

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

**Part**

**2**

**No. 31**

1 August 2012

**Laws and Regulations**

Volume 144

**Summary**

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Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
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### Contents

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**PROVINCE OF QUÉBEC**

2ND SESSION

39TH LEGISLATURE

QUÉBEC, 15 JUNE 2012

## OFFICE OF THE LIEUTENANT-GOVERNOR

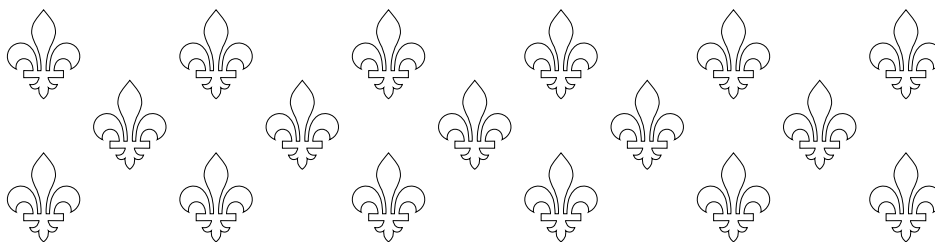
*Québec, 15 June 2012*

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

- 51 An Act to amend the Animal Health Protection Act mainly in regard to animal safety and welfare
- 56 An Act to prevent and stop bullying and violence in schools (*modified title*)
- 64 An Act to promote access to justice in family matters
- 69 An Act to amend various legislative provisions concerning municipal affairs
- 76 An Act to amend the Act respecting the Société de développement des entreprises culturelles
- 212 An Act respecting the conversion of LS Mutual Life Insurance Company
- 214 An Act respecting Ville de Saguenay
- 216 An Act respecting Dixville Home Inc.

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





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 51  
(2012, chapter 18)

**An Act to amend the Animal Health  
Protection Act mainly in regard to animal  
safety and welfare**

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**Introduced 6 December 2011  
Passed in principle 24 May 2012  
Passed 15 June 2012  
Assented to 15 June 2012**

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**Québec Official Publisher  
2012**

## EXPLANATORY NOTES

*This Act contains various amendments to the Animal Health Protection Act.*

*A number of amendments are made to ensure the safety and welfare of animals. New requirements are imposed on animal owners and custodians regarding the premises in which animals are kept. If the Minister is of the opinion that the safety or welfare of an animal is in immediate danger, the Minister may order an animal owner or custodian for a period not exceeding 60 days to cease the owner's or the custodian's custody or some related activities or to exercise the custody or activities according to the conditions the Minister determines.*

*Provisions applying specifically to the safety and welfare of cats and dogs are introduced, including provisions requiring the owners or custodians of 15 or more animals, whether cats or dogs, to hold a permit. The Government's regulatory powers are expanded to allow it to establish rules applicable to the premises where those animals are kept, the persons who keep them, the activities exercised by those persons, the preventive measures they must put in place and the methods they may use to euthanize animals.*

*Fines are increased for contravening legislative or regulatory provisions regarding the safety and welfare of animals and for contravening provisions that apply more specifically to cats and dogs.*

*The Government is empowered to enter into an agreement with a first nation or a Native community or group on the special application of certain provisions to better reconcile the safety and welfare requirements of dogs with the activities of Native people.*

*The Government is authorized to provide, by regulation, that the custodian of an animal must register with the Minister.*

*The requirement that persons hold a permit in order to artificially inseminate an animal, keep animal sperm in their possession or deliver animal sperm to a third party is withdrawn.*



**LEGISLATION AMENDED BY THIS ACT:**

- Animal Health Protection Act (R.S.Q., chapter P-42).



## Bill 51

### AN ACT TO AMEND THE ANIMAL HEALTH PROTECTION ACT MAINLY IN REGARD TO ANIMAL SAFETY AND WELFARE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 3.0.1 of the Animal Health Protection Act (R.S.Q., chapter P-42), amended by section 4 of chapter 40 of the statutes of 2000, is again amended by inserting “or custodian” after “owner” wherever it occurs in the first paragraph.

**2.** Section 24 of the Act, amended by section 16 of chapter 40 of the statutes of 2000, is replaced by the following section:

“**24.** Only the holder of a permit issued for that purpose by the Minister may take semen from an animal.”

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

**4.** Section 28 of the Act, amended by section 18 of chapter 40 of the statutes of 2000, is again amended

(1) by replacing paragraphs 1 and 2 by the following paragraphs:

“(1) determine the conditions under which a person may collect semen from an animal and restrict that activity to the classes of persons it determines;

“(2) determine the rights, conditions and restrictions relating to permits;”;

(2) by replacing “to activities for which a permit is required” in paragraph 4 by “to take semen from an animal”;

(3) by replacing “for the purposes” in paragraph 5 by “for the purpose”;

(4) by replacing “methods to be followed by permit holders” in paragraph 7 by “the standards or methods to be followed”;

(5) by replacing paragraph 10 by the following paragraph:

“(10) exempt from some or all of the provisions of this division or of the regulations, according to the conditions it determines, certain classes of persons or categories of animals or some of the following activities:

- (a) the collecting of semen from an animal;
- (b) the storing of animal semen;
- (c) the distribution and transportation of animal semen;
- (d) the artificial insemination of an animal;”;

(6) by replacing “a permit holder and the place where he must keep them, the reports he must make” in paragraph 13 by “a person who carries on an activity listed in paragraph 10, where they must be kept, the reports the person must make”.

**5.** Section 55.9.2 of the Act is amended

(1) by replacing “The safety and welfare of an animal is jeopardized” by “The safety or welfare of an animal is jeopardized”;

(2) by replacing “the biological requirements of its species” in paragraph 1 by “its biological requirements”;

(3) by replacing “suitable, salubrious living conditions” in paragraph 2 by “premises that are suitable, salubrious, clean and adapted to the animal’s biological requirements and where the installations are not likely to affect the animal’s safety or welfare”;

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

“(3) the animal does not receive the health care required by its condition while it is wounded, sick or suffering;”;

(5) by striking out paragraph 5.

**6.** Section 55.9.3 of the Act is repealed.

**7.** The Act is amended by inserting the following sections after section 55.9.4:

**“55.9.4.1.** No person may operate premises where cats or dogs are taken in with a view to transferring them to a new place of custody, euthanizing them or having them euthanized by a third party, without holding a permit issued for that purpose by the Minister.

Among the premises referred to in the first paragraph are pounds, animal houses and premises kept by persons or organizations dedicated to the protection of animals.

**“55.9.4.2.** No person may be the owner or custodian of 15 or more animals, whether cats or dogs, without holding a permit issued for that purpose by the Minister.

For the purposes of the first paragraph, kittens or pups less than six months old born to a female kept on the same premises are excluded from the calculation of the number of cats or dogs.

Holders of the permit provided for in section 55.9.4.1 are not subject to the first paragraph of this section.

**“55.9.4.3.** Any permit referred to in this division must be displayed in the place of custody of the cats or dogs where it may be easily examined by the public.”

**8.** Section 55.9.5 of the Act is amended

(1) by striking out “of the Court of Québec or a municipal court” in the third paragraph;

(2) by replacing “the safety and welfare” in the third paragraph by “the safety or welfare”.

**9.** Section 55.9.6 of the Act is amended

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

**“55.9.6.** Where in the Minister’s opinion there is an immediate danger to the safety or welfare of an animal, the Minister may order, for a period not exceeding 60 days, the owner or custodian of the animal:

(1) to cease the owner’s or the custodian’s custody or certain related activities;

(2) to exercise custody or carry on certain related activities according to the conditions the Minister determines.”;

(2) by replacing “served on” and “the day on which it is served” in the second paragraph by “notified to” and “its date of notification”, respectively;

(3) by replacing “within two years” in the third paragraph by “within three years”;

(4) by replacing “the owner or custodian from keeping animals for the purpose of sale or breeding or limiting the number of animals he may keep for that purpose, for a period not exceeding two years” in the third paragraph by “the owner or custodian from owning or having the custody of animals or limiting the number of animals they may own or have custody of, for a period the Court deems appropriate”.

**10.** Section 55.9.7 of the Act is amended

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

**“55.9.7.** An inspector who has reasonable grounds to believe that an animal is suffering significantly may, in the performance of his duties, whether or not seizure has taken place, confiscate the animal so that it may be destroyed and its carcass disposed of, if the inspector has obtained the authorization of the animal’s owner or custodian. Failing such authorization, the inspector may confiscate the animal so that it may be destroyed and its carcass disposed of; the inspector must first obtain the opinion of a veterinary surgeon, unless no veterinary surgeon is readily available and it is urgent that the animal’s suffering be stopped.”;

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

“The disposal of a carcass referred to in the first or second paragraph may be preceded by an autopsy.”

**11.** Section 55.9.8 of the Act is amended by adding the following paragraphs at the end:

“The seized animal may be kept at the place of seizure if the owner or occupant of the premises agrees to it in writing, according to the terms agreed to by the parties. If the owner or occupant of the premises does not agree to such custody or fails to respect the terms attached to it, the seizer may apply to a judge for authorization to keep the seized animal on site, according to the terms and conditions that the judge deems appropriate.

In the case of an emergency, the seizer may, before obtaining authorization from a judge, establish interim custody measures to ensure the safety and welfare of the animal.”

**12.** Section 55.9.11 of the Act is amended

(1) by striking out “of the Court of Québec or a municipal court” in the first paragraph;

(2) by inserting “donated,” after “He may order that the animal be returned to the person from whom it was seized, that it be kept under seizure until a final judgment, or that it be” in the third paragraph;

(3) by replacing both occurrences of “expenses incurred for the animal’s keep” in the third paragraph by “expenses incurred as a result of the seizure, including expenses for treatment, medication, transportation and veterinary services”.

**13.** Section 55.9.12 of the Act is amended

(1) by striking out “of the Court of Québec or a municipal court” in the first paragraph;

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

“The judge shall grant the application if of the opinion that the safety and welfare of the animal will not be jeopardized, and on payment of the expenses resulting from the seizure, including expenses for treatment, medication, transportation and veterinary services. However, if no proceedings are instituted, the expenses incurred as a result of the seizure are reimbursed to the owner.”

**14.** Section 55.9.13 of the Act is amended by replacing the first paragraph by the following paragraph:

**“55.9.13.** In the event of conviction for an offence under section 55.9.2 or a regulation made under section 55.9.14.1 or 55.9.14.2, a judge may, on an application by the prosecuting party, issue an order prohibiting the person found guilty from owning animals or having the custody of animals, or limiting the number of animals the person may own or have custody of, for a period that the judge deems appropriate.”

**15.** Section 55.9.14 of the Act is amended by replacing “Expenses incurred under this division for an animal’s keep” by “Expenses incurred for an animal’s keep under this division as a result of a seizure, including expenses for treatment, medication, transportation and veterinary services, as well as expenses incurred for”.

**16.** Section 55.9.14.1 of the Act is replaced by the following section:

**“55.9.14.1.** The Government may, by regulation, set standards to ensure the safety or welfare of animals.”

**17.** The Act is amended by inserting the following sections after section 55.9.14.1:

**“55.9.14.2.** The Government may, by regulation,

(1) determine the conditions in which the owner or custodian of a cat or dog may carry on an activity involving the animal, restrict the activity or forbid certain classes of persons it determines to carry out the activity;

(2) determine the classes of permits referred to in section 55.9.4.1 or 55.9.4.2 and the conditions and restrictions attached to each;

(3) establish the conditions for the issue and renewal of the permits referred to in sections 55.9.4.1 and 55.9.4.2, the fees payable and the costs for opening a permit application file;

(4) determine the skills or qualifications required of the holder of a permit referred to in section 55.9.4.1 or 55.9.4.2 and those required of an employee assigned to the activities for which a permit is required;

(5) establish the standards applicable to the organization, to the maintenance and operation of any premises where an activity involving a cat or dog is carried on, or for which a permit referred to in section 55.9.4.1 or 55.9.4.2 is required;

(6) determine the maximum number of cats or dogs that can be kept on the premises, in particular, according to their species or race, the type of activity carried on by the owner or custodian of a cat or dog or the type of premises in which they are kept, including pounds, animal houses and premises kept by persons or organizations dedicated to the protection of animals;

(7) determine the maximum number of cats or dogs that can be kept by a single natural person;

(8) determine the protocols and registers that the owner or custodian of a cat or dog must observe or keep, what each must contain, where they must be kept, the reports the owner or custodian must file with the Minister, the information that must be reported and the frequency of the reporting;

(9) determine preventive measures for cats or dogs, in particular, vaccination, sterilization, isolation or quarantine, and foresee methods, procedures and conditions applicable to those measures;

(10) determine the standards for euthanizing cats and dogs and regulate or prohibit certain methods, procedures and conditions;

(11) foresee any other measure intended to ensure the safety or welfare of cats or dogs, in addition to those provided for by a regulation made under section 55.9.14.1; the measures may vary according to species or race, the type of activity carried on by the owner or custodian or the type of premises on which the animals are kept.

**“55.9.14.3.** The Government may, by regulation, exempt from the application of all or part of this division or the regulations, according to the conditions it sets, any person, animal race or species, type of activity, establishment or geographical region that it determines.”

**18.** The Act is amended by inserting the following sections after section 55.9.16:

**“55.9.16.1.** For the purpose of better reconciling the safety and welfare requirements of dogs with the activities carried on by Native people in certain regions and the cultural, climatic and geographical realities of those regions, the Government is authorized to enter into an agreement with a first nation represented by all the band councils of the communities comprising that nation, with a Native community represented by its band council or by the council of a northern village, with a group of communities so represented or, in the absence of such councils, with any other Native group on any subject covered by this division or the regulations.



The provisions of such an agreement take precedence over the provisions of this division and the regulations. However, any person covered by an agreement is only exempt from the application of the provisions of this division or the regulations that are inconsistent with the agreement to the extent that the person respects the agreement.

An agreement entered into under this section is tabled in the National Assembly within 15 days of its signature or, if the Assembly is not sitting, within 15 days of resumption. In addition, it is published in the *Gazette officielle du Québec*.

**“55.9.16.2.** For the purposes of this division, “judge” means

- (1) a judge of the Court of Québec;
- (2) a judge of a municipal court;
- (3) a presiding justice of the peace.”

**19.** Section 55.10 of the Act is amended by inserting “record or” at the beginning of paragraph 4.

**20.** Section 55.13 of the Act is amended by adding the following paragraph at the end:

“A person to whom a seized animal has been entrusted under section 55.9.8 cannot be prosecuted by the person from whom it was seized for acts done in good faith within the framework of the mandate of the person caring for the seized animal.”

**21.** The Act is amended by inserting the following section after section 55.25:

**“55.25.1.** For the purposes of this division, “judge” means

- (1) a judge of the Court of Québec;
- (2) a judge of a municipal court;
- (3) a presiding justice of the peace.”

**22.** Section 55.31 of the Act is amended by adding the following paragraph after paragraph 3:

“(4) if he repeatedly fails to comply with this Act or the regulations.”

**23.** Section 55.43.1 of the Act is replaced by the following sections:

**“55.43.1.** The owner or custodian of an animal who compromises the animal’s safety or welfare in a manner described in paragraph 1, 2 or 3 of

section 55.9.2 is liable to a fine of \$600 to \$12,000 and, in the case of a subsequent conviction, to a fine of \$1,800 to \$36,000.

The owner or custodian of an animal who compromises the animal's safety or welfare in a manner described in paragraph 4 of section 55.9.2 is liable to a fine of \$2,000 to \$25,000 and, in the case of a subsequent conviction, to a fine of \$6,000 to \$75,000.

**“55.43.1.1.** Every person who contravenes section 55.9.4.1, 55.9.4.2 or 55.9.4.3 is liable to a fine of \$600 to \$12,000 and, in the case of a subsequent conviction, to a fine of \$1,800 to \$36,000.

**“55.43.1.2.** The owner or custodian of an animal who contravenes an order made under section 55.9.6 is liable to a fine of \$2,000 to \$25,000 and, in the case of a subsequent conviction, to a fine of \$6,000 to \$75,000.

**“55.43.1.3.** Every person who contravenes a regulation made under section 55.9.14.1, 55.9.14.2 or 55.9.14.3 is liable to a fine of \$600 to \$12,000 and, in the case of a subsequent conviction, to a fine of \$1,800 to \$36,000.

**“55.43.1.4.** For the purposes of sections 55.43.1 to 55.43.1.3, the court takes the following factors in particular into account in determining the amount of the fine:

- (1) the condition of the animal;
- (2) the state of the premises or the vehicle in which the animal was kept or transported;
- (3) the benefits or income the contravener received as a result of carrying on activities involving the animal; and
- (4) the number of animals involved.”

**24.** Section 55.45.1 of the Act is amended by replacing “under section 55.43.1” in the first paragraph by “under sections 55.43.1 to 55.43.1.3”.

**25.** The Act is amended by adding section 56.0.1:

**“56.0.1.** No later than 15 June 2015 and every five years after that, the Minister must report to the Government on the enforcement of Divisions IV.1.1 and IV.2, Division IV.3 as regards the permits referred to in sections 55.9.4.1 and 55.9.4.2 and sections 55.43.1 to 55.43.1.4 of Division IV.4.

The report must be tabled by the Minister in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly examines the report.

The report deals in particular with the advisability of amending the legislative provisions of the divisions referred to in the first paragraph.”

#### TRANSITIONAL AND FINAL PROVISIONS

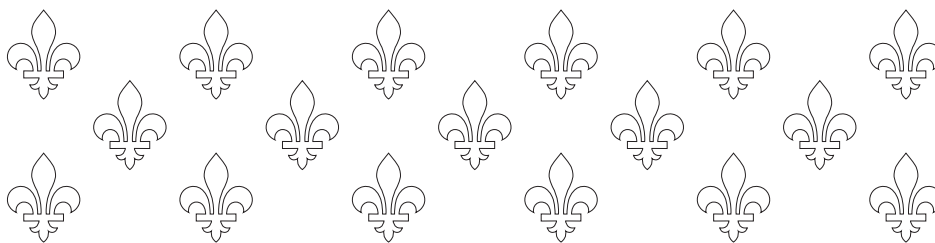
**26.** A person who, on the date of coming into force of section 7, is required to hold a permit under section 55.9.4.1 or 55.9.4.2 of the Animal Health Protection Act (R.S.Q., chapter P-42), enacted by section 7, must apply for the permit with the Minister of Agriculture, Fisheries and Food within four months after the coming into force of that section.

As of the coming into force of section 7, the person is deemed to hold such a permit until the first of the following dates:

- (1) the date the Minister issues the permit requested;
- (2) the date the Minister refuses to issue the permit requested; and
- (3) the date the four-month period expires, provided no permit application is received by the Minister during that time.

**27.** This Act comes into force on 15 June 2012, except section 7, which comes into force on the date of coming into force of the first regulation made under paragraph 3 of section 55.9.14.2 of the Animal Health Protection Act, enacted by section 17.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 56  
(2012, chapter 19)

## **An Act to prevent and stop bullying and violence in schools**

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**Introduced 15 February 2012**  
**Passed in principle 5 April 2012**  
**Passed 12 June 2012**  
**Assented to 15 June 2012**

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**Québec Official Publisher  
2012**

## EXPLANATORY NOTES

*This Act makes amendments to the Education Act and the Act respecting private education in order to prevent and stop bullying and violence in schools.*

*The duties and responsibilities of the players concerned are set out, and school boards are put in charge of seeing to it that each of their schools provides a healthy and secure learning environment which allows every student to develop his or her full potential, free from any form of bullying or violence.*

*Every public and private educational institution will be required to adopt and implement an anti-bullying and anti-violence plan. The plan must include prevention measures to put an end to all forms of bullying and violence and measures to encourage parents to collaborate in preventing and stopping bullying and violence and in creating a healthy and secure learning environment, specify the actions to be taken and the supervisory or support measures to be offered when an act of bullying or violence is observed, determine the disciplinary sanctions applicable to bullying and violence and specify the follow-up to be given to any report or complaint concerning an act of bullying or violence.*

*Lastly, the Minister is granted the power, in the broad areas of learning established by the Minister, to prescribe activities or content to be integrated into the educational services provided to students.*

## LEGISLATION AMENDED BY THIS ACT:

- Act respecting private education (R.S.Q., chapter E-9.1);
- Education Act (R.S.Q., chapter I-13.3).

## Bill 56

### AN ACT TO PREVENT AND STOP BULLYING AND VIOLENCE IN SCHOOLS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### EDUCATION ACT

**1.** Section 8 of the Education Act (R.S.Q., chapter I-13.3) is repealed.

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

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

“(1.1) the word “**bullying**” means any repeated direct or indirect behaviour, comment, act or gesture, whether deliberate or not, including in cyberspace, which occurs in a context where there is a power imbalance between the persons concerned and which causes distress and injures, hurts, oppresses, intimidates or ostracizes;”;

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

“(3) the word “**violence**” means any intentional demonstration of verbal, written, physical, psychological or sexual force which causes distress and injures, hurts or oppresses a person by attacking their psychological or physical integrity or well-being, or their rights or property.”

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

#### “DIVISION III

#### “STUDENTS’ OBLIGATIONS

“**18.1.** Students shall conduct themselves in a civil and respectful manner toward their peers and school board personnel.

They shall contribute to creating a healthy and secure learning environment. To that end, they shall take part in civics and anti-bullying and anti-violence activities held by their school.

“**18.2.** Students shall take good care of the property placed at their disposal and return it when school activities have ended.

If a student fails to take care of or return the property, the school board may claim the value of the property from the student's parents if the student is a minor, or from the student if the student is of full age."

**4.** The Act is amended by inserting the following sections after section 75:

**"75.1.** The governing board is responsible for approving the anti-bullying and anti-violence plan, and any updated version of the plan, proposed by the principal.

The main purpose of the plan must be to prevent and stop all forms of bullying and violence targeting a student, a teacher or any other school staff member.

In addition to any elements the Minister may prescribe by regulation, the plan must include

(1) an analysis of the situation prevailing at the school with respect to bullying and violence;

(2) prevention measures to put an end to all forms of bullying and violence, in particular those motivated by racism or homophobia or targeting sexual orientation, sexual identity, a handicap or a physical characteristic;

(3) measures to encourage parents to collaborate in preventing and stopping bullying and violence and in creating a healthy and secure learning environment;

(4) procedures for reporting, or registering a complaint concerning, an act of bullying or violence and, more particularly, procedures for reporting the use of social media or communication technologies for cyberbullying purposes;

(5) the actions to be taken when a student, teacher or other school staff member or any other person observes an act of bullying or violence;

(6) measures to protect the confidentiality of any report or complaint concerning an act of bullying or violence;

(7) supervisory or support measures for any student who is a victim of bullying or violence, for witnesses and for the perpetrator;

(8) specific disciplinary sanctions for acts of bullying or violence, according to their severity or repetitive nature; and

(9) the required follow-up on any report or complaint concerning an act of bullying or violence.

A document explaining the anti-bullying and anti-violence plan must be distributed to the parents. The governing board shall see to it that the wording of the document is clear and accessible.



The anti-bullying and anti-violence plan must be reviewed each year, and updated if necessary.

**“75.2.** The anti-bullying and anti-violence plan must specify the form and nature of the undertakings to be given by the principal to a student who is a victim of bullying or violence and to his or her parents.

It must also prescribe what action must be taken by the principal to deal with the perpetrator and his or her parents, and specify the form and nature of the undertakings they must give in order to prevent any further act of bullying or violence.

**“75.3.** Every school staff member shall collaborate in implementing the anti-bullying and anti-violence plan and shall see to it that no student in the school is a victim of bullying or violence.”

**5.** Section 76 of the Act is amended by replacing the second paragraph by the following paragraphs:

“In addition to the elements the Minister may prescribe by regulation, the rules of conduct must specify

(1) the attitudes and conduct that are required of students at all times;

(2) the behaviours and verbal or other exchanges that are prohibited at all times, including during school transportation, regardless of the means used, including social media; and

(3) the applicable disciplinary sanctions, according to the severity or repetitive nature of the prohibited act.

The rules of conduct and the safety measures must be presented to the students during a civics session held each year by the principal in collaboration with the school staff, and must be sent to the parents at the beginning of each school year.”

**6.** Section 77 of the Act is amended by replacing the first paragraph by the following paragraph:

**“77.** The plans, rules and measures provided for in sections 75 to 76 shall be developed in collaboration with the school staff.”

**7.** The Act is amended by inserting the following section after section 83:

**“83.1.** Each year, the governing board shall evaluate the results achieved by the school with respect to preventing and dealing with bullying and violence.

A document reporting on the evaluation must be distributed to the parents, the school staff and the Student Ombudsman.”

**8.** Section 85 of the Act is amended by adding the following paragraph at the end:

“The governing board is also responsible for approving the conditions and procedures proposed by the principal for integrating, into the educational services provided to the students, the activities or content prescribed by the Minister in the broad areas of learning.”

**9.** Section 96.6 of the Act is amended by inserting the following paragraph after the first paragraph:

“A further purpose of the student committee is to encourage the students to conduct themselves in a civil and respectful manner toward each other and the school staff.”

**10.** The Act is amended by inserting the following section after section 96.7:

**“96.7.1.** The principal shall, on the recommendation of the team established under section 96.12, support any group of students wishing to conduct activities conducive to preventing and stopping bullying and violence.”

**11.** Section 96.12 of the Act is amended by adding the following paragraphs at the end:

“The principal shall see to the implementation of the anti-bullying and anti-violence plan, and shall receive and promptly deal with all reports or complaints concerning bullying or violence.

On receiving a complaint concerning bullying or violence, and after considering the best interest of the students directly involved, the principal shall promptly communicate with their parents to inform them of the measures in the anti-bullying and anti-violence plan. The principal shall also inform them of their right to request assistance from the person specifically designated by the school board for that purpose.

For each complaint received, the principal shall send the director general of the school board a summary report on the nature of the incident and the follow-up measures taken.

The principal shall set up an anti-bullying and anti-violence team and designate a school staff member to coordinate its work as part of his or her regular duties.”

**12.** Section 96.13 of the Act is amended by inserting the following subparagraph after subparagraph 1.1 of the first paragraph:

“(1.2) coordinate the development, the review and, if necessary, the updating of the anti-bullying and anti-violence plan;”.

**13.** Section 96.21 of the Act is amended by inserting the following paragraph after the first paragraph:

“The principal shall see to it that all school staff members are informed of the school’s rules of conduct, safety measures and anti-bullying and anti-violence measures, and of the procedure to be followed when an act of bullying or violence is observed.”

**14.** The Act is amended by inserting the following section after section 96.26:

**“96.27.** The principal may suspend a student if, in the principal’s opinion, such a disciplinary sanction is necessary to put an end to acts of bullying or violence or to compel the student to comply with the school’s rules of conduct.

When determining the duration of the suspension, the principal shall take into account the student’s best interest, the severity of the incidents, and any previously taken measures.

The principal shall inform the student’s parents of the reasons for the suspension and of the assistance, remedial and reintegration measures imposed on the student.

The principal shall also inform the student’s parents that, in the event of any further act of bullying or violence, on a request by the principal to the council of commissioners under section 242, the student could be enrolled in another school or expelled from the schools of the school board.

The principal shall inform the director general of the school board of the decision to suspend the student.”

**15.** The Act is amended by inserting the following section after section 210:

**“210.1.** The school board shall see to it that each of its schools provides a healthy and secure learning environment that allows every student to develop his or her full potential, free from any form of bullying or violence. To that end, it shall support the principals of its schools in their efforts to prevent and stop bullying and violence.”

**16.** The Act is amended by inserting the following sections after section 214:

**“214.1.** A school board and each competent authority in respect of a police force in its territory shall enter into an agreement to determine how the officers of that police force will intervene in an emergency and when an act of bullying or violence is reported to them, and to establish a mode of collaboration for prevention and investigation purposes.

The Government may, by regulation, determine the essential elements and the special stipulations that the agreement must include.

In the absence of an agreement between the school board and the competent authority in respect of a police force in the territory of the school board, the Minister and the Minister of Public Security shall jointly determine how the members of the police force will intervene in an emergency and when an act of bullying or violence is reported, and establish a mode of collaboration for prevention and investigation purposes, to stand in lieu of such an agreement.

The director general of the school board shall send a copy of the agreement to the school principals and the Student Ombudsman.

**“214.2.** A school board shall enter into an agreement with an institution or another body in the health and social services network for the provision of services to students after an act of bullying or violence is reported. It may also enter into an agreement with a community organization operating in its territory. Any agreement under this section must stipulate, among other things, the actions to be taken jointly in such cases.

The director general of the school board shall send a copy of the agreement to the school principals and the Student Ombudsman.”

**17.** Section 220 of the Act is amended

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

“In the report, the school board shall state separately for each school the nature of the complaints reported to the director general of the school board by the principal under section 96.12, the measures taken and the proportion of those measures for which a complaint was filed with the Student Ombudsman.”;

(2) by adding “no later than 31 December each year” at the end of the last paragraph.

**18.** Section 220.2 of the Act is amended by inserting the following sentences after the first sentence of the fourth paragraph: “The report must separately list complaint referrals concerning acts of bullying or violence. It may include any recommendation the Student Ombudsman considers appropriate with respect to measures required to prevent and stop bullying and violence.”

**19.** Section 242 of the Act is amended by adding the following paragraphs at the end:

“The school board shall promptly decide on the principal’s request, at the latest within 10 days.

A copy of the decision is sent to the Student Ombudsman if it proves necessary to expel the student in order to put an end to acts of bullying or violence.”

**20.** Section 297 of the Act is amended by adding the following at the end of the third paragraph: “The contract must require the carrier to adopt measures to prevent and stop any form of bullying or violence during the transportation of students, and to inform the principal of the school concerned of any act of bullying or violence that occurs during transportation. The contract must also require the carrier to make sure, in collaboration with the school board, that the driver completes proper anti-bullying and anti-violence training as soon as possible.”

**21.** Section 461 of the Act is amended by inserting the following paragraph after the second paragraph:

“The Minister may, in the broad areas of learning established by the Minister, prescribe activities or content to be integrated into the educational services provided to students, and determine exemption conditions.”

#### ACT RESPECTING PRIVATE EDUCATION

**22.** Section 9 of the Act respecting private education (R.S.Q., chapter E-9.1) is replaced by the following section:

“**9.** In this Act,

“bullying” means any repeated direct or indirect behaviour, comment, act or gesture, whether deliberate or not, including in cyberspace, which occurs in a context where there is a power imbalance between the persons concerned and which causes distress and injures, hurts, oppresses, intimidates or ostracizes;

“school year” means the period commencing on 1 July of one year and ending on 30 June of the following year; and

“violence” means any intentional demonstration of verbal, written, physical, psychological or sexual force which causes distress and injures, hurts or oppresses a person by attacking their psychological or physical integrity or well-being, or their rights or property.”

**23.** Section 32 of the Act is amended by adding the following sentence at the end of the first paragraph: “The same applies with respect to the activities or content the Minister may prescribe in the broad areas of learning.”

**24.** The Act is amended by inserting the following sections after section 63:

“**63.1.** An institution providing educational services belonging to the categories listed in paragraphs 1 to 3 of section 1 must provide a healthy and secure learning environment that allows every student to develop his or her full potential, free from any form of bullying or violence. To that end, the institution must adopt an anti-bullying and anti-violence plan.

The main purpose of the plan must be to prevent and stop all forms of bullying and violence targeting a student, a teacher or any other personnel member.

In addition to any elements the Minister may prescribe by regulation, the plan must include

(1) an analysis of the situation prevailing at the institution with respect to bullying and violence;

(2) prevention measures to put an end to all forms of bullying and violence, in particular those motivated by racism or homophobia or targeting sexual orientation, sexual identity, a handicap or a physical characteristic;

(3) measures to encourage parents to collaborate in preventing and stopping bullying and violence and in creating a healthy and secure learning environment;

(4) procedures for reporting, or registering a complaint concerning, an act of bullying or violence and, more particularly, procedures for reporting the use of social media or communication technologies for cyberbullying purposes;

(5) the actions to be taken when a student, teacher or other personnel member or any other person observes an act of bullying or violence;

(6) measures to protect the confidentiality of any report or complaint concerning an act of bullying or violence;

(7) supervisory or support measures for any student who is a victim of bullying or violence, for witnesses and for the perpetrator;

(8) specific disciplinary sanctions for acts of bullying or violence, according to their severity or repetitive nature; and

(9) the required follow-up on any report or complaint concerning an act of bullying or violence.

A document explaining the anti-bullying and anti-violence plan must be distributed to the parents. The institution shall see to it that the wording of the document is clear and accessible.

The anti-bullying and anti-violence plan must be reviewed each year, and updated if necessary.

**63.2.** The anti-bullying and anti-violence plan must specify the form and nature of the undertakings to be given by the institution to a student who is a victim of bullying or violence and to his or her parents.

It must also prescribe what action must be taken by the institution to deal with the perpetrator and his or her parents, and specify the form and nature of

the undertakings they must give in order to prevent any further act of bullying or violence.

**“63.3.** The anti-bullying and anti-violence plan must be accompanied by a document that sets out the rules of conduct and the safety measures applicable in the institution, including the obligation for students to conduct themselves in a civil and respectful manner toward their peers and the institution’s personnel, to contribute to creating a healthy and secure learning environment, and to take part in civics and anti-bullying and anti-violence activities held by the institution.

In addition to the elements the Minister may prescribe by regulation, the rules of conduct must specify

- (1) the attitudes and conduct that are required of students at all times;
- (2) the behaviours and verbal or other exchanges that are prohibited at all times, including during school transportation, regardless of the means used, including social media; and
- (3) the applicable disciplinary sanctions, according to the severity or repetitive nature of the prohibited act.

The rules of conduct and the safety measures must be presented to the students during a civics session held each year by the institution in collaboration with its personnel, and must be sent to the parents at the beginning of each school year.

**“63.4.** The plan, rules and measures provided for in sections 63.1 and 63.3 are prepared with the participation of the members of the institution’s personnel.

**“63.5.** The institution shall set up an anti-bullying and anti-violence team and designate, from among the members of its personnel, a person to coordinate its work as part of his or her regular duties.

The institution shall see to it that all the members of its personnel are informed of the institution’s rules of conduct and safety measures and anti-bullying and anti-violence measures and of the procedure to be followed when an act of bullying or violence is observed.

Every personnel member shall collaborate in implementing the anti-bullying and anti-violence plan and shall see to it that no student in the institution is a victim of bullying or violence.

On the occurrence of an act of bullying or violence, and after considering the best interest of the students directly involved, the person designated by the institution specifically for that purpose from among the members of its

management personnel shall promptly communicate with their parents to inform them of the measures in the anti-bullying and anti-violence plan.

**“63.6.** The institution may suspend a student if, in its opinion, such a disciplinary sanction is necessary to put an end to acts of bullying or violence or to compel the student to comply with the institution’s rules of conduct.

When determining the duration of the suspension, the institution shall take into account the student’s best interest, the severity of the incidents, and any previously taken measures.

The institution shall inform the student’s parents of the reasons for the suspension and of the assistance, remedial and reintegration measures imposed on the student.

**“63.7.** The institution shall, on the recommendation of the team established under section 63.5, support any group of students wishing to conduct activities conducive to preventing and stopping bullying and violence.

**“63.8.** Not later than 31 December, the institution shall send the Minister a yearly report which states the nature of the complaints reported to the institution and the measures taken.

**“63.9.** The institution and each competent authority in respect of a police force in its territory shall enter into an agreement to determine how the officers of that police force will intervene in an emergency and when an act of bullying or violence is reported to them, and to establish a mode of collaboration for prevention and investigation purposes.

The Government may, by regulation, determine the essential elements and the special stipulations that the agreement must include.

In the absence of an agreement between the institution and the competent authority in respect of a police force in the territory of the institution, the Minister and the Minister of Public Security shall jointly determine how the members of the police force will intervene in an emergency and when an act of bullying or violence is reported, and establish a mode of collaboration for prevention and investigation purposes, to stand in lieu of such an agreement.

**“63.10.** The institution shall enter into an agreement with an institution or another body in the health and social services network for the provision of services to students after an act of bullying or violence is reported. It may also enter into an agreement with a community organization operating in its territory. Any agreement under this section must stipulate, among other things, the actions to be taken jointly in such cases.”



## TRANSITIONAL AND FINAL PROVISIONS

**25.** The agreements described in sections 16 and 24 must be entered into before the date that occurs 12 months after the date of coming into force of the government regulations made under the provisions introduced by those sections.

**26.** Any agreement entered into before 15 June 2012 for purposes similar to those set out in sections 16 and 24 ceases to apply on the earlier of

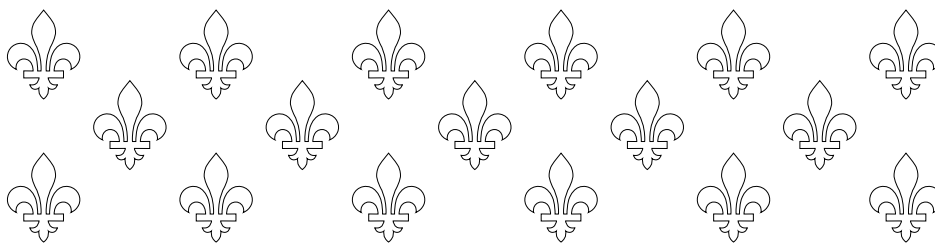
(1) the date of its expiration; and

(2) the date that is 12 months after the coming into force of the government regulations made under the provisions introduced by those sections.

**27.** The first anti-bullying and anti-violence plan and the first rules of conduct and safety measures prepared in accordance with this Act must, in the case of a school, be approved by its governing board and, in the case of a private educational institution, be adopted by the institution at the latest on 31 December 2012.

**28.** This Act comes into force on 15 June 2012.





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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 69  
(2012, chapter 21)

**An Act to amend various legislative  
provisions concerning municipal affairs**

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**Introduced 1 May 2012  
Passed in principle 8 May 2012  
Passed 13 June 2012  
Assented to 15 June 2012**

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**Québec Official Publisher  
2012**

## EXPLANATORY NOTES

*This Act amends the Charter of Ville de Montréal to grant the city council the power to authorize the carrying out of a primary or secondary school project and to allow the city to apply for the constitution of a non-profit body which will inherit the powers of the Bureau du taxi de la Ville de Montréal. The council of Ville de Montréal is granted the power to amend By-law 05-035 of Ville de Montréal by by-law and without further formality in order to increase the maximum height of a building intended to house a hospital institution, and to make accessory amendments to that amendment or to amendments intended to optimize the siting and integration of the building.*

*The Cities and Towns Act is amended to allow the Minister of Municipal Affairs, Regions and Land Occupancy to adopt a regulation in order to determine which research and support expenses incurred by municipal councillors may be reimbursed.*

*The Municipal Powers Act is amended to increase to \$100,000 the maximum annual assistance a municipality may grant to operators of private enterprises.*

*The Act respecting contracting by public bodies is amended in order to change the time limit for recording an enterprise in the register of enterprises ineligible for public contracts and to specify that ineligibility to enter into a public contract applies even when an enterprise becomes ineligible between the time bids are submitted and the time the contract is entered into. A further amendment to that Act, as well as to the Building Act, makes it unnecessary to obtain the authorization of the Régie du bâtiment du Québec or the Conseil du trésor, as applicable, in order to allow a contractor to perform a guarantee arising from a contract in cases where the contractor's licence has become restricted or where the contractor has been recorded in the register of enterprises ineligible for public contracts.*

*The Act respecting municipal taxation is amended to restore the tax system that was applicable to outfitting establishments before 1 January 2011.*

*The Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire is amended to add the social*

*economy to the responsibilities of the Minister of Municipal Affairs, Regions and Land Occupancy.*

*The time limit granted to municipal bodies and school boards to enter into a contract for the implementation, operation or use of a broadband telecommunications network is extended until 1 July 2016. The period of application of a measure exempting certain municipal loan by-laws from approval by way of referendum is extended by three years.*

*The territory of Ville de Rouyn-Noranda is to be divided into 12 electoral districts for the purposes of the 2013 general election, and the city will be subject to the general law for subsequent elections.*

*Lastly, various technical amendments are introduced.*

**LEGISLATION AMENDED BY THIS ACT:**

- Building Act (R.S.Q., chapter B-1.1);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act respecting contracting by public bodies (R.S.Q., chapter C-65.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1);
- Act respecting transportation services by taxi (R.S.Q., chapter S-6.01);
- Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37);
- Act to amend various legislative provisions respecting municipal affairs (2009, chapter 26).

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

- Order in Council 1478-2001 (2001, G.O. 2, 6960).

## Bill 69

### AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### BUILDING ACT

**1.** Section 65.2.1 of the Building Act (R.S.Q., chapter B-1.1) is amended by adding the following paragraph after the second paragraph:

“Despite the first paragraph, the authorization of the Board is not required when the other party takes advantage of a guarantee arising from the contract.”

#### CHARTER OF VILLE DE MONTRÉAL

**2.** Section 89 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing “university, college” in subparagraph 1 of the first paragraph by “public educational institution, college- or university-level educational institution”.

**3.** Schedule C to the Charter is amended by inserting the following sections after section 220:

**“220.1.** The city may apply for the constitution of a non-profit body dedicated to

(1) the exercise of any power, except a regulatory power, that the city delegates from among those arising from the exercise of its powers provided for in subdivision 9 of Division II of Chapter III of this Charter and in the second paragraph of section 13 of the Act respecting transportation services by taxi (chapter S-6.01);

(2) the development of the taxi industry, particularly by means of subsidy programs, and the concerted action of the various players in that industry;

(3) the supervision and improvement of transportation by taxi and the safety of taxi drivers and users;

(4) the supply of services to the taxi and limousine industry;

(5) skill improvement for taxi and limousine drivers.

The body may carry on commercial activities related to the activities described in subparagraphs 1 to 5 of the first paragraph so as to ensure their financing.

It may also be the object of an appointment in accordance with sections 9 and 69.1 of the Highway Safety Code (chapter C-24.2).

The content of the letters patent issued under section 224 to constitute the body described in the first paragraph is subject to the rules set out in sections 220.2 and 220.3.

**“220.2.** The board of directors of the body described in section 220.1 is composed of 11 members, designated for a two-year renewable term, as follows:

- (1) three members chosen from among the members of a council of the city;
- (2) three members representing clients of the taxi industry on the island of Montréal, including one representing clients with reduced mobility and one representing corporate clients;
- (3) one member representing the tourism industry on the island of Montréal;
- (4) one member elected by and from among the holders of a valid taxi driver’s permit from the taxi areas of the island of Montréal;
- (5) one member elected by and from among the holders of a valid taxi owner’s permit specializing in regular or limited services from the taxi areas of the island of Montréal;
- (6) one member elected by and from among the holders of a valid taxi owner’s permit specializing in limousine services from the taxi areas of the island of Montréal; and
- (7) one member elected by and from among the holders of a valid taxi transportation service intermediary’s permit from the taxi areas of the island of Montréal.

**“220.3.** The members listed in paragraphs 1 to 3 of section 220.2 are appointed by the city. The city shall also designate the president of the board of directors from among the members listed in paragraph 1 of that section.

The chief executive officer of the body is appointed by the city on the recommendation of the body’s board of directors. The other senior officers of the body are appointed by its board of directors.

The letters patent issued under section 224 set out the procedure for electing the members listed in paragraphs 4 to 7 of section 220.2.”



**4.** Section 229 of Schedule C to the Charter is amended by replacing “sections 218 and 220” by “section 218, 220 or 220.1”.

#### CITIES AND TOWNS ACT

**5.** Section 468.36.1 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing “467.10 or 467.13” in the third paragraph by “48.37 or 48.42 of the Transport Act (chapter T-12)”.

**6.** Section 474.0.1 of the Act is amended

(1) by replacing “secretarial” in the first paragraph by “support”;

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

“A regulation of the Minister of Municipal Affairs, Regions and Land Occupancy determines which research and support expenses are covered under the first paragraph.”

**7.** Section 474.0.2.1 of the Act is amended by replacing “of sums to the members of that council, except the mayor of the central municipality, as reimbursement for their research and secretarial expenses” in the first paragraph by “of sums to the members of that council, except the mayor of the central municipality, as reimbursement for research and support expenses that comply with the regulation made under section 474.0.1”.

**8.** Section 474.0.3 of the Act is amended

(1) by replacing “secretarial” in the first paragraph by “support”;

(2) by replacing “may be” in the first paragraph by “is, subject to the regulation made under section 474.0.4.1”.

**9.** Section 474.0.4 of the Act is amended by replacing “may be determined by the treasurer” in the fourth paragraph by “is determined by the treasurer, subject to the regulation made under section 474.0.4.1”.

**10.** The Act is amended by inserting the following section after section 474.0.4:

**“474.0.4.1.** The Minister may, by regulation, prescribe any rule relating to the content of the vouchers required under sections 474.0.3 and 474.0.4.”

#### MUNICIPAL CODE OF QUÉBEC

**11.** Article 605.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by replacing “article 535 or 538” in the third paragraph by “section 48.37 or 48.42 of the Transport Act (chapter T-12)”.

## MUNICIPAL POWERS ACT

**12.** Section 92.1 of the Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by replacing “\$25,000” in the second paragraph by “\$100,000”.

## ACT RESPECTING CONTRACTING BY PUBLIC BODIES

**13.** Section 21.1 of the Act respecting contracting by public bodies (R.S.Q., chapter C-65.1), replaced by section 46 of chapter 35 of the statutes of 2011, is amended by replacing “30 days after the date on which the judgment becomes final” by “20 days after the date on which the chair of the Conseil du trésor is informed of the final judgment”.

**14.** Section 21.2 of the Act, amended by section 47 of chapter 35 of the statutes of 2011, is again amended by replacing “30 days after the date on which the judgment becomes final” in the first paragraph by “20 days after the date on which the chair of the Conseil du trésor is informed of the final judgment”.

**15.** Section 21.3 of the Act, replaced by section 49 of chapter 35 of the statutes of 2011, is amended by inserting the following paragraph after the second paragraph:

“Despite the first paragraph, the authorization of the Conseil du trésor is not required when the body takes advantage of a guarantee arising from the contract.”

**16.** Section 21.4.1 of the Act is amended by striking out “by mutual agreement”.

## ACT RESPECTING MUNICIPAL TAXATION

**17.** Section 244.31 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by inserting “in respect of an establishment other than an outfitting establishment” after “(chapter E-14.2)” in the first paragraph.

## ACT RESPECTING ADMINISTRATIVE JUSTICE

**18.** Section 26 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by striking out “or decisions made by the Commission administrative des régimes de retraite et d’assurances in particular concerning eligibility for the Pension Plan of Elected Municipal Officers, the number of years of service, pensionable salary or the amount of contributions or of a pension”.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES,  
DES RÉGIONS ET DE L'OCCUPATION DU TERRITOIRE

**19.** The Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (R.S.Q., chapter M-22.1) is amended by inserting the following after section 17.5.3:

“§2.2. — *Social economy*

“**17.5.4.** The mission of the Minister is to coordinate government intervention regarding the social economy. To that end, the Minister, in conjunction with the Minister of Economic Development, Innovation and Export Trade and the Minister of Finance, shall develop policies with a view to encouraging the development of the social economy in Québec, and propose them to the Government.

A further mission of the Minister is to support the Government in implementing programs and measures geared to social economy enterprises.”

ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

**20.** Section 13 of the Act respecting transportation services by taxi (R.S.Q., chapter S-6.01) is amended by replacing “The Bureau du taxi de la Ville de Montréal” in the second paragraph by “Ville de Montréal”.

**21.** Sections 142 and 143 of the Act are amended by replacing “to the Bureau du taxi de la Communauté urbaine de Montréal” in the second paragraph by “to Ville de Montréal”.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS  
CONCERNING MUNICIPAL AFFAIRS

**22.** Section 282 of the Act to amend various legislative provisions concerning municipal affairs (2002, chapter 37), amended by section 237 of chapter 19 of the statutes of 2003, section 93 of chapter 50 of the statutes of 2005, section 12 of chapter 33 of the statutes of 2007 and section 100 of chapter 18 of the statutes of 2010, is again amended by replacing “July 2012” in the tenth paragraph by “July 2016”.

ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING  
MUNICIPAL AFFAIRS

**23.** Section 117 of the Act to amend various legislative provisions respecting municipal affairs (2009, chapter 26) is amended by replacing “cease to have effect on 17 June 2012” in the third paragraph by “apply only to a by-law adopted before 15 June 2015”.

#### OTHER AMENDING PROVISION

**24.** Section 39 of Order in Council 1478-2001 (2001, G.O. 2, 6960) is amended by striking out the last paragraph.

#### MISCELLANEOUS AND FINAL PROVISIONS

**25.** Despite section 89.1 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), the city council may, by by-law and without further formality, amend By-law 05-035 of Ville de Montréal, entitled “By-law concerning the construction, alteration and occupancy of the Centre universitaire de santé McGill, on a site east of Boulevard Décarie, between Rue Saint-Jacques and the CP railway track” in order

(1) to replace the altimetric measurement of 73 metres in the first paragraph of section 18 by an altimetric measurement of 86.1 metres and to make any accessory or consequential amendments to the by-law;

(2) to make any amendment to the by-law considered necessary and intended to optimize the siting of the building referred to in that section and its integration into the project concerned.

**26.** The territory of Ville de Rouyn-Noranda is divided into 12 electoral districts for the purposes of the 2013 general election and any by-election held before the 2017 general election.

To that end, the date mentioned in the first paragraph of section 21 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is replaced by 1 November and the date mentioned in section 30 of that Act is replaced by 31 March 2013.

**27.** Section 17 has effect from 1 January 2011.

**28.** This Act comes into force on 15 June 2012, except sections 6 to 10, which come into force on the date of coming into force of the regulation of the Minister made under section 474.0.1 of the Cities and Towns Act (R.S.Q., chapter C-19), as amended by section 6.

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## Draft Regulations

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### Notice

An Act respecting collective agreement decrees  
(R.S.Q., c. D-2)

#### **Solid waste removal** — **Montréal** — **Amendment**

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of Labour has received an application from the contracting parties to amend the Decree respecting solid waste removal in the Montréal region (c. D-2, r. 5) and that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Decree to amend the Decree respecting solid waste removal in the Montréal region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree increases the minimum hourly wages provided for in the Decree.

The consultation period will specify the extent of the impact of the amendments applied for. According to the 2011 annual report of the Comité paritaire des boueurs de la région de Montréal, 256 employers and 1,360 employees and 23 artisans are subject to the Decree.

Further information may be obtained by contacting:

David Galarneau  
Direction des politiques du travail  
Ministère du Travail  
200, chemin Sainte-Foy, 5<sup>e</sup> étage  
Québec (Québec) G1R 5S1  
Telephone: 418 646-4492  
Fax: 418 643-9454  
Email: david.galarneau@travail.gouv.qc.ca.

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1.

JOCELIN DUMAS,  
*Deputy Minister of Labour*

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### **Decree to amend the Decree respecting solid waste removal in the Montréal region**

An Act respecting collective agreement decrees  
(R.S.Q., c. D-2, ss. 2 and 6.1)

**1.** The Decree respecting solid waste removal in the Montréal region (c. D-2, r. 5) is amended by replacing “Travailleurs éboueurs du Québec” in the part preceding Division 1.00 by “TUAC Local 501”.

**2.** Section 6.01 is replaced by the following:

“**6.01.** The minimum hourly wage is the following:

Class of employment	As of 2013/07/04	As of 2014/07/04	As of 2015/07/04
1. Full-time employee			
(A) driver:			
i. self-loading truck	\$20.50	\$21.00	\$21.60
ii. side-loading truck	\$21.39	\$21.89	\$22.49
iii. other vehicle	\$20.29	\$20.79	\$21.39
(B) helper:	\$19.97	\$20.47	\$21.07
2. Part-time employee:			
(A) truck driver any category:	\$19.71	\$20.21	\$20.81
(B) helper:	\$19.43	\$19.93	\$20.53.

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

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## Draft Regulation

An Act respecting occupational health and safety  
(R.S.Q., c. S-2.1)

### Agreement regarding the programs of the Office Québec-Monde pour la jeunesse — Implementation

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 respecting the implementation of the Agreement regarding the programs of the Office Québec-Monde pour la jeunesse, appearing below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to grant the protection of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) to persons who serve training periods in a work environment under the programs of the Office Québec-Monde pour la jeunesse, listed in the schedule to the agreement.

To that end, it is proposed that the Office Québec-Monde pour la jeunesse be considered the employer of those persons for compensation purposes, the payment of the assessment established by the Commission de la santé et de la sécurité du travail and the imputation of the cost of benefits payable by reason of an employment injury.

Study of the matter has revealed no impact on enterprises, including small and medium-sized businesses. The assessments related to the coverage of the persons subject to the agreement will be paid by the Office.

Further information may be obtained by contacting Mireille Cholette, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14<sup>e</sup> étage, Montréal (Québec) H3B 3J1; telephone: 514 906-2922; fax: 514 906-3781.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Claude Sicard, vice-president for partnership and expert counseling, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, 14<sup>e</sup> étage, Montréal (Québec) H3B 3J1.

MICHEL DESPRÉS,  
*Chair of the Board and Chief Executive  
Officer of the Commission de la santé  
et de la sécurité du travail*

## Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Monde pour la jeunesse

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, ss. 170 and 223, 1st par., subpar. 39°)

**1.** The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons who take part in the programs of the Office Québec-Monde pour la jeunesse to the extent and subject to the conditions set in the Agreement entered into between the Office and the Commission de la santé et de la sécurité du travail appearing in Schedule I.

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

### SCHEDULE I

#### AGREEMENT

#### BETWEEN

THE OFFICE QUEBEC-MONDE POUR LA JEUNESSE

#### AND

THE COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

WHEREAS the Office Québec-Monde pour la jeunesse was established on 26 May 2009, by the Act to establish the Office Québec-Monde pour la jeunesse (R.S.Q., c. O-5.2), passed unanimously by the National Assembly of Québec;

WHEREAS the mission of the Office Québec-Monde pour la jeunesse (the Office) is to develop relations between the young people of Québec and those of jurisdictions or countries that are not under the purview of the Office franco-québécois pour la jeunesse, the Office Québec-Amériques pour la jeunesse and the Office Québec Wallonie Bruxelles pour la jeunesse;

WHEREAS section 2 of the Act to establish the Office Québec-Monde pour la jeunesse (R.S.Q., c. O-5.2) provides that the Office is a legal person and a mandatary of the State and that its property forms part of the domain of the State, but the execution of the obligations of the Office may be levied against its property;

WHEREAS the Commission de la santé et de la sécurité du travail, established under section 137 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), is a legal person under section 138 of that Act;

WHEREAS, under section 170 of that Act, the Commission may make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS the Office's mission is, to the extent and subject to the conditions determined by the Minister, to develop relations between the young people of Québec and those of the jurisdictions and countries identified by the Minister that are not under the purview of the Office franco-québécois pour la jeunesse, the Office Québec/Wallonie-Bruxelles pour la jeunesse or the Office Québec-Amériques pour la jeunesse;

WHEREAS the Office's mission is also to offer various individual or group training programs, designed as professional springboards to enable young people aged 18 to 35 to take part in an international initiative directly related to their field of studies, their sector of professional activity and their social involvement;

WHEREAS the exchange and cooperation programs include activities that are conducive to personal, academic or professional development, such as seminars, internships and cultural productions, and the Office may provide funding or technical support for the development and implementation of cooperation projects that originate in the communities;

WHEREAS the Office has requested that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) apply to trainees covered by this Agreement and the Office intends to assume the obligations prescribed for employers;

WHEREAS section 16 of that Act provides that a person doing work under a project of any government, whether or not the person is a worker within the meaning of that Act, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS that section 16 also provides that the second paragraph of section 170 of the Act respecting occupational health and safety applies to such an agreement, which means that the Commission must make a regulation to give effect to an agreement that extends the benefits of the laws and regulations administered by it;

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

## CHAPTER 1. ENABLING PROVISION

*Enabling provision*

- 1.1 This Agreement is entered into under section 16 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), hereinafter called "the Act".

## CHAPTER 2. PURPOSES

*Purposes*

- 2.1 The purposes of this Agreement are to provide for the application of the Act to the Office's trainees covered by this Agreement and to determine the respective obligations of the Office Québec-Monde pour la jeunesse and the Commission de la santé et de la sécurité du travail on the conditions and to the extent set forth herein.

## CHAPTER 3. DEFINITIONS

For the purposes of this Agreement,

- "*Commission*" (a) Commission: the Commission de la santé et de la sécurité du travail;
- "*employment*" (b) employment: as the case may be, the remunerated employment the trainee has at the time the employment injury appears or for which the trainee is registered with the Commission. If the trainee has no remunerated employment or is not registered with the Commission at the time the injury appears, his or her usual employment or, if the trainee does not carry on such employment, the employment that could have been the trainee's usual employment, considering the trainee's training, work experience and physical and intellectual capacity before the employment injury appeared;
- "*employment injury*" (c) employment injury: an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation;
- "*Office*" (d) Office: the Office Québec-Monde pour la jeunesse;



*"trainee"* (e) trainee: a person doing work under programs administered by the Office, in particular the programs listed in the schedule, except a person referred to in section 10 or paragraph 4 of section 11 of the Act.

#### CHAPTER 4. OBLIGATIONS OF THE OFFICE

*Employer* 4.1 The Office is deemed to be the employer of any trainee covered by this Agreement.

*Restrictions* Despite the foregoing, the employer-employee relationship is recognized as such only for the purposes of indemnification, assessment and imputation of the cost of benefits payable under the Act and must not be considered as an admission of a factual situation lending itself to interpretation in other fields of activity.

*General obligations* 4.2 As the employer, the Office is bound by all the obligations imposed by the Act, with the necessary modifications, including the obligation to keep a register of industrial accidents occurring in the establishments within the meaning of the Act respecting occupational health and safety where the trainees work and the obligation to inform the Commission, on the form prescribed by it, when a trainee is unable to pursue the program by reason of an employment injury.

*Register of accidents* Despite the foregoing, the Office is required to put the register at the disposal of the Commission only.

*Information* Upon request by the Commission, the Office sends a description of the program and tasks or activities carried out by the trainee at the time the employment injury appeared.

*Exceptions* 4.3 Despite section 4.2, section 32 of the Act concerning the dismissal, suspension or transfer of a worker, discriminatory measures or reprisals, sections 179 and 180 concerning temporary assignment, as well as Chapter VII of the Act concerning the right to return to work, are not applicable to the Office.

- First aid* The Office must see that first aid is given to a trainee suffering from an employment injury, in accordance with sections 190 and 191 of the Act, and pay the related costs.
- Payment of assessment* 4. 4 The Office agrees to pay the assessment calculated by the Commission in accordance with the Act and the regulations made thereunder and the fixed administrative costs associated with each financial record.
- For the purposes of this Agreement, the Office is also required to make periodic payments, in accordance with section 315.1 of the Act.
- Assessment* 4. 5 For assessment purposes, the Office is deemed to pay a salary that corresponds, as the case may be, to the annual gross employment income of each trainee at the time the trainees is registered in a program listed in the schedule, to the employment insurance benefits received by the trainee or to the minimum wage, if the trainee has no other employment income.
- Minimum* The assessment is based on the wages that the Office is deemed to pay and on the length of the training period. However, the wages that the Office is deemed to pay may not in any case be less than \$2,000 per trainee.
- Annual statement* 4. 6 The Office sends to the Commission, before 15 March of each year, a statement setting out, in particular, the amount of gross employment income paid to the trainees during the preceding calendar year, calculated in relation to the duration of the training period.
- Register* 4. 7 The Office keeps a detailed register of the names and addresses of the trainees and, if trainees are employed during their training, of the names and addresses of their respective employers.
- Availability* The Office makes such register available to the Commission if the latter so requires.

<i>Description of programs</i>	4. 8	The Office sends the Commission, upon the coming into force of this Agreement, a description of the programs appearing in the schedule.
<i>New program or amendment</i>		Any new program or any subsequent amendment to a program appearing in the schedule is also to be sent so as to determine whether it should come or remain under this Agreement.
CHAPTER	5.	COMMISSION'S OBLIGATIONS
<i>Worker status</i>	5. 1	The Commission considers a trainee covered by this Agreement as a worker within the meaning of the Act, except in respect of travel between Québec and the country where the training period will be undertaken.
<i>Indemnity</i>	5. 2	A trainee suffering from an employment injury is entitled to an income replacement indemnity as of the first day following the beginning of the trainee's inability to carry on his or her employment by reason of the injury.
<i>Payment</i>		Despite section 60 of the Act, the Commission pays to that trainee the income replacement indemnity to which he or she is entitled.
<i>Calculation of indemnity</i>	5. 3	For the purposes of calculating the income replacement indemnity, the trainee's gross annual employment income is, as the case may be, that which the trainee derives from the remunerated employment the trainee has at the time the employment injury appears, that which corresponds to the employment insurance benefits received, that for which the trainee is registered with the Commission or, if the trainee is unemployed or a self-employed worker not registered with the Commission, that determined on the basis of the minimum wage provided for in section 3 of the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r. 3) and the regular work week referred to in section 52 of the Act respecting labour standards (R.S.Q., c. N-1.1), as they read on the date on which they are to be applied when the injury appears.

*Recurrence, relapse  
or aggravation*

In the event of a recurrence, a relapse or an aggravation, where the trainee holds remunerated employment, the gross annual income is, for the purposes of calculating the income replacement indemnity, established in accordance with section 70 of the Act. However, if unemployed at the time of the recurrence, relapse or aggravation, the gross annual employment income is that which the trainee derived from the employment out of or in the course of which the trainee suffered the employment injury; that gross income is revalorized on 1 January of each year from the date on which the trainee ceased to hold the employment.

*Financial  
records*

- 5.4 At the request of the Office, the Commission opens a special financial record for each program listed in the Schedule.

*Unit of activity*

Such record must be classified in the unit corresponding to the activities described in the "Programme d'aide à la création d'emploi" unit or, should amendments be made after this Agreement is signed, in a unit corresponding to those activities.

CHAPTER 6. MISCELLANEOUS

*Follow-up*

- 6.1 Both the Commission and the Office designate, within 15 days of the coming into force of this Agreement, a person responsible for the follow-up of this Agreement.

*Addresses  
for notices*

- 6.2 Any notice required by this Agreement is to be sent to the Commission and Office at the following addresses:
- (a) Le Secrétaire général de la Commission  
Commission de la santé et de la sécurité du travail  
1199, rue de Bleury, 14<sup>e</sup> étage, Montréal (Qc) H3C 4E1;
  - (b) Le Secrétaire général de l'Office  
Office Québec-Monde pour la jeunesse  
265, rue de la Couronne, Bureau 200, Québec (Qc) G1K 6E1

**CHAPTER 7. COMING INTO FORCE, TERM AND CANCELLATION**

*Effective date* 7.1 This Agreement takes effect on the date of coming into force of the Regulation made for that purpose by the Commission under sections 170 and 223 of the Act respecting occupational health and safety.

*Term* The Agreement remains in force until 31 December 2012.

*Tacit renewal* 7.2 It is subsequently renewed tacitly from one calendar year to the next, unless one of the parties sends to the other party, by registered or certified mail, at least 90 days before the term expires, a notice in writing to the effect that it intends to terminate the Agreement or make amendments thereto.

*Amendments* 7.3 In the latter case, the notice must contain the amendments which the party wishes to make.

*Renewal* The sending of such notice does not preclude the tacit renewal of this Agreement for a period of 1 year. If the parties do not agree on the amendments to be made to this Agreement, the Agreement must be terminated, without further notice, at the expiry of that period.

*Mutual amendments* 7.4 The parties may, by mutual agreement, amend this Agreement at any time.

*Default* 7.5 If the Office fails to respect any of its obligations, the Commission may ask the Office to rectify the default within the time set by the Commission. If the situation is not rectified within the prescribed time, the Commission may cancel this Agreement unilaterally, upon written notice.

*Date* 7.6 The Agreement is then cancelled on the date on which the written notice is sent.

*Mutual cancellation* 7.7 The parties may, by mutual agreement, cancel this Agreement at any time.

- Financial adjustments* 7.8 In the event of cancellation, the Commission makes financial adjustments taking into account the amounts payable under this Agreement.
- Amount due* Any amount due after such financial adjustments have been made is payable on the due date appearing on the notice of assessment.
- Damages* 7.9 In the event of cancellation, neither party may be required to pay damages, interest or any other form of indemnity or charges to the other party.

IN WITNESS WHEREOF, the parties have signed

at \_\_\_\_\_, on this \_\_\_\_\_ ( ) at \_\_\_\_\_, on this \_\_\_\_\_ ( )  
day day  
of \_\_\_\_\_ 2012 of \_\_\_\_\_ 2012

\_\_\_\_\_  
ALFRED PILON  
Secretary General  
Office Québec-Monde  
pour la jeunesse

\_\_\_\_\_  
Michel Després  
Chair of the Board and Chief Executive  
Officer of the Commission de la santé  
et de la sécurité du travail

#### SCHEDULE TO THE AGREEMENT

- List of programs
- Training programs in the workplace outside Québec:
  - cursus;
  - curriculum.

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

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