paragraph 3 of section 263 and sections 263.1 and 264 of the Act respecting health services and social services (chapter S-4.2) apply, with the necessary modifications, to the property management operations the Société carries out under this section.

For the purposes of this Act, health and social services institutions, agencies and regional councils governed by the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons (chapter S-5) and any other person, partnership or association designated for that purpose by the Minister of Health and Social Services or the Government are health and social service providers.

“20.2. The Société shall act as the manager of any project requiring authorization from the Minister of Health and Social Services and the Conseil du trésor and described in subparagraph 2 of the first paragraph of section 260

of the Act respecting health services and social services (chapter S-4.2) or subparagraph 1 of the first paragraph of section 72 of the Act respecting health services and social services for Cree Native persons (chapter S-5), whether the project concerns a public institution or a private institution under agreement, as well as any project of a health and social services agency requiring approval from that Minister.

The Minister of Health and Social Services may, however, if circumstances warrant it, authorize another manager for such a project.

If the Société acts, under this section, as manager of a project concerning a public institution or a health and social services agency and the project is a public infrastructure project within the meaning of the Act respecting Infrastructure Québec (chapter I-8.2), the first four paragraphs of section 9 of that Act apply to the Société, which remains responsible for the project and retains control over it.

“20.3. A health and social service provider may entrust asset maintenance work to the Société on entering into an agreement to that effect with the Société. However, an agreement for the performance of all or the major part of asset maintenance work on a facility maintained by a provider must first be authorized by the Minister of Health and Social Services. “Asset maintenance” has the meaning assigned to it by the second paragraph of section 263.1 of the Act respecting health services and social services (chapter S-4.2).

“20.4. The Société and the Minister of Health and Social Services shall enter into a management agreement applicable to the property management operations the Société carries out under sections 20.1 and 20.2.

“20.5. The rent of an immovable belonging to the Société the lessee of which is a health and social service provider is based on the actual costs the Société assumes for the immovable. As of the total repayment of the debt service, the rent of an immovable corresponds to the amount required to repay the actual costs assumed from then on by the Société in respect of the immovable.

The composition of the actual costs referred to in the first paragraph is determined in the management agreement entered into under section 20.4.

“20.6. In carrying out the objects described in sections 20.1 and 20.2, the Société shall act in accordance with the orientations determined by the Minister of Health and Social Services under section 431 of the Act respecting health services and social services (chapter S-4.2) and the management agreement required under section 20.4.”

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

“22.1. The Société may, in accordance with the applicable legislative provisions, enter into an agreement with a government other than that of Québec, with a department of such a government, with an international organization or with a body of such a government or organization.

The Société may, in the same manner, enter into an agreement and take part in joint projects with a Québec government department or body or with any person or body.

“22.2. If a public institution referred to in an Act mentioned in the fourth paragraph of section 20.1 must provide for the financing of major expenditures resulting from the carrying out of an investment project related to the institution’s installations or infrastructures, the Government may, on the recommendation of the Minister of Health and Social Services, if it considers that the circumstances so warrant and on the terms and conditions it determines, authorize the institution, despite any provision to the contrary,

(1) to transfer any property it owns to the Société to enable the Société to carry out any planned investment project, and to receive, as consideration, the sum necessary for the payment of any debt relating to the transferred property;

(2) to lease any property transferred to the Société in return for a rent that ensures the repayment of the principal of and interest on any sum transferred to the institution by the Société or paid by the Société for the carrying out of an investment project;

(3) to resume, if necessary, ownership of the property upon expiry of a lease entered into under subparagraph 2.

The Act respecting duties on transfers of immovables (chapter D-15.1) does not apply to a transfer or resumption of ownership of property referred to in this section.”

170. Section 24 of the Act is amended

(1) by replacing “100 000 000” in the first paragraph by “300 000 000”;

(2) by replacing “100 000” in the second paragraph by “300 000”.

171. The Act is amended by inserting the following section after section 32:

“32.1. For the achievement of the objects described in section 20.1, the Société may deposit with the Minister of Finance, to be managed by that Minister, sums intended for the payment of the principal of any loan, in order to constitute a sinking fund for the purpose of repaying the principal at the maturity dates of the loan.

The second paragraph of section 469 of the Act respecting health services and social services (chapter S-4.2) applies in respect of the use of the revenue of the sinking fund.”

172. Section 33 of the Act is amended by adding the following subparagraph after subparagraph 4 of the first paragraph:

“(5) accept a gift or legacy to which a charge or condition is attached.”

173. Section 36 of the Act is amended by adding “, unless the immovable is used or intended to be used by a person mentioned in subparagraph *a* of paragraph 14 of section 204 of the Act respecting municipal taxation (chapter F-2.1)” at the end of the first sentence.

DIVISION II

AMENDING PROVISIONS

174. Section 2 of the Act respecting equal access to employment in public bodies (R.S.Q., chapter A-2.01) is amended by replacing “, agencies referred to in that Act, except institutions and the agency referred to in Part IV.1 of that Act, and the Corporation d’hébergement du Québec” in subparagraph 4 of the first paragraph by “and agencies referred to in that Act, except institutions and the agency referred to in Part IV.1 of that Act”.

175. Section 7 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by striking out “, the Corporation d’hébergement du Québec” in the first paragraph.

176. The schedule to the Archives Act (R.S.Q., chapter A-21.1) is amended by replacing “, the agencies referred to in the said Act and the Corporation d’hébergement du Québec” in paragraph 6.1 by “and the agencies referred to in that Act”.

177. Section 65.4 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing “, a health communication centre referred to in the Act respecting pre-hospital emergency services (chapter S-6.2) or the Corporation d’hébergement du Québec” in subparagraph 5 of the first paragraph by “or a health communication centre referred to in the Act respecting pre-hospital emergency services (chapter S-6.2)”.

178. Section 20.5 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) is amended by striking out “and the Corporation d’hébergement du Québec”.

179. Section 29 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing “Corporation d’hébergement du Québec” in subparagraph 2 of the first paragraph by “Société immobilière du Québec, so

that they may be occupied by a health and social service provider within the meaning of the fourth paragraph of section 20.1 of the Act respecting the Société immobilière du Québec (chapter S-17.1)”.

180. Article 7 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing “Corporation d’hébergement du Québec” in subparagraph 2 of the first paragraph by “Société immobilière du Québec, so that they may be occupied by a health and social service provider within the meaning of the fourth paragraph of section 20.1 of the Act respecting the Société immobilière du Québec (chapter S-17.1)”.

181. Section 25 of the Act respecting the Health and Welfare Commissioner (R.S.Q., chapter C-32.1.1) is amended by striking out “, the Corporation d’hébergement du Québec” in paragraph 1.

182. Section 4 of the Act respecting contracting by public bodies (R.S.Q., chapter C-65.1) is amended by replacing “, health communication centres within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2) and the Corporation d’hébergement du Québec” in subparagraph 6 of the first paragraph by “and health communication centres within the meaning of the Act respecting pre-hospital emergency services (chapter S-6.2)”.

183. Section 54 of the Act is amended by striking out subparagraph 5 of the first paragraph.

184. Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by striking out “, 1.2” in the third paragraph.

185. Section 204 of the Act is amended by striking out paragraph 1.2.

186. Section 208 of the Act is amended

(1) by adding the following sentence at the end of the second paragraph: “That rule also applies in the case of an immovable referred to in paragraph 1 of that section whose owner is the Société immobilière du Québec and that is used or intended to be used by a person referred to in subparagraph *a* of paragraph 14 of that section.”;

(2) by striking out “1.2 and” in the fourth paragraph;

(3) by adding the following sentence at the end of the fourth paragraph: “That rule also applies in the case of an immovable referred to in the second sentence of the second paragraph.”

187. Section 255 of the Act is amended

(1) by inserting “Subject to subparagraph 1 of the second paragraph,” at the beginning of the first paragraph;

(2) by replacing “the person mentioned in paragraph 1.2 of section 204” in subparagraph 1 of the second paragraph by “the Société immobilière du Québec and that is used or intended to be used by a person mentioned in subparagraph *a* of paragraph 14 of section 204”.

188. Section 350 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing “Corporation d’hébergement du Québec” in the fourth paragraph by “Société immobilière du Québec”.

189. Section 468 of the Act is amended by replacing “, the public institution or the Corporation d’hébergement du Québec” in the third paragraph by “or the public institution” and by replacing “or public institution or of the Corporation” in that paragraph by “or public institution”.

190. Section 469 of the Act is amended

(1) by replacing “section 468 or 471” in the first paragraph by “section 468”;

(2) by striking out “or the loans of the Corporation d’hébergement du Québec” in the second paragraph.

191. Section 471 of the Act is repealed.

192. Section 472.1 of the Act is replaced by the following section:

“472.1. The Minister may, on the conditions determined by the Government, guarantee the performance of any obligation which an association recognized by the Minister under section 267 is required to discharge in connection with the management of a deductible on an insurance contract negotiated and concluded by the association in favour of its members. The Minister may also, on the conditions determined by the Government, advance to the association any sum it considers necessary in connection with such management.

The sums necessary for such purpose are taken out of the Consolidated Revenue Fund.”

193. Section 27 of the Act respecting pre-hospital emergency services (R.S.Q., chapter S-6.2) is replaced by the following section:

“27. In exercising its functions, a health communication centre may not use property infrastructures, whether as owner or lessee, without first obtaining the authorization of the Minister, which may be subject to conditions.”

194. Section 41 of the Securities Act (R.S.Q., chapter V-1.1) is amended by replacing “, a” in subparagraph *c* of paragraph 2 by “or a” and by striking out “, or the Corporation d’hébergement du Québec” in that subparagraph.

DIVISION III

TRANSITIONAL PROVISIONS

195. The Corporation d'hébergement du Québec and the Société immobilière du Québec are amalgamated effective (*insert the date of coming into force of this section*).

From that date, those legal persons are continued under the name of Société immobilière du Québec, and their patrimonies are joined together to form the patrimony of the Société.

196. The amalgamation of the patrimonies of the Corporation d'hébergement du Québec and the Société immobilière du Québec under section 195 applies despite the non-fulfilment, upon the amalgamation of those legal persons, of an obligation or condition under an Act or contract. No proceedings may be brought against the Government, the Société or any of their members, employees or officers solely because the immovables and assets of the Corporation become immovables and assets of the Société or because of the non-fulfilment of such an obligation or condition.

197. The rights and obligations of the Corporation d'hébergement du Québec become rights and obligations of the Société immobilière du Québec.

198. The debt securities issued by the Corporation d'hébergement du Québec become debt securities of the Société immobilière du Québec.

199. The amalgamation entails the conversion by operation of law of the shares issued by the Corporation d'hébergement du Québec into shares of the Société immobilière du Québec.

Certificates for the converted shares are issued to the Minister of Finance.

200. The Minister of Health and Social Services may deposit with the Minister of Finance, to be managed by that Minister, all amounts intended for the payment of the principal on bonds issued by the Corporation d'hébergement du Québec, in order to constitute a sinking fund for the purpose of repaying the principal on the bonds out of those amounts and at the maturity dates of the loan, and repaying the Corporation's loans out of the proceeds or income of the fund.

The first paragraph applies only to loans contracted by the Corporation d'hébergement du Québec before 1 April 1991.

201. The Minister of Health and Social Services may deposit with the Minister of Finance, to be managed by that Minister, the sums intended for the payment of the principal of the loan contracted by the Corporation d'hébergement du Québec in respect of which a subsidy has been granted under section 200 or 202, in order to constitute a sinking fund for the purpose of repaying, out

of those sums, the principal of the loan, on the maturity dates under the terms of the loan.

The income of the sinking fund is to be used for the repayment of any duly authorized loan contracted by the Corporation d'hébergement du Québec, or allocated for the repayment of any loan of the Corporation for which a sinking fund is constituted, in replacement of the sums that would otherwise be deposited under the first paragraph.

This section applies only to loans contracted by the Corporation d'hébergement du Québec on or after 1 April 1991.

202. The Minister of Health and Social Services may also, subject to the conditions the Minister determines, perform any obligation of the Corporation d'hébergement du Québec or grant, in the name of the Government, a subsidy of the same nature as that granted under section 200 to provide for the payment of any loan of that legal person, if the loan or obligation is contracted directly or indirectly

(1) to acquire, build or transform an immovable used or to be used by an institution, agency or any other person, association or legal person specially designated by the Minister;

(2) to administer and manage such an immovable, and acquire or obtain, by a supply contract, the equipment and furniture necessary in such an immovable and all the other services that may be required;

(3) to finance those activities; or

(4) to carry on the activities described in subparagraphs 1, 2 and 3 in respect of an institution governed by the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) or a regional council established under that Act.

This section applies only to obligations and loans contracted by the Corporation d'hébergement du Québec before 1 April 2000.

203. Immovables, rights and obligations that become immovables, rights and obligations of the Société immobilière du Québec under section 195 or 197 need not be registered in the land registry.

However, the Société immobilière du Québec may, if it judges appropriate, publish a notice of the amalgamation that includes a reference to this Act and a description of the immovable.

204. The records, documents and archives of the Corporation d'hébergement du Québec become records, documents and archives of the Société immobilière du Québec, unless the Government decides otherwise.

205. The Société immobilière du Québec becomes a party, without continuance of suit, to any proceedings to which the Corporation d'hébergement du Québec was a party.

206. The term of office of the members of the board of directors of the Corporation d'hébergement du Québec ends on (*insert the date of coming into force of this section*).

The chief executive officer is reinstated in the public service subject to the conditions set out in his or her deed of appointment in the case of a return to the public service.

207. The personnel members of the Corporation d'hébergement du Québec in office on 11 November 2010 and still in office on (*insert the date preceding the date of coming into force of this section*) become, without further formality, employees of the Société immobilière du Québec, except those identified by a decision of the Conseil du trésor.

The personnel members of the Corporation identified by the Conseil du trésor pursuant to the first paragraph become employees of the Ministère de la Santé et des Services sociaux or of any other department the Conseil du trésor determines. Those employees are deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1). For casual or contractual employees of the Corporation, that presumption is valid only for the unexpired portion of their contract. The Conseil du trésor determines their remuneration and their classification and any other condition of employment applicable to them.

208. Section 207 applies to the members of the personnel of the Corporation d'hébergement du Québec appointed after 11 November 2010 if the appointment was authorized by the secretary of the Conseil du trésor.

209. Sections 64 to 69 of the Act respecting the Corporation d'hébergement du Québec (R.S.Q., chapter C-68.1) as they read on (*insert the date preceding the date of coming into force of section 165*) continue to apply to employees transferred to the Société immobilière du Québec who, on that date, could avail themselves of the rights under section 64 of that Act.

210. The regulations, by-laws and administrative policies adopted by the Corporation d'hébergement du Québec respecting the fields and activities transferred to the Société immobilière du Québec remain applicable to the extent that they are consistent with this Act and until they are repealed, replaced or amended by the Société.

CHAPTER XVIII IMMOBILIÈRE SHQ

DIVISION I

ABOLITION OF IMMOBILIÈRE SHQ AND TRANSFER OF ITS ACTIVITIES

211. The Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3) is repealed.

212. The Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended by inserting the following sections before section 3.5:

“**3.4.1.** The Société may, in the pursuit of its objects, make loans.

“**3.4.2.** Aside from the powers it possesses for the pursuit of its objects, the Société may, occasionally and for purposes other than those provided for in section 3, transfer or lease its immovables, or constitute any real right in an immovable it owns.”

213. Section 3.5 of the Act is amended by inserting “or the Government” after “Conseil du trésor”.

214. The Act is amended by inserting the following sections after section 3.5:

“**3.6.** The Société determines by by-law the consideration to be paid by housing bureaus and other non-profit organizations for the use of its immovables.

“**3.7.** The Société is subrogated by operation of law in the rights of a housing agency within the meaning of section 85.1 as soon as proceedings are instituted before the competent court regarding a prejudice caused to the housing agency, up to the amount that the Société has paid or may pay to the housing agency because of the prejudice.”

215. Section 57 of the Act is amended

(1) by replacing “Société Immobilière SHQ” by “Société” and “that housing authority or organization” by “the Société or the organization” in subparagraph *d* of paragraph 3.1;

(2) by adding the following subparagraph after subparagraph *e* of paragraph 3.1:

“(f) with the authorization of the Société, enter into an agreement with a housing agency within the meaning of section 85.1 to provide the housing agency with certain services.”

DIVISION II

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

216. Immobilière SHQ is dissolved without other formalities than those provided for in this Act.

217. The term of the members of the board of directors and of the secretary of Immobilière SHQ ends on 1 October 2011.

218. The Société d’habitation du Québec reimburses an amount of \$13,530,000 to the Minister of Finance, under terms agreed between them, to redeem the 135,300 shares held by the Minister in Immobilière SHQ.

219. The Government is authorized to take \$255,405,103 out of the Consolidated Revenue Fund to provide for payment of the expenditures constituting Immobilière SHQ’s accumulated deficit as it stood on 31 March 2010, as well as the amounts required, in the course of subsequent fiscal years, to offset any excess of expenditure over revenue resulting from the transfer provided for in section 221 and assumed by the Société d’habitation du Québec.

220. The guarantee of the Government in respect of the repayment of the principal of and the interest on and of the costs and other accessories of any loan contracted by the Société d’habitation du Québec for the financing of the immovables transferred to Immobilière SHQ under the Act respecting Immobilière SHQ (R.S.Q., chapter I-0.3), that are transferred to the Société d’habitation du Québec under this Act or in respect of the granting of loans to housing bureaus or other organizations remains without change or novation in respect of any beneficiary of that guarantee.

221. All property belonging to Immobilière SHQ, including housing immovables and the rights and obligations arising from loans granted by it or by the Société d’habitation du Québec to housing bureaus or other non-profit organizations, is transferred to the Société d’habitation du Québec.

The Société d’habitation du Québec acquires the rights and assumes the obligations of Immobilière SHQ with regard to the property thus transferred, including the rights and obligations arising from the loans contracted by it or by Immobilière SHQ to finance the construction of those immovables or to grant those loans.

222. The Société d’habitation du Québec becomes a party, without continuance of suit, to any proceedings to which Immobilière SHQ was a party.

223. The transfer under section 221 of immovables and of rights and obligations arising from loans need not be published in the land registry.

If it judges it expedient, however, the Société d'habitation du Québec may publish a notice of the transfer of authority meeting the requirements set out in the third paragraph of article 2940 of the Civil Code with respect to any of those properties.

224. Section 223 also applies to property transferred by the Société d'habitation du Québec to Immobilière SHQ under section 33 of the Act respecting Immobilière SHQ for which the declaration provided for in section 36 of that Act has not been published.

225. In an application presented to the registrar by the Société d'habitation du Québec for the cancellation or reduction of the entry made in favour of Immobilière SHQ in the land register, the Société d'habitation du Québec need only state that it is acting in the rights of Immobilière SHQ and make reference to this Act.

226. The Société d'habitation du Québec must advise the registrar that it is subrogated in the rights of Immobilière SHQ with regard to any address published in favour of the latter. The notice given by the Société, which needs not contain the registration numbers of the addresses that are registered for the benefit of Immobilière SHQ, is equivalent to a notice of change of name submitted under article 3023 of the Civil Code and has all the effects of such a notice for each address.

227. The provisions of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) do not apply to a transfer made by Immobilière SHQ to the Société d'habitation du Québec under this Act.

228. Despite section 29 of the Act respecting Immobilière SHQ, the financial statements and report of operations for the fiscal year ending on 31 December 2010 must be filed with the Minister not later than 30 September 2011. Similarly, the financial statements and report of operations for the fiscal year that began on 1 January 2011 must be filed with the Minister not later than 30 September 2012.

229. The Regulation respecting the consideration to be paid by municipal housing bureaus and other non-profit organizations for the use of the immovables of Immobilière SHQ (R.R.Q., chapter I-0.3, r. 1), made under section 23 of the Act respecting Immobilière SHQ, is deemed to have been made under section 3.6 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8).

CHAPTER XIX

SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

DIVISION I

ABOLITION OF SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX

230. The Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1) is repealed.

DIVISION II

AMENDING PROVISIONS

231. Section 489 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out paragraph 3.

232. Article 993 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out paragraph 3.

DIVISION III

TRANSITIONAL PROVISIONS

233. The rights and obligations of the Société québécoise d'assainissement des eaux, except rights and obligations under its bond loans and its loans contracted with the Minister of Finance as manager of the Financing Fund, are transferred to the Minister of Municipal Affairs, Regions and Land Occupancy.

234. The Minister of Municipal Affairs, Regions and Land Occupancy, or the person designated by the Minister, is responsible, among other things, for the management of the sinking-fund set up for and on behalf of municipalities, and for the collection of the sums receivable by the Société under a convention or an agreement made under the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1), which must be paid into the Consolidated Revenue Fund.

For the purposes of this collection, the obligations repayment schedule established before (*insert the date of coming into force of this section*) by the Société with regard to a municipality is maintained, even after repayment of the debt mentioned in section 236, and if there is a balance owing by the municipality when the schedule expires, the interest rate for the purposes of a new repayment schedule is that which would be obtained if, for the remaining term of that balance, a loan were contracted with the Minister of Finance as manager of the Financing Fund.

235. The records and other documents of the Société québécoise d'assainissement des eaux become records and documents of the Minister of Municipal Affairs, Regions and Land Occupancy.

236. The Minister of Municipal Affairs, Regions and Land Occupancy, or the person designated by the Minister, acts as liquidator of the Société québécoise d'assainissement des eaux. If necessary, the sums required for the liquidation, such as for repayment of the debt contracted with the Minister of Finance as manager of the Financing Fund, are taken out of the Consolidated Revenue Fund.

237. Despite section 236, the bond loans of the Société québécoise d'assainissement des eaux are fully administered by the Minister of Finance. The sums required for the purposes of those loans are taken out of the Consolidated Revenue Fund.

238. The Minister of Municipal Affairs, Regions and Land Occupancy pays any proceeds from the liquidation of the Société québécoise d'assainissement des eaux into the Consolidated Revenue Fund.

239. A notice of closure under article 364 of the Civil Code cannot be filed with respect to the liquidation so long as bond loans are outstanding.

240. The personnel members of the Société québécoise d'assainissement des eaux in office on 11 November 2010 and still in office on (*insert the date preceding the date of coming into force of this section*) become, without further formality, employees of the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire. They are deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1). That presumption with respect to the casual and contractual employees of the Société is only valid for the unexpired portion of their contract.

The Conseil du trésor determines their remuneration and classification and any other condition of employment applicable to them.

The same applies to the personnel members of the Société appointed after 11 November 2010, if their appointment was authorized by the secretary of the Conseil du trésor.

241. The Minister of Municipal Affairs, Regions and Land Occupancy becomes, without continuance of suit, a party to any proceedings to which the Société québécoise d'assainissement des eaux was a party.

242. A municipality may, in accordance with section 487 of the Cities and Towns Act (R.S.Q., chapter C-19) or, as applicable, with article 979 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), impose a special tax for the purpose of paying the sums it is required, under sections 233 and 234, to pay to the Minister of Municipal Affairs, Regions and Land Occupancy under a convention or an agreement entered into in accordance with the Act respecting

the Société québécoise d'assainissement des eaux, as it read on (*insert the date preceding the date of coming into force of section 230*).

CHAPTER XX

COMMISSION DE L'ÉTHIQUE EN SCIENCE ET EN TECHNOLOGIE

DIVISION I

ESTABLISHMENT OF COMMISSION

243. The Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01) is amended by inserting the following after section 45:

“CHAPTER IV.1

“COMMISSION DE L'ÉTHIQUE EN SCIENCE ET EN TECHNOLOGIE

“DIVISION I

“ESTABLISHMENT AND ORGANIZATION

“45.1. The Commission de l'éthique en science et en technologie is established.

“45.2. The secretariat of the Commission is located at the place determined by the Government. Notice of the location or any change of location of the secretariat is published in the *Gazette officielle du Québec*.

“45.3. The Commission is composed of 13 members, including a president, appointed by the Government. The members must possess expertise in ethics and be from the university and industrial research communities in the fields of social and human sciences, natural sciences, engineering and biomedical sciences and from the ethics community, the practice communities and civil society.

The Government may appoint an observer at the Commission; the observer participates in meetings of the Commission but is not entitled to vote.

“45.4. The members of the Commission, including the president, are appointed for not more than three years.

The term of office of the members may be renewed consecutively only once. At the expiry of their terms of office, the members remain in office until they are replaced or reappointed.

“45.5. Any vacancy occurring during the term of office of the members of the Commission is filled in accordance with the mode of appointment prescribed in section 45.3.

Absence from a number of meetings determined by the by-laws of the Commission constitutes a vacancy in the cases and circumstances specified in the by-laws.

“45.6. The president manages the Commission and supervises its personnel.

The Government determines the remuneration, employee benefits and other conditions of employment of the president.

“45.7. Members of the Commission other than the president are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“45.8. The meetings of the Commission and any committee of the Commission are held in camera. The Commission may invite other persons to take part in one of its meetings, or a meeting of any of its committees.

The Commission may hold its meetings anywhere in Québec.

Six members are a quorum at meetings of the Commission.

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

“45.9. The personnel members of the Commission are appointed in accordance with the Public Service Act (chapter F-3.1.1).

“DIVISION II

“FUNCTIONS AND POWERS

“45.10. The function of the Commission is to advise the Minister on any matter relating to ethical issues in the areas of science and technology. A further function of the Commission is to promote reflection on those issues.

“45.11. In performing its function, the Commission shall give the Minister its opinion on any matter the Minister submits to it relating to ethical issues in the areas of science and technology. The Commission may also take the initiative of submitting advisory opinions to the Minister or making recommendations on any matter within its purview.

Moreover, it must communicate its findings and conclusions to the Minister.

After giving the Minister reasonable notice, the Commission may make public its advisory opinions, recommendations, findings and conclusions.

“45.12. The Commission may establish committees for the proper conduct of its work. At the request of the Minister, it must form working groups to examine particular matters.

The members of committees and working groups are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“45.13. The Commission must adopt by-laws in accordance with the principles set out in the Act respecting the governance of state-owned enterprises (chapter G-1.02).

“45.14. Not later than 31 July each year, the Commission submits to the Minister an activity report for the preceding fiscal year.

The Minister tables the report in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.”

CHAPTER XXI

COMMON AMENDING, TRANSITIONAL AND FINAL PROVISIONS

DIVISION I

AMENDING PROVISIONS

244. In any other Act, regulation, by-law, order in council, ministerial order, contract or other document, unless the context indicates otherwise and with the necessary modifications,

(1) a reference to the Minister of Government Services, the Deputy Minister of Government Services or the Ministère des Services gouvernementaux is a reference to the Chair of the Conseil du trésor, the secretary of the Conseil du trésor or the Secrétariat du Conseil du trésor;

(2) a reference to the Act respecting the Ministère des Services gouvernementaux (R.S.Q., chapter M-26.1) or any of its provisions is a reference to the Public Administration Act (R.S.Q., chapter A-6.01);

(3) a reference to the Fonds d'assurance-prêts agricoles et forestiers is a reference to La Financière agricole du Québec, and “right to the insurance” (or any similar formulation) is replaced by “right to the repayment guarantee”;

(4) a reference to the Minister responsible for the administration of the Act respecting the government air service fund (R.S.Q., chapter F-3.2.2) is, with regard to Government Air Service Fund activities, a reference to the Centre de services partagés du Québec;

(5) a reference to the geographic information fund or the land information fund is a reference to the appropriate component of the Territorial Information Fund;

(6) a reference to the sustainable forest development fund, the forest fund or the mining heritage fund is a reference to the appropriate component of the Natural Resources Fund;

(7) a reference to the Fonds québécois de la recherche sur la nature et les technologies, the Fonds de la recherche en santé du Québec or the Fonds québécois de la recherche sur la société et la culture is a reference to the Québec Research Fund–Nature and Technology, the Québec Research Fund–Health, or the Québec Research Fund–Society and Culture;

(8) a reference to the Conseil consultatif du travail et de la main-d'œuvre is a reference to the Comité consultatif du travail et de la main-d'œuvre established under section 12.1 of the Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2);

(9) a reference to the Conseil de la famille et de l'enfance is a reference to the Minister of Families;

(10) a reference to the Conseil des aînés is a reference to the Minister responsible for Seniors;

(11) a reference to the Conseil des relations interculturelles is a reference to the Minister of Immigration and Cultural Communities;

(12) a reference to the Conseil permanent de la jeunesse is a reference to the Minister responsible for the Secrétariat à la jeunesse;

(13) a reference to the Conseil de la Science et de la Technologie is a reference to the Minister of Economic Development, Innovation and Export Trade;

(14) a reference to the Conseil des services essentiels is a reference to the Commission des relations du travail;

(15) a reference to the Corporation d'hébergement du Québec is a reference to the Société immobilière du Québec or, if the Government so decides, to any other person designated by the Government;

(16) a reference to Immobilière SHQ is a reference to the Société d'habitation du Québec.

245. Schedule 1 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended

(1) by striking out “Conseil consultatif du travail et de la main d’œuvre”, “Conseil de la famille et de l’enfance”, “Conseil de la Science et de la Technologie”, “Conseil des aînés”, “Conseil des relations interculturelles”, “Conseil des services essentiels” and “Conseil permanent de la jeunesse”;

(2) by inserting “Commission de l’éthique en science et en technologie” in alphabetical order.

246. Schedule 2 to the Act is amended

(1) by striking out “Corporation d’hébergement du Québec”, “Fonds d’assurance-prêts agricoles et forestiers”, “Fonds de la recherche en santé du Québec”, “Fonds québécois de la recherche sur la nature et les technologies”, “Fonds québécois de la recherche sur la société et la culture”, “Immobilière SHQ” and “Société québécoise d’assainissement des eaux”;

(2) by inserting in alphabetical order “Québec Research Fund–Health”, “Québec Research Fund–Nature and Technology” and “Québec Research Fund–Society and Culture”.

247. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended

(1) by striking out “The Corporation d’hébergement du Québec”, “The Conseil des services essentiels”, “The Fonds de la recherche en santé du Québec”, “The Fonds québécois de la recherche sur la nature et les technologies” and “The Fonds québécois de la recherche sur la société et la culture”;

(2) by inserting in alphabetical order “Québec Research Fund–Health”, “Québec Research Fund–Nature and Technology” and “Québec Research Fund–Society and Culture”.

248. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended

(1) by striking out “the Conseil des services essentiels” and “the Corporation d’hébergement du Québec”;

(2) by replacing “the Fonds de la recherche en santé du Québec” by “the Québec Research Fund–Health” and “the Fonds québécois de la recherche sur la société et la culture” by “the Québec Research Fund–Society and Culture”.

249. Schedule III to the Act is amended by replacing “the Fonds de la recherche en santé du Québec” by “the Québec Research Fund–Health”.

250. Schedule II to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended

(1) by replacing “the Fonds de la recherche en santé du Québec” in paragraph 1 by “the Québec Research Fund–Health”;

(2) by striking out “the Conseil de la Science et de la Technologie” and “the Fonds de la recherche en santé du Québec” in paragraph 3;

(3) by replacing “the Fonds de la recherche en santé du Québec” in paragraph 4 by “the Québec Research Fund–Health”.

251. Schedule IV to the Act is amended by replacing “the Fonds de la recherche en santé du Québec” by “the Québec Research Fund–Health”.

252. Schedule I to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by striking out subparagraph 2 of paragraph 3 of Division I.

253. Schedule II to the Act is amended

(1) by striking out “the Conseil des services essentiels” and “the Corporation d’hébergement du Québec” in paragraph 1;

(2) by replacing “the Fonds de la recherche en santé du Québec” in paragraph 1 by “the Québec Research Fund–Health” and “the Fonds québécois de la recherche sur la société et la culture” in that paragraph by “the Québec Research Fund–Society and Culture”;

(3) by striking out “the Fonds québécois de la recherche sur la société et la culture in office on 1 April 2002” in paragraph 6.

254. Schedule V to the Act is amended by replacing “the Fonds de la recherche en santé du Québec” by “the Québec Research Fund–Health”.

DIVISION II

TRANSITIONAL AND FINAL PROVISIONS

255. The Government may, by regulation, make any other transitional provision or measure for the carrying out of this Act.

A regulation under this section is not subject to the publication requirement of section 8 of the Regulations Act (R.S.Q., chapter R-18.1). If it so provides, a regulation under this section may apply from a date not prior to the date of coming into force of this section.

256. This Act comes into force on 1 July 2011 or on an earlier date or dates set by the Government, except

(1) Chapters II, IX, XVI and XVIII and sections 244 to 248, 252 and 253, insofar as they apply to those chapters, which come into force on 1 October 2011, subject to paragraphs 4 and 5;

(2) Chapter IV, which has effect from 31 March 2010;

(3) subparagraph 2 of the first paragraph of section 17.12.12 and section 17.12.15 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2), enacted by section 54, which come into force on 1 April 2013;

(4) sections 162, 208 and 240, insofar as they apply to the power of the secretary of the Conseil du trésor to authorize the appointment of personnel within certain bodies, which have effect from 11 November 2010; and

(5) sections 80, 128, 160 and 228, which come into force on 13 June 2011.

SCHEDULE I
(Section 80)

AN ACT TO ESTABLISH THE NATURAL DISASTER ASSISTANCE
FUND

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. A Natural Disaster Assistance Fund is established at the Secrétariat du Conseil du trésor.

The Fund is dedicated to the management and financing of the exceptional expenditures borne by government departments and bodies and the expenditures pertaining to the various financial assistance programs established to provide compensation for damage caused by the following natural disasters:

- (1) the torrential rains of 19 and 20 July 1996 that affected the regions designated by the Government;
- (2) the ice storm of 5 to 9 January 1998.

For the purposes of this Act, a government body is any government agency or government enterprise within the meaning of sections 4 and 5 of the Auditor General Act (R.S.Q., chapter V-5.01).

2. The Fund is made up of

- (1) the sums deposited in the Disaster Assistance Account created under section 3;
- (2) the sums paid by the Minister of Finance under the first paragraph of section 7 or under section 8;
- (3) appropriations committed in the course of the 1996-1997 fiscal year and following fiscal years to pay expenditures incurred by a government department or body in relation to a natural disaster referred to in section 1;
- (4) the sums paid into the Fund by the Chair of the Conseil du trésor out of the appropriations granted for that purpose by Parliament;
- (5) the gifts, legacies and other contributions paid into the Fund to further its objects; and
- (6) the revenues allocated to that purpose by the Government, and any contribution determined by the Government on a proposal of the Minister of Finance.

3. A specific purpose account named “Disaster Assistance Account” is created at the Secrétariat du Conseil du trésor for the deposit of sums received

or to be received from the Government of Canada in relation to the natural disaster referred to in subparagraph 2 of the second paragraph of section 1, as financial assistance allocated in the event of a disaster or under any program or any intergovernmental agreement entered into for that purpose.

The costs chargeable to the account are the expenditures eligible for federal assistance in the event of a disaster, for such programs or for such agreements.

Disbursements from the account are limited to the amounts received or to be received from the Government of Canada.

4. The sums required for the following purposes are taken out of the Fund:

(1) the payment of the financial assistance granted by a government department or body under the financial assistance programs established, authorized or approved by the Government in relation to a natural disaster referred to in section 1;

(2) the payment of exceptional expenditures borne by a government department or body for emergency measures taken during or after a natural disaster referred to in section 1 and for the implementation of the programs referred to in paragraph 1;

(3) the implementation of a reconstruction and economic recovery program for recognized disaster-affected regions adopted by the Government following the natural disaster referred to in subparagraph 1 of the second paragraph of section 1;

(4) the payment of the remuneration and expenditures pertaining to the employee benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), to the activities of the Fund;

(5) the payment of any other expenditure related to a natural disaster referred to in section 1 and determined by the Government.

5. The Government determines the nature of the costs chargeable to the Fund.

6. The management of the sums making up the Fund is entrusted to the Minister of Finance. The sums are paid to the order of the Minister of Finance and deposited with the financial institutions designated by the Minister of Finance.

The Chair of the Conseil du trésor keeps the books of account of the Fund and records the financial commitments chargeable to it, despite section 24 of the Financial Administration Act (R.S.Q., chapter A-6.001). The Chair also

certifies that commitments and the payments arising from them do not exceed the available balances and are consistent with them.

7. The Minister of Finance may, with the authorization of the Government and on the conditions it determines, advance to the Fund sums taken out of the Consolidated Revenue Fund.

The Minister may, conversely, make advances to the Consolidated Revenue Fund, on a short-term basis and on the conditions the Minister determines, out of sums paid into the Natural Disaster Assistance Fund that are not required for its operation.

Any advance paid into a fund is repayable out of that fund.

8. The Chair of the Conseil du trésor may, as the manager of the Fund, borrow from the Ministère des Finances sums taken out of the Financing Fund.

9. Sections 20, 21, 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act apply to the Fund, with the necessary modifications.

10. The fiscal year of the Fund ends on 31 March.

11. Despite any provision to the contrary, the Minister of Finance must, in the event of a deficiency in the Consolidated Revenue Fund, pay out of the Fund the sums required for the execution of a judgment against the State that has become *res judicata*.

12. The Chair of the Conseil du trésor is responsible for the administration of this Act.

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

13. The Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 (1996, chapter 45) is repealed.

14. The Act to establish a fund in respect of the ice storm of 5 to 9 January 1998 (1998, chapter 9) is repealed.

15. The sums accumulated in the fund established by the Act to establish a disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 and in the fund established by the Act to establish a fund in respect of the ice storm of 5 to 9 January 1998, as well as the other assets and liabilities of those funds, are transferred to the Natural Disaster Assistance Fund established under this Act.

16. Management procedures with regard to the sums referred to in section 15 continue to apply, for their respective purposes, until they are amended, replaced or repealed.

17. The specific purpose account created under section 3 replaces the specific purpose account created under section 3 of the Act to establish a fund in respect of the ice storm of 5 to 9 January 1998; the sums accumulated in the latter account, as well as the other assets and liabilities, are transferred to the former account.

18. In any regulation, by-law, order in council, ministerial order, contract or other document, unless the context indicates otherwise and with the necessary modifications, a reference to the disaster assistance fund for certain areas affected by the torrential rains of 19 and 20 July 1996 or to the fund in respect of the ice storm of 5 to 9 January 1998 is a reference to the Natural Disaster Assistance Fund.

19. This Act comes into force on 1 July 2011.

This Act ceases to have effect on the date to be set by the Government, at which time any surplus of the Fund will be paid into the Consolidated Revenue Fund.

SCHEDULE II
(Section 128)

AN ACT RESPECTING ENERGY EFFICIENCY AND INNOVATION

CHAPTER I

ACTIONS TO FOSTER ENERGY EFFICIENCY AND INNOVATION

DIVISION I

FUNCTIONS AND POWERS OF THE MINISTER

1. The Minister of Natural Resources and Wildlife is responsible for fostering and promoting energy efficiency and innovation.

The Minister is to draw up a comprehensive energy efficiency and innovation plan and ensure that it is implemented and followed up.

The Minister defines the content of fuel efficiency programs and measures, multi-energy-source programs and measures, and energy innovation programs and measures.

2. The Minister may

(1) develop and implement energy efficiency and innovation programs and measures;

(2) provide technical support for research and development in the field of energy efficiency and innovation;

(3) implement energy efficiency and innovation measures to reduce greenhouse gases;

(4) delegate to another party the implementation of energy efficiency and innovation programs and measures, including measures to reduce greenhouse gas emissions;

(5) for the purposes of the comprehensive energy efficiency and innovation plan, follow up and assess the work done in the context of energy efficiency and innovation programs and measures, including measures to reduce greenhouse gases.

For the purposes of this section, the Minister may join forces with a partner active in the field of energy efficiency or energy innovation.

3. The Minister may require any person who is subject to this Act to provide, within the time specified, any information or document the Minister needs for the exercise of functions under this Act.

DIVISION II**COMPREHENSIVE ENERGY EFFICIENCY AND INNOVATION PLAN**

4. For the purposes of this Act,

“diesel fuel” means a liquid mixture of hydrocarbons obtained from the refining of petroleum and intended to supply diesel engines;

“electric power distributor” means Hydro-Québec when carrying on electric power distribution activities;

“energy distributor” means a distributor of electric power, natural gas or fuel, a municipal electric power system governed by the Act respecting municipal and private electric power systems (R.S.Q., chapter S-41) or the Coopérative régionale d’électricité de Saint-Jean-Baptiste de Rouville governed by the Act respecting the Coopérative régionale d’électricité de Saint-Jean-Baptiste de Rouville (1986, chapter 21);

“fuel” means gasoline, diesel fuel, heating oil or propane, but not aviation fuel, marine bunker fuel, hydrocarbons used as raw material by industries that transform hydrocarbon molecules through chemical or petrochemical processes or renewable fuel content;

“fuel distributor” means

(1) a person who refines, manufactures, mixes, prepares or distils fuel in Québec;

(2) a person who brings or causes to be brought into Québec fuel contained in one or more receptacles with a total capacity of over 200 litres, except fuel contained in a fuel tank installed as standard equipment to supply the engine of a vehicle;

(3) a person who, in Québec, exchanges fuel with a person described in paragraph 1; or

(4) a legal person or partnership that brings fuel into Québec for a purpose other than resale;

“gasoline” means a liquid mixture of hydrocarbons obtained from the refining of petroleum mainly for use as spark ignition engine fuel;

“heating oil” means a liquid mixture of hydrocarbons obtained from the refining of petroleum and used for domestic, commercial, institutional or industrial heating;

“natural gas distributor” means a natural gas distributor as defined in section 2 of the Act respecting the Régie de l’énergie (R.S.Q., chapter R-6.01);

“propane” means a liquid mixture of hydrocarbons obtained from the refining of petroleum or the processing of natural gas and used either as spark ignition engine fuel or for such purposes as cooking and domestic, commercial, institutional and industrial heating.

5. Based on the Government’s energy strategies and policies, the Minister draws up, at least once every five years, a comprehensive plan outlining the measures proposed to promote more efficient energy use and innovation in the energy sector.

The plan must address all energy uses and cover all forms of energy over a five-year period.

6. The comprehensive plan must include

(1) a status report with regard to energy efficiency and innovation in Québec;

(2) policy directions, priorities and targets with regard to energy efficiency and innovation;

(3) a summary of energy efficiency and energy innovation programs;

(4) the list of energy efficiency projects submitted by the electric power distributor under the fourth paragraph of section 8; and

(5) a summary of measures conducive to energy efficiency or innovation.

7. For the purpose of drawing up the comprehensive plan, the Minister

(1) prepares, based on the information and comments provided by energy distributors and government departments and based on the Minister’s own observations and assessments, a status report which allows energy efficiency and innovation needs and potential to be determined;

(2) prepares a consultation document, which includes the status report as well as the policy directions and priorities the Minister intends to pursue with regard to energy efficiency and innovation;

(3) consults the persons and bodies to whom those policy directions and priorities are to be applicable;

(4) establishes policy directions and priorities with regard to energy efficiency and innovation and communicates them to energy distributors and government departments so that they may follow them in preparing any programs or measures under the comprehensive plan; and

(5) develops fuel efficiency programs and measures, multi-source-energy programs and measures, and energy innovation programs and measures.

8. For the purposes of the comprehensive plan, the electric power distributor and natural gas distributors must establish energy efficiency programs or any other measures to promote more efficient energy use and innovation in the energy sector, in accordance with the policy directions and priorities established by the Minister.

A program or measure must include a description of the actions to be carried out, the cost of those actions and a time frame for their achievement.

By the date set by the Minister, each distributor must send to the Minister a description of its programs and measures for each form of energy and sector of activity.

The electric power distributor must also send to the Minister a list of the energy efficiency projects it has chosen in the course of the year by means of the tender solicitation procedure established under section 74.1 of the Act respecting the Régie de l'énergie.

9. On failure of the electric power distributor or a natural gas distributor to comply with section 8, the Minister defines the content of the distributor's programs and measures at the distributor's expense, after giving 30 days' written notice to that effect.

10. The Minister examines the programs and measures of the electric power distributor and natural gas distributors. The Minister also examines the programs and measures proposed by other energy distributors or by government departments, with a view to integrating them into the comprehensive plan.

All energy efficiency and innovation programs and measures financed by the annual contributions paid under section 17 are part of the comprehensive plan, as are the programs and measures chosen by the Minister from among those proposed.

The Minister sets energy efficiency and innovation targets, based on the information provided by energy distributors and government departments and on the programs and measures that are part of the comprehensive plan.

11. The comprehensive plan is submitted to the Government for approval; once approved, it is made available to the public.

12. With the Government's approval, the Minister may revise the comprehensive plan to reflect changes in the energy situation or in the programs and measures contained in the plan.

13. An energy distributor must carry out the programs and measures for which it is responsible under the comprehensive plan.

If an energy distributor is unable to carry out a program or measure within the time and in the manner specified in the comprehensive plan, it must notify

the Minister. The Minister may, at the distributor's expense, implement the programs and measures the distributor has failed to carry out, after giving 30 days' written notice to that effect.

14. In order to follow up the programs and measures that must be carried out by an energy distributor, the Minister may require that the distributor submit a status report on the actions undertaken under the comprehensive plan and on the results obtained.

15. The Minister may charge fees for services the Minister provides with regard to energy efficiency, greenhouse gas reduction or energy innovation programs or measures.

16. For the period and subject to the conditions it determines, the Government sets the overall financial investment for actions designed to foster energy efficiency and innovation. The Government allocates this investment among the different forms of energy in order to determine the contribution payable by energy distributors under section 17.

17. Energy distributors must pay their annual contribution to the Minister in accordance with the due dates, rate and calculation method determined in a government regulation. The regulation may set the interest rate on amounts due and the penalties for non-payment.

The rate, calculation method and other terms referred to in the first paragraph may vary from one distributor or category of distributors to another. The regulation may also exempt a distributor or category of distributors.

A penalty set by the Government under the first paragraph may not exceed 15% of the amount that should have been paid.

The first paragraph applies to Hydro-Québec despite section 16 of the Hydro-Québec Act (R.S.Q., chapter H-5).

18. Every distributor must file a statement with the Minister on the date set and in the form prescribed by the Minister, specifying, for the period covered by its preceding fiscal year,

(1) the volume of natural gas or electric power it distributed;

(2) the volume of fuel it brought into Québec for a purpose other than resale;

(3) the volume of fuel intended for consumption in Québec it sold and refined in Québec or brought into Québec and, where applicable, the volume it exchanged with a person described in paragraph 1 of the definition of "fuel distributor" in section 4; and

(4) any other information the Minister deems necessary for the purposes of this chapter, in the form prescribed by the Minister.

For the purposes of subparagraph 3 of the first paragraph, fuel sold in Québec is deemed to be intended for consumption in Québec.

19. The Minister determines the amount that each energy distributor must pay under the regulation referred to in section 17 and notifies the distributor of it.

The Minister may make an agreement with the Régie de l'énergie to entrust that body with such tasks as

(1) the examination of the annual volume statements filed by energy distributors; and

(2) the calculation of the annual contribution payable by each energy distributor.

The Minister collects the annual contributions and pays them, along with any interest and penalties, into the Natural Resources Fund established under section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2). These sums are used for the purposes referred to in subparagraph 3 of the first paragraph of that section.

DIVISION III

ENERGY EFFICIENCY AND ENERGY CONSERVATION STANDARDS FOR CERTAIN APPLIANCES

20. In this Act, the term “appliance” means any new household, commercial, industrial or institutional electrical or hydrocarbon-fuelled appliance.

21. The Government may, by regulation, set energy efficiency and energy conservation standards for the appliances or categories of appliances it determines.

These standards may include manufacturing and assembly standards.

22. The Government may regulate the labelling of appliances, particularly as to the form, content, size, colour, manner of affixing and position of the labels and special stamps appliances must bear, and the materials of which such labels and stamps must be made.

It may also determine the information that must appear on appliance packaging.

23. A regulation may make mandatory the energy efficiency, energy conservation or labelling standards set by a certifying or standards body. It may also prescribe energy efficiency testing procedures for appliances and require that appliances be approved or certified by such a body.

The regulation may provide that references to other texts include any subsequent amendments to those texts.

24. The Minister may, by way of exception, permit a manufacturer to apply energy efficiency or energy conservation standards different from those set by regulation, for a period of not more than five years and on the conditions determined by the Minister, to appliances or categories of appliances incorporating innovative technology, if it is demonstrated that the resulting energy consumption is equal to or lower than that permitted by regulation.

25. No person may manufacture, offer, sell or lease an appliance or otherwise dispose of it by gratuitous or onerous title by way of a commercial transaction if the appliance does not conform to the applicable energy efficiency and energy conservation standards.

This section does not apply to appliances marketed exclusively for use outside Québec.

26. The Government may, by regulation, require a manufacturer, vendor, renter or lessor of appliances to keep a register in prescribed form containing information pertaining to the carrying out of this Act.

CHAPTER II

INSPECTION

27. The Minister may, in writing, designate personnel members of the department to act as inspectors.

28. An inspector may, for the purposes of this Act,

(1) enter at any reasonable hour the establishment or the property of an energy distributor or any place where an appliance is manufactured, warehoused or offered for sale or lease;

(2) examine any appliance, subject it to testing to see if it complies to this Act, take it to another place, if necessary, and return it as soon as possible once testing has been completed;

(3) examine and make copies of books, records, accounts, files and other documents;

- (4) require that information be given and documents be produced; and
- (5) require to be accompanied by the person or persons of the inspector's choice.

Any person who has the care, possession or control of books, registers, accounts, records or other documents must make them available to the inspector on request and facilitate their examination. The owner or person in charge of the premises referred to in subparagraph 1 of the first paragraph, or any person present on the premises, is required to assist the inspector in carrying out the inspection.

The inspector and any person accompanying the inspector must, if so requested, produce identification and proof of appointment.

29. Neither an inspector nor a person accompanying an inspector may be prosecuted by reason of an official act performed in good faith in the exercise of their functions.

30. No person may hinder the work of an inspector or a person accompanying an inspector in the exercise of their functions.

31. No person may refuse to provide information or documents required under this Act, or make, concur in or authorize a false or misleading statement in the course of an inspection.

32. If an inspector notes the absence of a prescribed label or the non-conformity of an appliance with energy efficiency or energy conservation standards, the inspector may affix a special stamp prescribed by regulation to the appliance, indicating that it cannot be marketed. The appliance cannot be marketed until the inspector acknowledges that it conforms to the prescribed standards and removes the stamp.

CHAPTER III

PENAL PROVISIONS

33. A person who contravenes section 3, 30 or 31 is guilty of an offence and liable to a fine of \$1,000 to \$2,000.

34. An energy distributor who contravenes section 8, 13, 14 or 17 is guilty of an offence and liable to a fine of \$2,500 to \$25,000.

35. An energy distributor who fails to file the statement referred to in section 18, or files a statement containing false information, is liable to a fine of \$1,000 to \$2,000.

36. A manufacturer who contravenes a standard authorized by the Minister under section 24 is liable to a fine of \$500 to \$10,000 in the case of a natural person and \$1,000 to \$20,000 in the case of a legal person.

A person who contravenes section 25 is liable to the same penalty.

37. A manufacturer, vendor, renter or lessor who fails to keep a register as prescribed by a regulation made under section 26 is liable to the fine set out in section 36.

38. A person who offers, sells or leases an appliance or otherwise disposes of an appliance by gratuitous or onerous title by way of a commercial transaction without the prescribed label or with a label which does not conform to applicable labelling standards is liable to a fine of \$500 to \$10,000 in the case of a natural person and \$1,000 to \$20,000 in the case of a legal person.

39. A person who removes or alters a label affixed to an appliance pursuant to this Act or removes a special stamp affixed to an appliance by an inspector is liable to a fine of \$1,000 to \$5,000 in the case of a natural person and \$1,500 to \$10,000 in the case of a legal person.

40. For a second or subsequent offence, the fines provided for in sections 33 to 39 are doubled.

CHAPTER IV

AMENDING AND TRANSITIONAL PROVISIONS

41. The Act respecting the Agence de l'efficacité énergétique (R.S.Q., chapter A-7.001) is repealed.

42. The Agence de l'efficacité énergétique is dissolved without any other formality than those provided for in this Act.

43. The Act respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances (R.S.Q., chapter E-1.2) is repealed.

44. Section 12 of the Act respecting the Ministère des Ressources naturelles et de la Faune (R.S.Q., chapter M-25.2) is amended by replacing paragraph 14 by the following paragraphs:

“(14) developing and implementing energy efficiency and innovation programs and measures;”

“(14.1) implementing energy efficiency and innovation measures to reduce greenhouse gas emissions;”.

45. Section 15 of the Public Protector Act (R.S.Q., chapter P-32) is amended by striking out paragraph 6.

46. Section 25 of the Act respecting the Régie de l'énergie (R.S.Q., chapter R-6.01) is amended by striking out subparagraph 2.1 of the first paragraph.

47. Section 31 of the Act is amended by striking out subparagraph 4.2 of the first paragraph.

48. Section 32.1 of the Act is amended by adding the following paragraph at the end:

“For the purposes of Division II of Chapter I of the Act respecting energy efficiency and innovation (2011, chapter 16, Schedule II), the Régie may enter into agreements with the Minister of Natural Resources and Wildlife.”

49. Section 36 of the Act is amended by striking out “or, when holding hearings under Chapter VI.2, any energy distributor” in the second paragraph.

50. Section 49 of the Act is amended by replacing “must allocate to energy efficiency and new energy technologies” in the second paragraph by “allocates to energy efficiency and innovation”.

51. The Act is amended by striking out Chapter VI.2, comprising sections 85.24 to 85.32.

52. Section 102 of the Act is amended by striking out “, including an energy distributor to which Chapter VI.2 applies” in the first paragraph.

53. Section 112 of the Act is amended by striking out “, including an energy distributor to which Chapter VI.2 applies,” in subparagraph 1 of the first paragraph.

54. Section 114 of the Act is amended

(1) by striking out subparagraph 10 of the first paragraph;

(2) by replacing “subparagraphs 9 and 10” in the third paragraph by “subparagraph 9”;

(3) by striking out “or 10” in the fourth paragraph.

55. Section 116 of the Act is amended by striking out subparagraph 7 of the second paragraph.

56. Section 117 of the Act is amended by striking out “, 85.31” in the third paragraph.

57. The assets and liabilities of the Agence de l'efficacité énergétique are transferred to the Minister of Natural Resources and Wildlife and are allocated to the energy efficiency and innovation component of the Natural Resources Fund established by section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune.

58. The financial assistance programs of the Agence de l'efficacité énergétique in force on 1 July 2011 continue to apply until they are replaced or abolished by the Minister of Natural Resources and Wildlife, with the approval of the Conseil du trésor.

59. The Regulation respecting the energy efficiency of electrical or hydrocarbon-fuelled appliances (R.R.Q., chapter E-1.2, r. 1) remains in force until it is replaced or repealed by a regulation made under this Act.

60. The Regulation respecting the annual share payable to the Agence de l'efficacité énergétique (R.R.Q., chapter R-6.01, r. 5) continues to apply, except sections 3, 8 and 9, until it is replaced by a regulation made under this Act.

Until that regulation is replaced, it continues to apply with the following modifications:

(1) a reference to the annual share payable to the Agence de l'efficacité énergétique is a reference to the annual contribution payable to the Minister of Natural Resources and Wildlife under section 17;

(2) a reference to the revenues required by the Agence for a form of energy or group of fuels is a reference to the overall financial investment allocated to each form of energy determined by the Government under section 16;

(3) a reference to the Régie de l'énergie is a reference to the Minister of Natural Resources and Wildlife;

(4) a reference to the fiscal year of the Agence is a reference to the fiscal year of the Natural Resources Fund of the Ministère des Ressources naturelles et de la Faune established by section 17.12.12 of the Act respecting the Ministère des Ressources naturelles et de la Faune.

61. The annual contribution payable by an energy distributor to the Minister of Natural Resources and Wildlife under section 17 is determined, for the 2011-2012 fiscal year, on the basis of the statements filed with the Régie de l'énergie in accordance with section 85.31 of the Act respecting the Régie de l'énergie.

For subsequent fiscal years, the contribution is determined on the basis of the statements filed with the Minister of Natural Resources and Wildlife in accordance with section 18.

62. The amount of the annual share determined by the Régie de l'énergie for the 2011-2012 fiscal year under paragraph 3 of section 85.25 of the Act respecting the Régie de l'énergie is replaced by the amount of the annual contribution determined by the Minister under section 19. The first quarterly payment that an energy distributor will have paid by 30 June 2011 under section 24.2 of the Act respecting the Agence de l'efficacité énergétique is deducted from the amount of that contribution. The remainder is payable in three equal quarterly payments.

63. The Régie de l'énergie sends to the Ministère des Ressources naturelles et de la Faune a copy of the annual statements of volumes filed by energy distributors under section 85.31 of the Act respecting the Régie de l'énergie for the 2010-2011 fiscal year.

64. The comprehensive energy efficiency and new technologies plan 2007-2010 developed by the Agence de l'efficacité énergétique is maintained until its replacement by the comprehensive energy efficiency and innovation plan provided for in this Act.

65. The Minister of Natural Resources and Wildlife replaces the Agence de l'efficacité énergétique, acquires its rights and assumes its obligations.

66. The term of the board members of the Agence de l'efficacité énergétique ends on 1 July 2011.

The term of the president and chief executive officer ends without compensation other than the allowance provided for in section 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723, French only).

67. The personnel members of the Agence de l'efficacité énergétique in office on 11 November 2010 and still in office on 30 June 2011 become, without further formality, employees of the Ministère des Ressources naturelles et de la Faune except those exercising the powers and duties of jurists or legal managers, who become employees of the Ministère de la Justice. They are deemed to have been appointed under the Public Service Act (R.S.Q., chapter F-3.1.1). For casual employees of the Agence, this applies only to the unexpired portion of their contract.

The Conseil du trésor determines their remuneration and their classification and any other condition of employment applicable to them.

The same applies to personnel members of the Agence de l'efficacité énergétique who were appointed after 11 November 2010, provided the appointment was authorized by the secretary of the Conseil du trésor.

68. The records and other documents of the Agence de l'efficacité énergétique become records and documents of the Minister of Natural Resources and Wildlife.

69. Civil proceedings to which the Agence de l'efficacité énergétique is a party are continued by the attorney acting for or on behalf of the Attorney General of Québec, on an appearance on behalf of the Attorney General of Québec and without continuance of suit.

70. In any regulation, by-law, order in council, ministerial order, contract or other document, unless the context indicates otherwise and with the necessary modifications, a reference to the minister designated by the Government as the Minister responsible for the administration of the Act respecting the Agence de l'efficacité énergétique is replaced by a reference to the Minister of Natural Resources and Wildlife.

In addition, any reference to the Agence de l'efficacité énergétique is struck out in

(1) Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001);

(2) Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);

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

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

CHAPTER V

FINAL PROVISIONS

71. This Act is binding on the Government and its departments and bodies.

72. The Minister of Natural Resources and Wildlife is responsible for the administration of this Act.

73. The provisions of this Act come into force on 1 July 2011, except section 67 insofar as it concerns the power of the secretary of the Conseil du trésor to authorize the appointment of personnel within the Agence de l'efficacité énergétique, which have effect from 11 November 2010.

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Regulations and other Acts

M.O., 2011

Order number AM 2011-033 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife dated 26 July 2011

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

CONCERNING the replacement of Schedule 100 to Order in Council 573-87 dated 8 April 1987 concerning the designation and delimitation of land in the domain of the State

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

CONSIDERING that the Government, by Order in Council 573-87 dated 8 April 1987, designated and delimited the areas on land in the domain of the State described in Schedules 1 to 201 to that Order in Council with a view to increased utilization of wildlife resources;

CONSIDERING the first paragraph of section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provides that the Minister may delimit areas on land in the domain of the State with a view to increased utilization of wildlife resources and the carrying on of recreational activities incidental thereto;

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 85 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced or repealed by 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 the second paragraph of section 35 of the Sustainable Development Act (2006, c. 3), which provides that a reference to the Minister of Natural Resources, Wildlife and Parks is replaced in any other legislative provision by a reference to the Minister of Natural Resources and Wildlife;

CONSIDERING that it is expedient to replace Schedule 100 to Order in Council 573-87 dated 8 April 1987;

ORDER AS FOLLOWS:

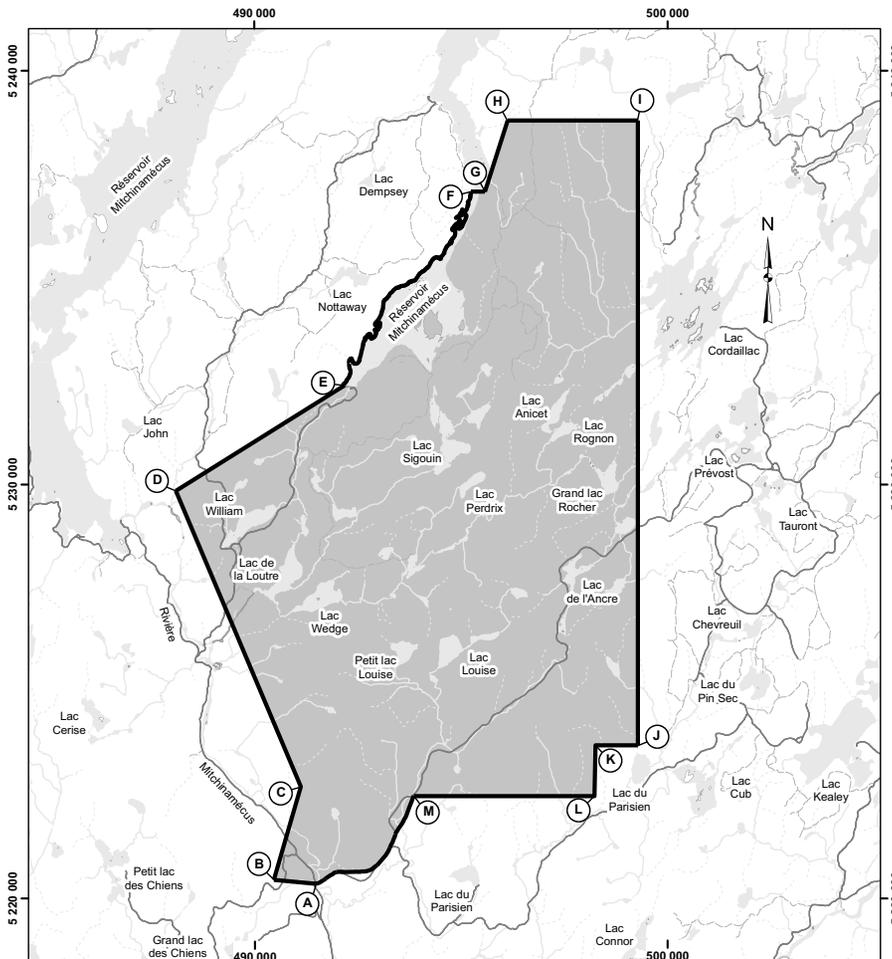
Schedule 100 to Order in Council 573-87 dated 8 April 1987 is hereby replaced by Schedule 100 attached hereto;

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

Québec, 26 July 2011

SERGE SIMARD,
*Minister for Natural
Resources and Wildlife*

NATHALIE NORMANDEAU,
*Minister of Natural
Resources and Wildlife*



Système de coordonnées :
 Projection Universelle Transverse Mercator (U.T.M.), Fuseau 18
 sur le Datum NAD83 (GRS80)

Échelle: 1:100 000
 0 1 2 3 4 5 Km

DOSSIER BAGQ : 516 011
 DOSSIER FAUNE : 15-868
 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
 Seul le bureau de l'arpenteur général du Québec est
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 Pour l'arpenteur général du Québec

**TERRES DU DOMAINE DE L'ÉTAT DÉLIMITÉES
 AUX FINS DE DÉVELOPPER L'UTILISATION
 DES RESSOURCES FAUNIQUES**

Québec, le 1 juin 2011

Préparé par : _____ Original signé
 Richard Blanchette
 Arpenteur-géomètre
 Matricule: 2437

Minute : 2

M.O., 2011**Order number AM 2011-034 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife dated 26 July 2011**

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

CONCERNING the establishment of the Mitchinamecus Controlled Zone

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

CONSIDERING that the Government established the Mitchinamecus Controlled Zone by the Order in Council respecting certain controlled zones (R.R.Q., c. C-61.1, r. 74);

CONSIDERING the first paragraph of section 104 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provides that 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 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 85 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced or repealed by 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 the second paragraph of section 35 of the Sustainable Development Act (2006, c. 3), which provides that a reference to the Minister of Natural Resources, Wildlife and Parks is replaced in any other legislative provision by a reference to the Minister of Natural Resources and Wildlife;

CONSIDERING that it is expedient to amend the territory of the Mitchinamecus Controlled Zone described in Schedule 14 to the Order in Council respecting certain controlled zones;

ORDER AS FOLLOWS:

The territory, the plan of which appears in the Schedule to this Order, is hereby established as a controlled zone under the name of Mitchinamecus Controlled Zone;

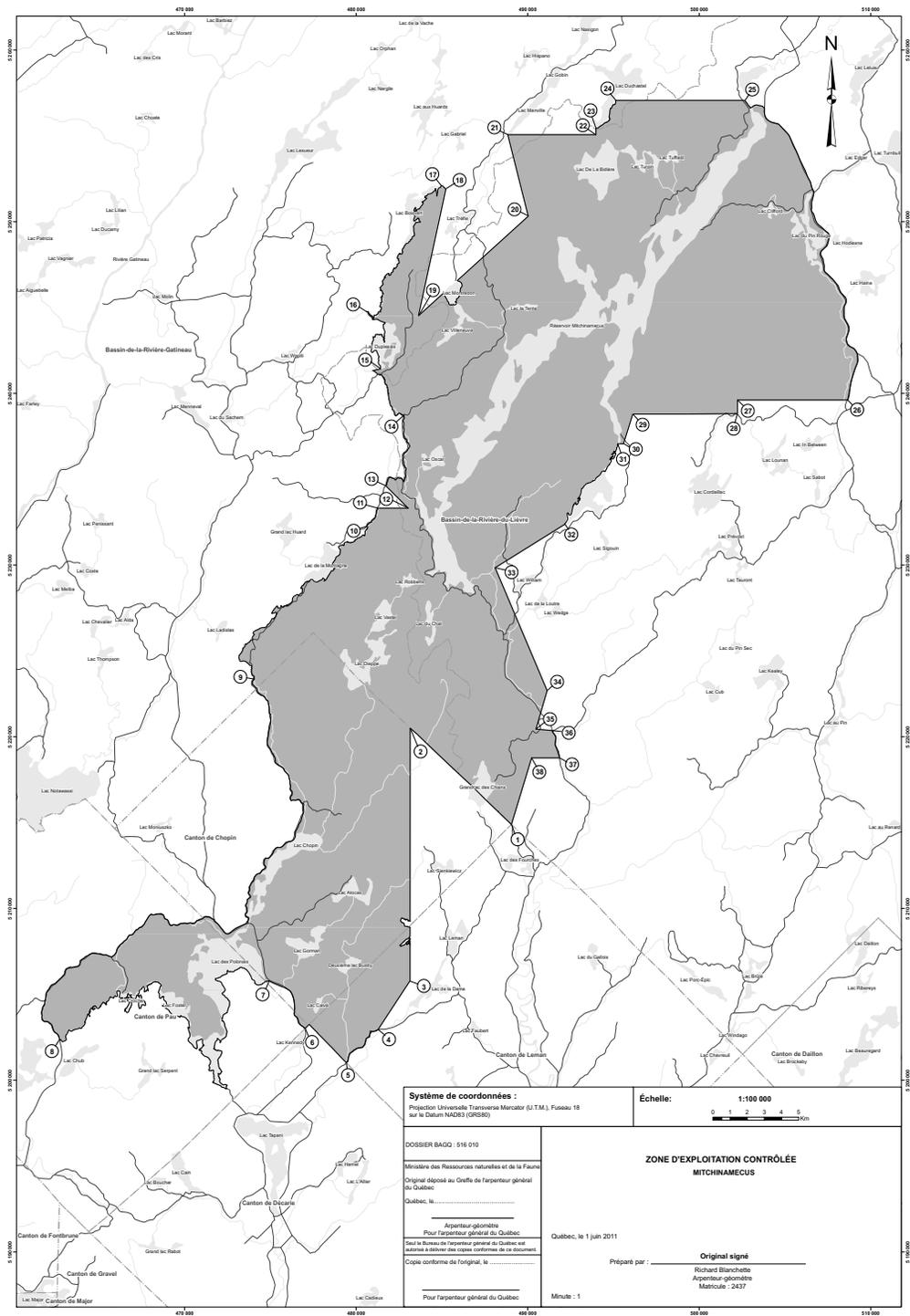
This Order replaces Schedule 14 to the Order in Council respecting certain controlled zones (R.R.Q., c. C-61.1, r. 74);

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

Québec, 26 July 2011

SERGE SIMARD,
*Minister for Natural
Resources and Wildlife*

NATHALIE NORMANDEAU,
*Minister of Natural
Resources and Wildlife*



<p>Système de coordonnées : Projection Universelle Transverse Mercator (U.T.M.), Fusesau 18 sur le Datum NAD83 (GRSB)</p>		<p>Échelle: 1:100 000</p> <p>0 1 2 3 4 5 Km</p>	
<p>DOSSIER BAGG : 516 010</p> <p>Ministère des Ressources naturelles et de la Faune Original déposé au Greffe de l'arpenteur général du Québec Québec, le _____</p> <p>Arpenteur-géomètre Pour l'arpenteur général du Québec</p> <p>Seul le Bureau de l'arpenteur général du Québec est autorisé à délivrer des copies conformes de ce document. Copie conforme de l'original, le _____</p> <p>_____ Pour l'arpenteur général du Québec</p>		<p>ZONE D'EXPLOITATION CONTRÔLÉE MITCHINAMECUS</p> <p>Québec, le 1^{er} juin 2011</p> <p>Préparé par : _____ Original signé Richard Blanchette Arpenteur-géomètre Matricule : 2437</p> <p>Minuts : 1</p>	

M.O., 2011**Order number AM 2011-035 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife dated 26 July 2011**

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

CONCERNING the establishment of the Normandie Controlled Zone

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

CONSIDERING that the Government established the Normandie Controlled Zone by the Order in Council respecting certain controlled zones (R.R.Q., c. C-61.1, r. 74);

CONSIDERING the first paragraph of section 104 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provides that 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 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 85 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced or repealed by 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 the second paragraph of section 35 of the Sustainable Development Act (2006, c. 3), which provides that a reference to the Minister of Natural Resources, Wildlife and Parks is replaced in any other legislative provision by a reference to the Minister of Natural Resources and Wildlife;

CONSIDERING that it is expedient to amend the territory of the Normandie Controlled Zone described in Schedule 13 to the Order in Council respecting certain controlled zones;

ORDER AS FOLLOWS:

The territory, the plan of which appears in the Schedule to this Order, is hereby established as a controlled zone under the name of Normandie Controlled Zone;

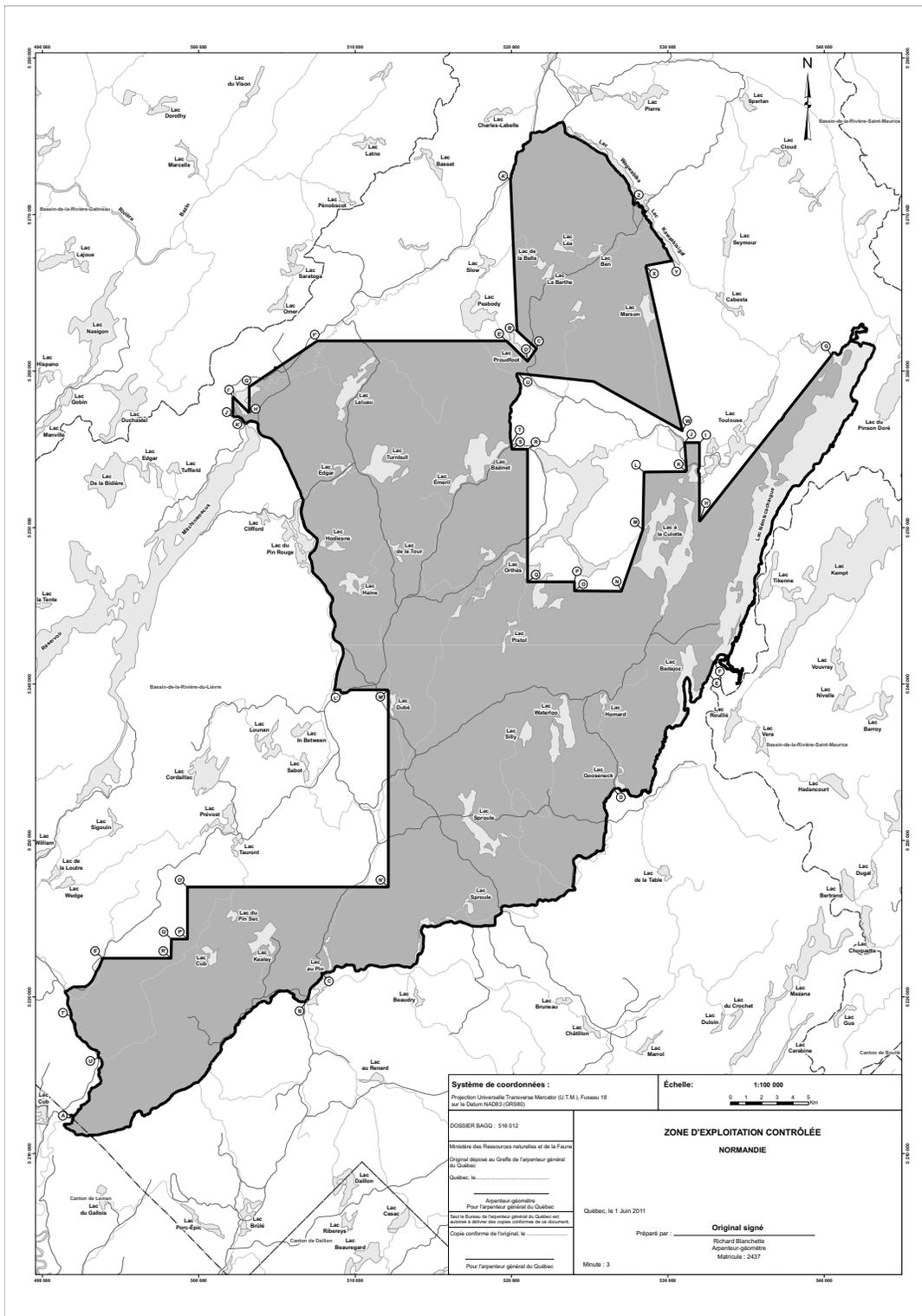
This Order replaces Schedule 13 to the Order in Council respecting certain controlled zones (R.R.Q., c. C-61.1, r. 74);

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

Québec, 26 July 2011

SERGE SIMARD,
*Minister for Natural
Resources and Wildlife*

NATHALIE NORMANDEAU,
*Minister of Natural
Resources and Wildlife*



Système de coordonnées : Projection Universelle Transverse Mercator (U.T.M.), Fuso 18 sur le Datum NAD83 (GRS80)		Échelle: 1:100 000
DOSSIER BAGQ : 516-012 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 Seul le Bureau de l'arpenteur général du Québec est autorisé à diffuser des copies conformes de ce document. Copie conforme de l'original, le _____ Pour l'arpenteur général du Québec		ZONE D'EXPLOITATION CONTRÔLÉE NORMANDIE Québec, le 1 Juin 2011 Préparé par : _____ Original signé Michel St-Onge Arpenteur géomètre Matricule : 2437 Minute : 3

Draft Regulations

Draft regulation

Health Insurance Act
(R.S.Q., c. A-29)

Regulation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Health Insurance Act, the text of which appears hereafter, may be made by the government on the expiry of the 45-day period following this publication.

The object of the proposed amendment is for optical tomography of the ocular globe and confocal scanning laser ophthalmoscopy of the optic nerve to not be considered insured services for the purposes of the Health Insurance Act, unless they are rendered in a facility maintained by an institution that operates a hospital centre or they are rendered as part of an intravitreal injection of an antiangiogenic drug for treatment of age-related macular degeneration.

This amendment follows an agreement reached between the Minister of Health and Social Services and the Fédération des médecins spécialistes du Québec. It will have little economic impact on citizens because the services concerned remain insured when they are rendered in a facility maintained by an institution that operates a hospital centre or when they are rendered as part of an intravitreal injection of an antiangiogenic drug for treatment of age-related macular degeneration. Furthermore, the amendment will have no effect on small to medium-size businesses.

For further information, please contact Daniel Dansereau at the Régie de l'assurance maladie du Québec, 1125, Grande Allée Ouest, dépôt 84, Québec (Québec) G1S 1E7, telephone: 418 682-5172, fax: 418 643-7312, email: daniel.dansereau@ramq.gouv.qc.ca

Persons wishing to comment on this draft regulation may write, before the deadline, to the undersigned at 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

YVES BOLDUC,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the application of the Health Insurance Act

Health Insurance Act
(R.S.Q., c. A-29, s. 69)

1. The Regulation respecting the application of the Health Insurance Act (c. A-29, r. 5) is amended, in section 22, by inserting, after subparagraph (*q.2*) the following:

“(q.3) optical tomography of the ocular globe and confocal scanning laser ophthalmoscopy of the optic nerve, unless those services are rendered in a facility maintained by an institution that operates a hospital centre or they are rendered as part of an intravitreal injection of an antiangiogenic drug for treatment of age-related macular degeneration;”.

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

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

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