

Gazette officielle du Québec

Part 2 Laws and Regulations

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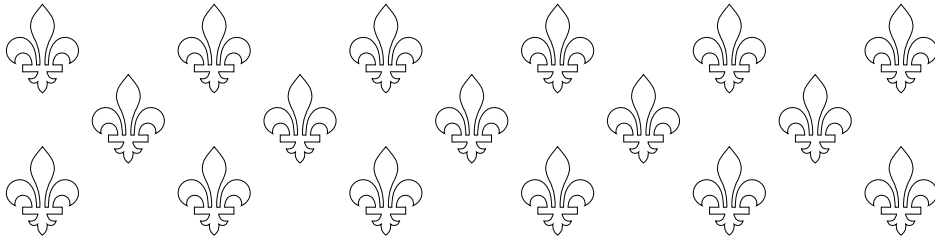
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NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 24
(1996, chapter 27)

**An Act to amend the Cities and
Towns Act, the Municipal Code
of Québec and other legislative
provisions**

Introduced 15 May 1996
Passage in principle 5 June 1996
Passage 17 June 1996
Assented to 20 June 1996

**Québec Official Publisher
1996**

EXPLANATORY NOTES

This bill amends municipal legislation to establish a plan to offset financial losses that elected members and municipal employees may suffer owing to the performance of their duties, to grant various additional powers to municipalities and to simplify certain procedures applicable to municipal bodies.

As regards protection against financial losses, the bill amends the Cities and Towns Act, the Municipal Code of Québec and the constituent Acts of the urban communities and intermunicipal transit authorities so that the members of the council and the employees of municipal bodies have access to financial support should they incur financial loss in the performance of their duties within the municipal body or a mandatory body.

With respect to the new powers granted to municipalities, the bill amends the Cities and Towns Act and the Municipal Code of Québec, essentially to enable municipalities to enter into agreements with the Government in relation to pilot decentralization experiences.

The bill also amends the Act respecting municipal industrial immovables to enable several local municipalities to create a board entrusted with the operation of an intermunicipal industrial park.

As for the simplifying of procedures, the bill amends the Cities and Towns Act, the Municipal Code of Québec, the Act respecting municipal taxation, the Act respecting municipal territorial organization and the constituent Acts of the urban communities, in particular to eliminate the by-law required to authorize most agreements between municipal bodies. It also amends the Cities and Towns Act, the Municipal Code of Québec and the Charter of the City of Montréal primarily to allow for the use of an electronic tendering system to be used in combination with publication in a daily or weekly newspaper where a construction contract to be awarded involves an expenditure of \$100,000 or more.

The bill amends the Act respecting land use planning and development and the Act respecting the remuneration of elected municipal officers to transfer from the former to the latter Act the rules pertaining to remuneration, compensation and reimbursement of various expenses within regional county municipalities. The bill also relaxes various rules contained in the Act respecting the remuneration of elected municipal officers.

Lastly, the bill contains the required transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);
- Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- Act respecting municipal debts and loans (R.S.Q., chapter D-7);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);

- Charter of the City of Montréal (1959-60, chapter 102);
- Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32).

Bill 24

An Act to amend the Cities and Towns Act, the Municipal Code of Québec and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CITIES AND TOWNS ACT

1. Section 28 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 1 of chapter 34 of the statutes of 1995 and by section 124 of chapter 2 of the statutes of 1996, is again amended by replacing paragraph 2.2 of subsection 1 by the following paragraph:

“(2.2) Lease its property, although such power does not, however, enable the municipality to acquire or build property principally for leasing purposes;”.

2. The said Act is amended by inserting, after section 29.1, the following sections:

“29.1.1 A municipality may enter into an agreement with the Government under which certain responsibilities, defined in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the municipality on an experimental basis.

“29.1.2 The agreement must set out the conditions governing the exercise of the responsibility to which it applies, including the duration thereof, and, where applicable, provide for the renewal of the agreement and determine the rules relating to the financing required for its implementation.

“29.1.3 A municipality may join with any municipality or urban community for the purposes of an agreement with the Government under section 29.1.1.

“29.1.4 An agreement entered into under section 29.1.1 shall prevail over any inconsistent provision of any general law or special Act or of any regulation thereunder.

“29.1.5 Sections 29.1.1 to 29.1.4 apply to every municipality governed by this Act, and to Ville de Montréal and Ville de Québec.”

3. Section 29.5 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by replacing the words “Notwithstanding sections 468 to 469.1, a” in the first line by the word “Every”.

4. Section 29.9 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by replacing the words “Notwithstanding sections 468 to 469.1, two or more municipal” in the first line of the first paragraph by the word “Municipal”.

5. Section 29.9.1 of the said Act, amended by section 7 of chapter 34 of the statutes of 1995, is again amended by striking out the words “other than professional services,” in the fifth line of the first paragraph.

6. Section 29.9.2 of the said Act, amended by section 8 of chapter 34 of the statutes of 1995, is again amended

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

“The party responsible for carrying out an agreement to which reference is made in the first paragraph may also, by agreement, delegate that responsibility to a non-profit organization whose principal activity consists in managing the joint procurement of property or services for public institutions within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native Persons (chapter S-5), for school boards, for educational institutions or for non-profit organizations.”;

(2) by adding, at the end of the second paragraph, the words “The Minister of Municipal Affairs may provide that such rules do not apply to contracts awarded by the delegating body referred to in the second paragraph, or to any class thereof.”

7. Section 29.12 of the said Act is amended

(1) by inserting the words “by the municipality” after the word “supply” in the sixth line of the first paragraph;

(2) by replacing the words “supplies, materials or equipment relating to any matter within its jurisdiction” in the seventh and eighth lines of the first paragraph by the words “material, materials or equipment relating to any matter within its jurisdiction, so that they may be employed or used profitably outside Québec”.

8. The said Act is amended by inserting, after section 29.12, the following section :

“29.12.1 Every municipality may enter into an agreement with a person administering a cemetery in its territory, whereby the administration of the cemetery is delegated to it.”

9. The said Act is amended by inserting, after section 73.1, the following section :

“73.2 The council may, on the conditions it determines, delegate to any officer or employee of the municipality who is not an employee within the meaning of the Labour Code (chapter C-27) the power to hire officers and employees who are such employees.

The list of the persons hired under the first paragraph shall be submitted at a council meeting held after they are hired.”

10. Sections 74 and 75 of the said Act are repealed.

11. Section 84 of the said Act is amended by striking out the second paragraph.

12. Section 108 of the said Act, amended by section 12 of chapter 34 of the statutes of 1995, is again amended by striking out the second paragraph.

13. Section 414 of the said Act, amended by section 154 of chapter 2 of the statutes of 1996, is again amended by striking out the words “if the population of the municipality does not exceed 15 000 inhabitants” in the first and second lines of the first paragraph of subparagraph 6 of the first paragraph.

14. Section 415 of the said Act, amended by section 155 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “in accordance with paragraph 2.1 of subsection 1 of section 28, or re-allocate to any purpose within its competence,” in the third, fourth and fifth lines of the second paragraph of paragraph 1 by the words “or re-allocate to any purpose within its competence”;

(2) by adding, at the end of the second paragraph of paragraph 1, the words “where the value of the bed of a road alienated gratuitously is greater than the amount mentioned in paragraph 2.1 of subsection 1 of section 28, the alienation shall, notwithstanding the fact that it was made gratuitously, be entered in the notice provided for in that paragraph with a mention of the gratuitous nature of the alienation instead of the price of alienation;”;

(3) by inserting, after paragraph 30.1, the following paragraph:

“(30.2) To grant persons of any group it determines the exclusive right to park their vehicles on the roadway of certain streets provided such right is indicated by means of appropriate signs, and to provide for other conditions which may vary according to the streets, groups or combinations of streets and groups;”.

15. Section 440 of the said Act is replaced by the following sections:

“**440.** A municipality may suspend the supply of water to a person who has failed to pay a sum required for such service and who, on the lapse of 30 days after the sending of the notice provided for in the second paragraph, has omitted to remedy such failure. The suspension shall continue until the sum is paid.

The treasurer shall send to the person, by registered or certified mail, a notice informing him of his failure to pay and of the suspension of the supply of water to which he may be subject under the first paragraph.

“**440.1** A municipality may suspend the supply of water to a person who makes abusive use of the water or whose equipment causes water to be wasted or the quality of the water to deteriorate, and who, on the lapse of 10 days after the sending of the notice provided for in the second paragraph, has omitted to take the required corrective measures. The suspension shall continue until such measures are taken.

The competent officer shall send to the person, by registered or certified mail, a notice exposing the problem, indicating the corrective measures to be taken and informing the person of the suspension of the supply of water to which he may be subject under the first paragraph.

“440.2 The sum required for the supply of water, except to the extent that it is related to actual consumption, shall remain payable throughout the period in which the service is suspended under section 440 or 440.1.”

16. Section 458.26 of the said Act is replaced by the following section:

“458.26 The municipality may stand surety for the association as regards the repayment of a loan of the association.

The second and third paragraphs of subsection 3 of section 28 apply in respect of such a surety.”

17. Section 463 of the said Act, amended by section 210 of chapter 2 of the statutes of 1996, is again amended by adding, after paragraph 4, the following paragraph:

“(5) To require any person who soils public property to carry out cleaning operations in the manner prescribed by by-law and to order that any person who contravenes the by-law, in addition to any penalty, shall become debtor to the municipality for the cost of cleaning operations carried out by the municipality.”

18. Section 464 of the said Act, amended by section 23 of chapter 23 of the statutes of 1994 and by section 169 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the third paragraph of subparagraph 8 of the first paragraph by the following paragraph:

“The council may, at the request of any mandatory body of the municipality or any supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) whose territory comprises that of the municipality, made by way of a resolution approved by the majority of the employees of the said body, include those employees within the scope of a by-law contemplated in the first paragraph. The body concerned shall deduct the employees’ contributive shares from their salary or remuneration and shall pay them to the municipality

at the same time as its own contributive share. The by-law by which the council integrates the employees of the body must specify the terms and conditions of the integration.”;

(2) by replacing the second paragraph of subparagraph 10 of the first paragraph by the following paragraph:

“The council may, at the request of any mandatary body of the municipality or any supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers whose territory comprises that of the municipality, include the employees of the body within the scope of a by-law contemplated in the first paragraph. The body concerned shall deduct the employees’ contributive shares of the cost of the premium from their salary or remuneration and shall pay them to the municipality at the same time as its own contributive share. The by-law by which the council integrates the employees of the body must specify the terms and conditions of the integration.”;

(3) by replacing the words “subparagraph 10” in the first line of the second paragraph by the words “subparagraphs 8, 10 and 11”.

19. The said Act is amended by inserting, after section 466, the following:

“§ 21.1. — *Financial assistance to certain enterprises*

“**466.1** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), every municipality whose territory is not comprised in that of a regional county municipality or in that of an urban community may, by by-law, give or lend money to an investment fund intended to provide financial support to enterprises in a start-up or developmental phase that are situated in its territory.

The fund must be administered by a non-profit organization established for that purpose and accredited by the Minister of Municipal Affairs.

The by-law must indicate the maximum contribution, not to exceed \$500,000, that the municipality may make to the fund.”

20. Section 468 of the said Act, amended by section 174 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “may, by by-law,” in the second line of the first paragraph by the word “, may”;

(2) by striking out the fourth, fifth, sixth and seventh paragraphs.

21. Section 468.1 of the said Act is amended

(1) by replacing the word “by-laws” in the second line of the second paragraph by the word “resolutions”;

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

“The first two paragraphs also apply to any agreement amending the agreement mentioned in section 468.10.”

22. Section 468.2 of the said Act is repealed.

23. Section 468.26 of the said Act is replaced by the following section:

“468.26 The provisions of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) with respect to the remuneration fixed by municipal by-law, the expense allowance and the reimbursement of expenses, except the provisions relating to the minimum amount of remuneration thus fixed, apply, adapted as required, to the management board.”

24. Section 468.34 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by striking out the words “by by-law” in the first line of the third paragraph.

25. Section 468.45 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by inserting the words “, subject to the rules established in an agreement entered into under section 13.1 of the Act respecting municipal industrial immovables (chapter I-0.1),” after the word “may” in the first line of the second paragraph.

26. Section 468.51 of the said Act is amended by replacing the words “and sections 573.1 to 573.3 and 573.5 to 573.10” in the fourth and fifth lines of the first paragraph by the words “, sections 573.1 to 573.3.1, sections 573.5 to 573.10 and sections 604.6 to 604.13”.

27. Section 468.51.1 of the said Act is amended

(1) by striking out the words “a by-law of the council of” in the second line of paragraph 1;

(2) by replacing the words “the program and the by-laws mentioned in paragraph 1 must be transmitted to the Minister of Municipal Affairs and” in the first and second lines of paragraph 2 by the words “a certified true copy of the program and of each resolution approving it pursuant to paragraph 1 must be transmitted by the clerk or the secretary-treasurer”.

28. Section 478.1 of the said Act is amended by replacing the words “not exceeding \$10” in the third line by the words “, the amount of which shall be fixed by by-law of the council,”.

29. Section 481 of the said Act, amended by section 184 of chapter 2 of the statutes of 1996, is again amended by striking out the words “, not exceeding 5%,” in the first line of the fifth paragraph.

30. Section 484 of the said Act is amended by adding, at the end, the following paragraph:

“An application to the court for the recovery of a real estate tax filed before the tax is prescribed and served, not later than 60 days after the expiry of the prescription period, on any of the persons from whom the payment may be claimed under section 498, shall interrupt prescription with respect to all such persons.”

31. Section 513 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The notice may contain an abridged enumeration of the consecutive cadastral numbers of immovables belonging to the same owner.”

32. Section 549 of the said Act is amended by striking out the last seven paragraphs.

33. Sections 550 and 551 of the said Act are repealed.

34. Section 553 of the said Act is amended by striking out the words “, the interest being represented by coupons,” in the second and third lines of the first paragraph.

35. Section 573 of the said Act, amended by section 23 of chapter 34 of the statutes of 1995, is again amended

(1) by replacing the third paragraph of subsection 1 by the following paragraph:

“A call for public tenders for a construction contract involving an expenditure of \$100,000 or more must be published either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system and in a newspaper circulated in the territory of the municipality.”;

(2) by replacing the words “the lowest tender within the prescribed delay” in the third line of subsection 7 by the words “, within the prescribed time, the lowest tender or a tender that does not exceed the lowest tender by more than 1% or \$50,000”;

(3) by adding, at the end of subsection 8, the following sentence :
“For the purposes of this subsection, every tender that does not exceed the lowest tender by more than 1% or \$50,000 is considered to be the lowest tender.”

36. Section 573.1 of the said Act is amended by adding the words “or a tender that does not exceed the lowest tender by more than 1% or \$50,000” after the word “tender” in the third line of the second paragraph.

37. Section 573.1.2 of the said Act is amended by replacing the word “three” in the second and fourth lines by the word “five”.

38. The said Act is amended by inserting, after section 573.3, the following section:

“573.3.1 The Minister of Municipal Affairs may, on the conditions he determines, authorize a municipality to award a contract without calling for tenders or authorize the municipality to award a contract after calling for tenders by written invitation rather than by publication in a newspaper.”

39. Section 573.4 of the said Act, amended by section 205 of chapter 2 of the statutes of 1996, is again amended by replacing the figure “573.3” in the first line by the figure “573.3.1”.

40. The said Act is amended by inserting, after section 604.5, the following division:

“DIVISION XIII.1

“PROTECTION AGAINST CERTAIN FINANCIAL LOSSES RELATED
TO THE PERFORMANCE OF MUNICIPAL DUTIES**“604.6** A municipality shall

(1) assume the defence of a person whose election as member of the council of a municipality is contested or who is the defendant or respondent in judicial proceedings brought before a court by reason of the person’s alleged disqualification for office as a member of the council or as an officer or employee of the municipality or a mandatory body of the municipality ;

(2) assume the defence or the representation, as the case may be, of a person who is the defendant, respondent or accused, or the person impleaded in judicial proceedings brought before a court by reason of the person’s alleged act or omission in the performance of his duties as a member of the council or as an officer or employee of the municipality or a mandatory body of the municipality.

Where the person assumes, himself or through an attorney of his choice, the defence or representation, the municipality shall pay any reasonable costs incurred therefor. However, the municipality may, with the consent of the person, reimburse such costs to him instead of paying them.

The municipality is exempt from the obligations set out in the first two paragraphs, in a particular case, if the person renounces in writing, in respect of that case, the application of those provisions.

For the purposes of this division,

(1) “mandatory body” means any body declared by law to be the mandatory or agent of the municipality and any body whose council is composed of a majority of members of the council of the municipality, whose budget is adopted by the municipality or more than half of the financing of which is assumed by the municipality ;

(2) “court” means, in addition to its ordinary meaning, a coroner, a fire investigation commissioner, an inquiry commission or a person or body exercising quasi-judicial functions.

“604.7 The person for whom the municipality is required to incur expenses under section 604.6 shall, at the request of the municipality, reimburse all the expenses or the portion of such expenses indicated in the request in any of the following cases :

(1) the person's alleged act or omission having given rise to the proceedings is a gross or intentional fault or a fault separable from the performance of his duties;

(2) the proceedings are brought before the court by the municipality or by a third person at the request of the municipality;

(3) the person, defendant or accused in the penal or criminal proceedings, has been convicted and had no reasonable grounds to believe that he acted within the law.

In addition, where the municipality incurs the expenses referred to in the first paragraph in reimbursing the expenses relating to the person's defence or representation assumed by the person himself or by an attorney of his choice, the municipality's obligation shall cease, in respect of all expenses not reimbursed or the portion of such expenses which the municipality may indicate, from the day on which it is established, by the person's own admission or by a judgment that has become *res judicata*, that the request for reimbursement provided for in the first paragraph or the cessation of reimbursement provided for in this paragraph is justified.

The first and second paragraphs apply where the municipality is justified in requiring the reimbursement provided for in the first paragraph or, as the case may be, in ceasing to make reimbursements under the second paragraph.

“604.8 For the purpose of determining whether the justification provided for in the third paragraph of section 604.7 exists, the following objectives shall be considered and weighed one against the other:

(1) the person referred to in section 604.6 must be reasonably protected against any financial loss which may result from the performance of his duties;

(2) the monies of the municipality must not be used to protect such a person against financial losses resulting from misconduct which cannot possibly be compared with the errors that may reasonably be expected to be committed by a person performing similar duties.

For the purposes of the first paragraph, the good or bad faith of the person may be taken into account as well as his diligence or negligence in learning the rules and practices relevant to the

performance of his duties, the existence or absence of any previous fault related to the performance of his duties, the simplicity or complexity of the circumstances in which he committed a fault, the good or poor quality of the advice given to him and any other relevant factor.

“604.9 Where the municipality’s right to obtain the reimbursement requested under the first paragraph of section 604.7 is contested, section 604.6, adapted as required, applies in respect of any judicial recourse exercised by the municipality in order to obtain such reimbursement.

The court before which the recourse is exercised shall rule also on the applicability of section 604.7 in respect of all or part of the expenses to be incurred by the municipality for the purposes of the first paragraph of this section, as if the grounds for the recourse were the same as those for the original proceedings referred to in section 604.6.

The court before which the original proceedings referred to in section 604.6 are brought, in the case of a court of justice and civil proceedings, may, at the request of the municipality, rule on the applicability of section 604.7 in respect of such proceedings. Where the municipality is not already a party to or impleaded in the proceedings, it may intervene in order to make and support the request.

“604.10 Every municipality shall pay damages owing to a third person which result from the fault of a member of its council in the performance of his duties within the municipality or a mandatory body of the municipality, except in the case of a gross or intentional fault or a fault separable from the performance of such duties, or where the member, without the authorization of the municipality, admits his fault or assumes his defence or representation, during the proceedings in which his fault is proved, himself or through an attorney of his choice.

The first paragraph may not be used to establish the fault of a municipality or a mandatory body.

“604.11 Any municipality may, by by-law, provide for the payment of an indemnity, on application, to any person who has suffered material loss in the performance of his duties as a council member, officer or employee of the municipality or a mandatory body of the municipality.

The by-law must specify the circumstances giving rise to the payment of the indemnity, the amount of the indemnity or the manner of computing that amount, and the time limit for filing an application.

The payment of every indemnity must be decided by the council.

“604.12 Any benefit provided by a municipality to or in respect of a person under a provision of this division in the period throughout which the person is a member of the council of the municipality, or the provision of which is the subject of an application, deliberation or vote during that period is a condition of employment related to the office of council member for the purposes of sections 304, 305, 361 and 362 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

For the purposes of any provision relating to the disqualification for office as an officer or employee of a municipality, a benefit referred to in the first paragraph is deemed to be provided for by the contract binding the municipality and the officer or employee to or in respect of whom the benefit is provided.

“604.13 Where a provision of a by-law, resolution, contract or collective agreement provides for a benefit that is not as advantageous to the person to or in respect of whom it is provided as the benefit provided for in a provision of this division, the latter provision shall prevail.

“604.14 This division applies to every municipality governed by this Act and to Ville de Montréal and Ville de Québec.”

41. Form 1 of the said Act is repealed.

MUNICIPAL CODE OF QUÉBEC

42. Article 6 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 24 of chapter 34 of the statutes of 1995 and by section 225 of chapter 2 of the statutes of 1996, is again amended by replacing paragraph 3 by the following paragraph:

“(3) lease its property, although such power does not, however, enable the municipality to acquire or build property principally for leasing purposes;”.

43. Article 8.1 of the said Code, enacted by section 26 of chapter 34 of the statutes of 1995, is amended by adding, at the end, the following paragraph:

“A regional county municipality may, in addition, furnish technical assistance to an enterprise situated in its territory by providing it with the services of an economic development agent.”

44. The said Code is amended by inserting, after article 10.4, the following articles:

“**10.5** A municipality may enter into an agreement with the Government under which certain responsibilities, specified in the agreement, that are assigned by an Act or regulation to the Government, to a Minister or to a government body, are transferred to the municipality on an experimental basis.

“**10.6** The agreement must set out the conditions governing the exercise of the responsibility to which it applies, including the duration thereof, and, where applicable, provide for the renewal of the agreement and determine the rules relating to the financing required for its implementation.

“**10.7** A municipality may join with any municipality or urban community for the purposes of an agreement with the Government under article 10.5.

“**10.8** An agreement entered into under article 10.5 shall prevail over any inconsistent provision of any general law or special Act or of any regulation thereunder.”

45. Article 14.3 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the words “Notwithstanding articles 569 to 624, a” in the first line by the word “Every”.

46. Article 14.7 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the words “Notwithstanding articles 569 to 624, two or more municipalities” in the first line of the first paragraph by the word “Municipalities”.

47. Article 14.7.1 of the said Code, amended by section 31 of chapter 34 of the statutes of 1995, is again amended by striking out the words “other than professional services,” in the fifth line of the first paragraph.

48. Article 14.7.2 of the said Code, amended by section 32 of chapter 34 of the statutes of 1995, is again amended

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

“The party responsible for carrying out an agreement to which reference is made in the first paragraph may also, by agreement, delegate that responsibility to a non-profit organization whose principal activity consists in managing the joint procurement of property or services for public institutions within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native Persons (chapter S-5), for school boards, for educational institutions or for non-profit organizations.”;

(2) by adding, at the end of the second paragraph, the following: “The Minister of Municipal Affairs may provide that such rules do not apply to contracts awarded by the delegating body referred to in the second paragraph, or to any class thereof.”

49. Article 14.10 of the said Code is amended

(1) by inserting the words “by the municipality” after the word “supply” in the sixth line of the first paragraph;

(2) by replacing the words “supplies, materials or equipment relating to any matter within its jurisdiction” in the seventh and eighth lines of the first paragraph by the words “material, materials or equipment relating to any matter within its jurisdiction, so that they may be employed or used profitably outside Québec”.

50. The said Code is amended by inserting, after article 14.16 enacted by section 37 of chapter 20 of the statutes of 1995, the following article:

“**14.17** Every municipality may enter into an agreement with a person administering a cemetery in its territory, whereby the administration of the cemetery is delegated to it.”

51. Article 21 of the said Code is repealed.

52. Article 25 of the said Code, amended by section 234 of chapter 2 of the statutes of 1996, is again amended by adding, after paragraph 38, the following paragraph:

“(39) the word “officer” means a public servant or an employee”.

53. Article 165 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the second paragraph by the following paragraph:

“The municipality may fix the salary of all its public servants and employees.”

54. The said Code is amended by inserting, after article 165, the following article:

“**165.1** The council may, on the conditions it determines, delegate to any officer or employee of the municipality who is not an employee within the meaning of the Labour Code (chapter C-27) the power to hire officers and employees who are such employees.

The list of the persons hired under the first paragraph shall be submitted at a council meeting held after they are hired.”

55. Article 167 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is repealed.

56. Article 178 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by striking out the second paragraph.

57. Article 204 of the said Code, amended by section 262 of chapter 2 of the statutes of 1996, is again amended by replacing the word “The” in the first line of the first paragraph by the words “Unless otherwise provided for in a by-law under article 960.1, the”.

58. Article 441 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is repealed.

59. The heading of Title XIV of the said Code is replaced by the following heading:

“BY-LAWS AND CERTAIN RESOLUTIONS”.

60. The heading of Chapter II of Title XIV of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is replaced by the following heading:

“CERTAIN BY-LAWS AND RESOLUTIONS THAT MAY BE MADE
BY LOCAL MUNICIPALITIES”.

61. Article 491 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by striking out subparagraph 4 of the first paragraph.

62. Article 546 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by adding, after paragraph 5, the following paragraph:

“(6) to require any person who soils public property to carry out cleaning operations in the manner prescribed by by-law and to order that any person who contravenes the by-law, in addition to any penalty, shall become debtor to the municipality for the cost of cleaning operations carried out by the municipality.”

63. The said Code is amended by inserting, after article 563, the following articles:

“563.1 A local municipality may suspend the supply of water to a person who has failed to pay a sum required for such service and who, on the lapse of 30 days after the sending of the notice provided for in the second paragraph, has omitted to remedy such failure. The suspension shall continue until the sum is paid.

The secretary-treasurer shall send to the person, by registered or certified mail, a notice informing him of his failure to pay and of the suspension of the supply of water to which he may be subject under the first paragraph.

“563.2 A local municipality may suspend the supply of water to a person who makes abusive use of the water or whose equipment causes water to be wasted or the quality of the water to deteriorate, and who, on the lapse of 10 days after the sending of the notice provided for in the second paragraph, has omitted to take the required corrective measures. The suspension shall continue until such measures are taken.

The competent officer shall send to the person, by registered or certified mail, a notice exposing the problem, indicating the corrective measures to be taken and informing the person of the suspension of the supply of water to which he may be subject under the first paragraph.

“563.3 The sum required for the supply of water, except to the extent that it is related to actual consumption, shall remain payable throughout the period in which the service is suspended under article 563.1 or 563.2.”

64. The said Code is amended by inserting, before article 566.1, the following heading :

“DIVISION XXIII.1

“PARKING”.

65. The said Code is amended by inserting, after article 566.2, the following article :

“566.3 Every local municipality may, by by-law, grant persons of any group it determines the exclusive right to park their vehicles on the roadway of certain streets provided such right is indicated by means of appropriate signs, and prescribe other conditions which may vary according to the streets, groups or combinations of streets and groups.”

66. Article 569 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended

(1) by striking out the words “, by by-law,” in the first line of the first paragraph ;

(2) by striking out the fourth, fifth, sixth and seventh paragraphs.

67. Article 570 of the said Code is amended

(1) by replacing the word “by-laws” in the second line of the second paragraph by the word “resolutions”;

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

“The first two paragraphs also apply to any agreement amending the agreement mentioned in article 579.”

68. Article 571 of the said Code is repealed.

69. Article 595 of the said Code is replaced by the following article :

595. The provisions of the Act respecting the remuneration of elected municipal officers (chapter T-11.001) with respect to the remuneration fixed by municipal by-law, the expense allowance and the reimbursement of expenses, except the provisions relating to the minimum amount of remuneration thus fixed, apply, adapted as required, to the management board.”

70. Article 603 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by striking out the words “by by-law” in the first line of the third paragraph.

71. Article 614 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by inserting the words “, subject to the rules established in an agreement under section 13.1 of the Act respecting municipal industrial immovables (chapter I-0.1),” after the word “may” in the first line of the second paragraph.

72. Article 620 of the said Code is amended by replacing the words “and sections 573.1 to 573.3 and 573.5 to 573.10” in the fourth line of the first paragraph by the words “, sections 573.1 to 573.3.1, 573.5 to 573.10 and 604.6 to 604.13”.

73. Article 620.1 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended

(1) by striking out the words “a by-law of the council of” in the second line of paragraph 1;

(2) by replacing the words “the program and the by-laws mentioned in paragraph 1 must be transmitted to the Minister of Municipal Affairs and” in the first and second lines of paragraph 2 by the words “a certified true copy of the program and of each resolution approving it pursuant to paragraph 1 must be transmitted by the clerk or the secretary-treasurer”.

74. The said Code is amended by inserting, after article 627, the following article:

627.1 Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), every local municipality whose territory is not comprised in that of a regional county municipality or in that of an urban community may, by by-law, give or lend money to an investment fund intended to provide financial support to enterprises in a start-up or developmental phase that are situated in its territory.

The fund must be administered by a non-profit organization established for that purpose and accredited by the Minister of Municipal Affairs.

The by-law must indicate the maximum contribution, not to exceed \$500,000, that the municipality may make to the fund.”

75. Article 659 of the said Code is replaced by the following article:

“**659.** The municipality may stand surety for the association as regards the repayment of a loan of the association.

The second and third paragraphs of article 9 apply in respect of such a surety.”

76. The heading of Chapter IV of Title XIV of the said Code, amended by section 317 of chapter 2 of the statutes of 1996, is replaced by the following heading:

“CERTAIN BY-LAWS AND RESOLUTIONS THAT MAY BE MADE
BY REGIONAL COUNTY MUNICIPALITIES”.

77. Article 678 of the said Code, amended by section 318 of chapter 2 of the statutes of 1996, is again amended by inserting the words “or, as the case may be, resolutions” after the word “by-laws” in the first line.

78. Article 688.4 of the said Code, amended by section 325 of chapter 2 of the statutes of 1996, is again amended by striking out the second paragraph.

79. Article 705 of the said Code is replaced by the following article:

“**705.** The council may, at the request of any mandatory body of the municipality or any supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) whose territory comprises that of the municipality, made by way of a resolution approved by the majority of the employees of the said body, include those employees within the scope of a by-law contemplated in article 704. The body concerned shall deduct the employees’ contributive shares from their salary or remuneration and shall pay them to the municipality at the same time as its own contributive share. The by-law by which the council integrates the employees of the body concerned must specify the terms and conditions of the integration.”

80. Article 708 of the said Code, amended by section 331 of chapter 2 of the statutes of 1996, is again amended by replacing the second paragraph by the following paragraph:

“The council may, at the request of any mandatory body of the municipality or any supramunicipal body within the meaning of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3) whose territory comprises that of the municipality, include the employees of the body within the scope of a by-law contemplated in the first paragraph. The body concerned shall deduct the employees’ contributive shares of the cost of the premium from their salary or remuneration and shall pay them to the municipality at the same time as its own contributive share. The by-law by which the council integrates the employees of the body concerned must specify the terms and conditions of the integration.”

81. Article 710 of the said Code, amended by section 40 of chapter 34 of the statutes of 1995 and by section 333 of chapter 2 of the statutes of 1996, is again amended by striking out the words “, by a by-law,” in the second line of the first paragraph.

82. Article 711.1 of the said Code is amended by replacing the words “article 708” in the second line by the words “articles 704 to 706, 708 and 709”.

83. The said Code is amended by inserting, after article 711.19, the following:

“TITLE XVIII.2

“PROTECTION AGAINST CERTAIN FINANCIAL LOSSES RELATED TO
THE PERFORMANCE OF MUNICIPAL DUTIES

“**711.19.1** A municipality shall

(1) assume the defence of a person whose election as member of the council of a municipality is contested or who is the defendant or respondent in judicial proceedings brought before a court by reason of the person’s alleged disqualification for office as a member of the council or as an officer or employee of the municipality or a mandatory body of the municipality;

(2) assume the defence or the representation, as the case may be, of a person who is the defendant, respondent or accused, or the person impleaded in judicial proceedings brought before a court by reason of the person’s alleged act or omission in the performance of

his duties as a member of the council or as an officer or employee of the municipality or a mandatory body of the municipality.

Where the person assumes, himself or through an attorney of his choice, the defence or representation, the municipality shall pay any reasonable costs incurred therefor. However, the municipality may, with the consent of the person, reimburse such costs to him instead of paying them.

The municipality is exempt from the obligations set out in the first two paragraphs, in a particular case, if the person renounces in writing, in respect of that case, the application of those provisions.

For the purposes of this Title,

(1) “mandatory body” means any body declared by law to be the mandatory or agent of the municipality and any body whose council is composed of a majority of members of the council of the municipality, whose budget is adopted by the municipality or more than half of the financing of which is assumed by the municipality;

(2) “court” means, in addition to its ordinary meaning, a coroner, a fire investigation commissioner, an inquiry commission or a person or body exercising quasi-judicial functions.

“711.19.2 The person for whom the municipality is required to incur expenses under article 711.19.1 shall, at the request of the municipality, reimburse all the expenses or the portion of such expenses indicated in the request in any of the following cases:

(1) the person’s alleged act or omission having given rise to the proceedings is a gross or intentional fault or a fault separable from the performance of his duties;

(2) the proceedings are brought before the court by the municipality or by a third person at the request of the municipality;

(3) the person, defendant or accused in the penal or criminal proceedings, has been convicted and had no reasonable grounds to believe that he acted within the law.

In addition, where the municipality incurs the expenses referred to in the first paragraph in reimbursing the expenses relating to the person’s defence or representation assumed by the person himself or by an attorney of his choice, the municipality’s obligation shall cease, in respect of all expenses not reimbursed or the portion of

such expenses which the municipality may indicate, from the day on which it is established, by the person's own admission or by a judgment that has become *res judicata*, that the request for reimbursement provided for in the first paragraph or the cessation of reimbursement provided for in this paragraph is justified.

The first and second paragraphs apply where the municipality is justified in requiring the reimbursement provided for in the first paragraph or, as the case may be, in ceasing to make reimbursements pursuant to the second paragraph.

“711.19.3 For the purpose of determining whether the justification provided for in the third paragraph of article 711.19.2 exists, the following objectives shall be considered and weighed one against the other:

(1) the person referred to in article 711.19.1 must be reasonably protected against any financial loss which may result from the performance of his duties;

(2) the monies of the municipality must not be used to protect such a person against financial losses resulting from misconduct which cannot possibly be compared with the errors that may reasonably be expected to be committed by a person performing similar duties.

For the purposes of the first paragraph, the good or bad faith of the person may be taken into account as well as his diligence or negligence in learning the rules and practices relevant to the performance of his duties, the existence or absence of any previous fault related to the performance of his duties, the simplicity or complexity of the circumstances in which he committed a fault, the good or poor quality of the advice given to him and any other relevant factor.

“711.19.4 Where the municipality's right to obtain the reimbursement requested under the first paragraph of article 711.19.2 is contested, article 711.19.1, adapted as required, applies in respect of any judicial recourse exercised by the municipality in order to obtain such reimbursement.

The court before which the recourse is exercised shall rule also on the applicability of article 711.19.2 in respect of all or part of the expenses to be incurred by the municipality for the purposes of the first paragraph of this article, as if the grounds for the recourse were the same as those for the original proceedings referred to in article 711.19.1.

The court before which the original proceedings referred to in article 711.19.1 are brought, in the case of a court of justice and civil proceedings, may, at the request of the municipality, rule on the applicability of article 711.19.2 in respect of such proceedings. Where the municipality is not already a party to or impleaded in the proceedings, it may intervene in order to make and support the request.

“711.19.5 Every municipality shall pay damages owing to a third person which result from the fault of a member of its council in the performance of his duties within the municipality or a mandatory body of the municipality, except in the case of a gross or intentional fault or a fault separable from the performance of such duties, or where the member, without the authorization of the municipality, admits his fault or assumes his defence or representation, during the proceedings in which his fault is proved, himself or through an attorney of his choice.

The first paragraph may not be used to establish the fault of a municipality or a mandatory body.

“711.19.6 Any municipality may, by by-law, provide for the payment of an indemnity, on application, to any person who has suffered material loss in the performance of his duties as a member of the council, officer or employee of the municipality or a mandatory body of the municipality.

The by-law must specify the circumstances giving rise to the payment of the indemnity, the amount of the indemnity or the manner of computing that amount, and the time limit for filing an application.

The payment of every indemnity must be decided by the council.

“711.19.7 Any benefit provided by a municipality to or in respect of a person under a provision of this Title in the period throughout which the person is a member of the council of the municipality, or the provision of which is the subject of an application, deliberation or vote during that period is a condition of employment related to the office of member of the council for the purposes of sections 304, 305, 361 and 362 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

For the purposes of any provision relating to the disqualification for office as an officer or employee of a municipality, a benefit referred to in the first paragraph is deemed to be provided for by

the contract binding the municipality and the officer or employee to or in respect of whom the benefit is provided.

“711.19.8 Where a provision of a by-law, resolution, contract or collective agreement provides for a benefit that is not as advantageous to the person to or in respect of whom it is provided as the benefit provided for in a provision of this Title, the latter provision shall prevail.”

84. Article 739 of the said Code is replaced by the following article:

“739. The local municipality may alienate, even gratuitously, the right of way of a road no longer in use or re-use it for any purpose coming under its jurisdiction.

Where the value of the right of way that alienated gratuitously is greater than the amount mentioned in paragraph 1.1 of article 6, the alienation shall, notwithstanding its gratuitous character, be entered in the notice provided for in that paragraph with a mention of the gratuitous nature of the alienation instead of the price of alienation.”

85. Article 935 of the said Code, amended by section 41 of chapter 34 of the statutes of 1995 and by section 455 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the third paragraph of subarticle 1 by the following paragraph:

“A call for public tenders for a construction contract involving an expenditure of \$100,000 or more must be published either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system and in a newspaper circulated in the territory of the municipality.”;

(2) by replacing the words “the lowest tender within the prescribed delay” in the third line of subarticle 7 by the words “, within the prescribed time, the lowest tender or a tender that does not exceed the lowest tender by more than 1% or \$50,000”;

(3) by adding, at the end of subarticle 8, the following sentence : “For the purposes of this subarticle, every tender that does not exceed the lowest tender by more than 1% or \$50,000 is considered to be the lowest tender.”

86. Article 936 of the said Code is amended by adding the words “or a tender that does not exceed the lowest tender by more than 1% or \$50,000” after the word “tender” in the third line of the second paragraph.

87. Article 936.2 of the said Code is amended by replacing the word “three” in the second and fourth lines by the word “five”.

88. The said Code is amended by inserting, after article 938, the following article:

“**938.1** The Minister of Municipal Affairs may, on the conditions he determines, authorize a municipality to award a contract without calling for tenders or authorize the municipality to award a contract after calling for tenders by written invitation rather than by publication in a newspaper.”

89. Articles 945 to 947 of the said Code are repealed.

90. The said Code is amended by inserting, after the heading of Title XXII, the following article:

“**953.1** Not later than 31 December each year, the council of a local municipality must adopt the municipality’s program of capital expenditures for the following three fiscal years.

The program must be divided into annual phases. It must set out, for the period concerned, the object and amount of and means of financing the capital expenditures that the municipality proposes to make and that are to be financed over a period of more than 12 months.”

91. Article 955 of the said Code, amended by section 395 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “and the latest auditor’s report” in the first and second lines of the second paragraph by the words “, the latest auditor’s report and the latest three-year program of capital expenditures”;

(2) by replacing the words “and the general orientation of the next budget” in the third and fourth lines of the second paragraph by the words “the general orientation of the next budget and the next three-year program of capital expenditures”.

92. Article 956 of the said Code is amended

(1) by inserting the words “or the three-year program of capital expenditures” after the word “budget” in the first line of the first paragraph;

(2) by inserting the words “or the three-year program of capital expenditures” after the word “budget” in the second line of the second paragraph.

93. Article 957 of the said Code, amended by section 456 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “adopted, or the explanatory document thereof provided for in paragraph 8 of section 263 of the Act respecting municipal taxation (chapter F-2.1)” in the first, second and third lines by the words “or the three-year program of capital expenditures adopted, or an explanatory document on the budget or the program”;

(2) by replacing the words “explanatory document” in the fifth line by the words “three-year program, or the explanatory document on the budget or the program,”;

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

“For the purposes of the first paragraph, the explanatory document on the budget is the document provided for in paragraph 8 of section 263 of the Act respecting municipal taxation (chapter F-2.1).”

94. The said Code is amended by inserting, after article 960, the following article:

“960.1 The council may pass any by-law relating to the administration of municipal finances and determine the person who is to make payments out of the funds of the municipality and the formalities to be followed.”

95. Article 962.1 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the words “not exceeding \$10” in the third line by the words “, the amount of which shall be fixed by by-law by the council,”.

96. Article 966 of the said Code, amended by section 44 of chapter 34 of the statutes of 1995, is again amended by striking out the second paragraph.

97. Article 985 of the said Code is amended

(1) by striking out the second sentence;

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

“An application to the court for the recovery of a real estate tax filed before the tax is prescribed and served, not later than 60 days after the expiry of the prescription period on any of the persons from whom the payment may be claimed under article 982, shall interrupt prescription with respect to all those persons.”

98. Article 1007 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by striking out the words “not exceeding 5 percent” in the second line of the third paragraph.

99. Article 1027 of the said Code, amended by section 46 of chapter 34 of the statutes of 1995 and by section 422 of chapter 2 of the statutes of 1996, is again amended by replacing the sixth paragraph by the following paragraph:

“The list may contain an abridged enumeration of the consecutive cadastral numbers of immovables belonging to the same owner.”

100. Article 1029 of the said Code is amended by replacing the words “power of the Commission municipale du Québec provided by” in the first and second lines by the words “sixth paragraph of”.

101. Article 1064 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is repealed.

102. Article 1068 of the said Code is repealed.

103. Chapter II of Title XXVI of the said Code is repealed.

104. Article 1102 of the said Code is repealed.

105. Article 1103 of the said Code is amended by replacing the word “falls” in the second line of the first paragraph by the words “is alienated gratuitously”.

106. Article 1131 of the said Code, amended by section 452 of chapter 2 of the statutes of 1996, is again amended by replacing the words “lowest bidder” in subparagraph 3 of the first paragraph by the words “person who made, within the time prescribed, the lowest tender or a tender that does not exceed the lowest tender by more than 1% or \$50,000”.

107. Form 4.1 of the schedule to the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is repealed.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

108. Section 87 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is repealed.

109. Sections 204 to 204.8 of the said Act are repealed.

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

110. The Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended by inserting, after section 36.3.1, the following section:

“36.3.2 Sections 36.1 to 36.3.1 apply in respect of acts performed or expenses incurred while the member of the Council is representing the Community otherwise than in the course of the work of bodies of which he is a member within the Community or another municipal body, or while he is participating in any convention, seminar or other event held for the purpose of providing information or training relevant to the performance of his duties.

Those sections do not apply, in particular, in respect of acts performed or expenses incurred at a meeting of the Council or another body of the Community or another municipal body, or at any meeting held for the purpose of preparing such a meeting or drawing conclusions therefrom.”

111. Section 83 of the said Act, amended by section 66 of chapter 34 of the statutes of 1995 and by section 7 of chapter 71 of the statutes of 1995, is again amended by adding, at the end of the eighth paragraph, the following: “For the purposes of this paragraph, every tender that does not exceed the lowest tender by more than 1% or \$50,000 is considered to be the lowest tender.”

112. Section 83.1.1 of the said Act, enacted by section 9 of chapter 71 of the statutes of 1995, is amended by replacing the word “three” in the sixth line of the first paragraph by the word “five”.

113. Section 87 of the said Act is amended

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

“A certified copy of the resolution under which the Community agrees to act as an intermunicipal management board is added to the copies of the resolutions under which the municipalities authorize the making of the agreement, when such copies are transmitted to the Minister with the agreement for his approval.”;

(2) by replacing the words “is approved” in the first line of the third paragraph by the words “comes into force”.

114. Section 87.2 of the said Act is amended

(1) by replacing the word “by-law” in the first line of the first paragraph by the word “resolution”;

(2) by replacing the word “by-law” in the third line of the first paragraph by the word “resolution”.

115. Section 131.2 of the said Act, amended by section 497 of chapter 2 of the statutes of 1996, is again amended by striking out the second paragraph.

116. Section 144 of the said Act, amended by section 16 of chapter 71 of the statutes of 1995, is again amended by striking out the second sentence of the first paragraph.

117. The said Act is amended by inserting, after section 169.0.8, the following section:

“**169.0.9** Sections 169.0.4 to 169.0.8 apply in respect of acts performed or expenses incurred while the member of the board of directors is representing the Corporation otherwise than in the course of the work of bodies of which he is a member within the Corporation or another municipal body, or while he is participating in any convention, seminar or other event held for the purpose of providing information or training relevant to the performance of his duties.

Those sections do not apply, in particular, in respect of acts performed or expenses incurred at a meeting of the board of directors or another body of the Corporation or another municipal body, or at any meeting held for the purpose of preparing such a meeting or drawing conclusions therefrom.”

118. Section 193.1 of the said Act is amended by striking out the words “by by-law” in the first line of the first paragraph.

119. The said Act is amended by inserting, after section 238, the following section:

“238.1 The provisions of Division XIII.1 of the Cities and Towns Act (chapter C-19) apply, with the necessary modifications, to the Community and the transit corporation.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

120. The Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by inserting, after section 25, the following section:

“25.1 Sections 23 to 25 apply in respect of acts performed or expenses incurred while the member of the executive committee is representing the Community otherwise than in the course of the work of bodies of which he is a member within the Community or another municipal body, or while he is participating in any convention, seminar or other event held for the purpose of providing information or training relevant to the performance of his duties.

Those sections do not apply, in particular, in respect of acts performed or expenses incurred at a meeting of the executive committee or another body of the Community or another municipal body, or at any meeting held for the purpose of preparing such a meeting or drawing conclusions therefrom.”

121. Section 56 of the said Act is amended by replacing the figure “25” in the first line of the third paragraph by the figure “25.1”.

122. Section 114.1 of the said Act is amended

(1) by replacing the words “for the purposes of furnishing services, advice, substances” in the fourth line of the first paragraph by the words “the object of which is the supply by the Community or the company of services, advice, material”;

(2) by inserting the words “, so that they may be employed or used profitably outside Québec” after the word “competence” in the fifth line of the first paragraph.

123. Section 120.0.3 of the said Act, amended by section 67 of chapter 34 of the statutes of 1995 and by section 30 of chapter 71 of the statutes of 1995, is again amended by adding, at the end of the eighth paragraph, the following sentence: “For the purposes of this paragraph, every tender that does not exceed the lowest tender by more than 1% or \$50,000 is considered to be the lowest tender.”

124. Section 120.0.5 of the said Act is amended by replacing the word “three” in the fifth line of the first paragraph by the word “five”.

125. Section 124 of the said Act, amended by section 546 of chapter 2 of the statutes of 1996, is again amended

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

“A certified true copy of the resolution under which the Community agrees to act as an intermunicipal management board is added to the copies of the resolutions under which the municipalities authorize the making of the agreement, when such copies are transmitted to the Minister with the agreement for his approval.”;

(2) by replacing the words “is approved” in the first line of the third paragraph by the words “comes into force”.

126. Section 124.2 of the said Act is amended

(1) by replacing the word “by-law” in the first line of the first paragraph by the word “resolution”;

(2) by replacing the word “by-law” in the third line of the first paragraph by the word “resolution”.

127. Section 158.1.2 of the said Act, amended by section 525 of chapter 2 of the statutes of 1996, is again amended by striking out the second paragraph.

128. Section 223 of the said Act, amended by section 103 of chapter 65 of the statutes of 1995 and by section 49 of chapter 71 of the statutes of 1995, is again amended

(1) by striking out the second sentence of the first paragraph;

(2) by replacing the words “Every by-law adopted under this section” in the first line of the third paragraph by the words “Once adopted, the program”.

129. Section 223.1 of the said Act is amended by replacing the word “by-law” in the third line by the word “program”.

130. The said Act is amended by inserting, after section 267, the following section:

“267.1 Sections 265 to 267 apply in respect of acts performed or expenses incurred while the member of the board of directors is representing the corporation otherwise than in the course of the work of bodies of which he is a member within the corporation or another municipal body, or while he is participating in any convention, seminar or other event held for the purpose of providing information or training relevant to the performance of his duties.

Those sections do not apply, in particular, in respect of acts performed or expenses incurred at a meeting of the board of directors or another body of the corporation or another municipal body, or at any meeting held for the purpose of preparing such a meeting or drawing conclusions therefrom.”

131. Section 306.29 of the said Act is amended by striking out the words “by by -law” in the first line.

132. The said Act is amended by inserting, after section 317.1, the following section:

“317.2 The provisions of Division XIII.1 of the Cities and Towns Act (chapter C-19) apply, with the necessary modifications, to the Community and the Société de transport.”

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

133. The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by inserting, after section 70.8, the following section:

“70.8.1 Sections 70.4 to 70.8 apply in respect of acts performed or expenses incurred while the member of the Council, the executive committee or a select or special committee is representing the Community otherwise than in the course of the work of bodies of which he is a member within the Community or another municipal body, or while he is participating in any convention, seminar or

other event held for the purpose of providing information or training relevant to the performance of his duties.

Those sections do not apply, in particular, in respect of acts performed or expenses incurred at a meeting of the Council, the executive committee or a select or special committee of the Community or of another municipal body, or at any meeting held for the purpose of preparing such a meeting or drawing conclusions therefrom.”

134. Section 92.0.2 of the said Act, amended by section 68 of chapter 34 of the statutes of 1995 and by section 66 of chapter 71 of the statutes of 1995, is again amended by adding, at the end of the eighth paragraph, the following sentence: “For the purposes of this paragraph, every tender that does not exceed the lowest tender by more than 1% or \$50,000 is considered to be the lowest tender.”

135. Section 92.0.4 of the said Act is amended by replacing the word “three” in the fifth line of the first paragraph by the word “five”.

136. Section 96.2 of the said Act is amended

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

“A certified true copy of the resolution under which the Community agrees to act as an intermunicipal management board is added to the copies of the resolutions under which the municipalities authorize the making of the agreement, when such copies are transmitted to the Minister with the agreement for his approval.”;

(2) by replacing the words “is approved” in the first line of the third paragraph by the words “comes into force”.

137. Section 96.4 of the said Act is amended

(1) by replacing the word “by-law” in the first line of the first paragraph by the word “resolution”;

(2) by replacing the word “by-law” in the third line of the first paragraph by the word “resolution”.

138. Section 143.5 of the said Act, amended by section 565 of chapter 2 of the statutes of 1996, is again amended by striking out the second paragraph.

139. Section 153.1 of the said Act is amended by striking out the words “the fifth paragraph of” in the first line of the fourth paragraph.

140. Section 158 of the said Act, amended by section 79 of chapter 71 of the statutes of 1995, is again amended by striking out the second sentence of the first paragraph.

141. Section 158.1 of the said Act is amended by replacing the word “by-law” in the third line by the word “program”.

142. The said Act is amended by inserting, after section 187.15, the following section:

“187.15.1 Sections 187.11 to 187.15 apply in respect of acts performed or expenses incurred while the member of the board of directors is representing the Société otherwise than in the course of the work of bodies of which he is a member within the Société or another municipal body, or while he is participating in any convention, seminar or other event held for the purpose of providing information or training relevant to the performance of his duties.

Those sections do not apply, in particular, in respect of acts performed or expenses incurred at a meeting of the board of directors or another body of the Société or another municipal body, or at any meeting held for the purpose of preparing such a meeting or drawing conclusions therefrom.”

143. The said Act is amended by inserting, after section 224, the following section:

“224.1 The provisions of Division XIII.1 of the Cities and Towns Act (chapter C-19) apply, with the necessary modifications, to the Community and the Société.”

ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT
IN THE AREA OF MONTRÉAL

144. Section 10 of the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1), amended by section 115 of chapter 65 of the statutes of 1995, is again amended by inserting, in the fourth line of the first paragraph and after the figure “567”, the words “and sections 604.6 to 604.13”.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

145. The Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by inserting, after section 117, the following section:

“117.1 The provisions of Division XIII.1 of the Cities and Towns Act (chapter C-19) apply, with the necessary modifications, to every intermunicipal transit corporation.”

ACT RESPECTING MUNICIPAL DEBTS AND LOANS

146. Section 12.1 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7) is repealed.

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

“13. The Minister of Municipal Affairs may, by regulation, prescribe the form and content and the mode of registration, of entry, in whole or in part, in the book entry system, of transmission or of processing of the bonds, as well as the rules relating to any signature required on the bonds or necessary to give effect to the certificate provided in section 12.

The Minister may, in the regulation, refer to any provision of a regulation made by the Government under the Financial Administration Act (chapter A-6) and concerning any similar object.”

ACT RESPECTING MUNICIPAL TAXATION

148. Section 198 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is repealed.

ACT RESPECTING MUNICIPAL INDUSTRIAL IMMOVABLES

149. The Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) is amended by inserting, after section 13, the following sections:

“13.1 Local municipalities may enter into an agreement pertaining to the exercise of any power assigned to them under section 2, 6 or 7.

The agreement may also pertain to the carrying out of work for the construction of municipal infrastructures or equipment to serve the immovables acquired under section 2 or used in a manner consistent with this Act.

The provisions of the Act governing each municipality that concern intermunicipal agreements apply, with reference to sections 13.2 to 13.4, to the agreement referred to in this section.

“13.2 The resolution authorizing the conclusion of the agreement must be approved by the qualified voters.

The first paragraph does not apply to Ville de Québec.

No agreement may be entered into unless all resolutions requiring the approval of the qualified voters are deemed to be approved by the qualified voters.

“13.3 No agreement may provide for an operating procedure other than that of the intermunicipal board.

“13.4 The agreement must set out, in addition to the information required under sections 468.3 and 468.10 of the Cities and Towns Act (chapter C-19) or articles 572 and 579 of the Municipal Code of Québec (chapter C-27.1),

(1) rules governing the apportionment of revenues deriving from the alienation, operation or leasing of any immovable in excess of the revenues to be used to discharge the commitments under this Act;

(2) rules governing the apportionment of monies received from real estate tax imposed by a municipality party to the agreement on the immovables alienated, operated or leased under this Act and from other taxes, compensations and tariffs imposed by any such municipality on persons who are the owners, lessees or occupants of such immovables;

(3) the maximum amount of expenses to be borne by each municipality party to the agreement for the purposes of the objects referred to in the first paragraph of section 13.1 and to be financed otherwise than by a loan by-law.

The agreement may provide that the rules made under subparagraph 2 of the first paragraph apply for a period that exceeds the term of the agreement. In such case, the rules continue to apply, notwithstanding the termination of the agreement, until the expiry of that period; sections 468.53 and 469 of the Cities and Towns Act and articles 622 and 623 of the Municipal Code of Québec shall apply, with the necessary modifications, where there is disagreement as to the application of those rules.

Any expense exceeding the maximum amount referred to in subparagraph 3 of the first paragraph shall be financed by a loan by-law.

“13.5 In addition to the provisions required for the achievement of the objects of the agreement, the board is deemed to be a local municipality for the purposes of sections 6.0.1 and 6.0.2, of the first paragraph of section 10 and of sections 11 and 12.

However, sections 1 and 4 do not apply in respect of expenses incurred pursuant to the agreement by the board or by any of the municipalities that are parties thereto.

In addition to the maximum term prescribed in the second paragraph of section 7, the board may not grant a lease under that section for a period exceeding the term of the agreement.

“13.6 For the purposes of this Act, every act performed by the board pursuant to the agreement is deemed to be performed by the local municipality in whose territory the immovable in respect of which the act is performed is located.

“13.7 Every municipality that is a party to the agreement may enter into an agreement with the owner of an immovable that is situated in its territory and that was acquired by the board, for the purpose of granting that owner a tax credit to compensate all or part of the difference between the amount of the tax, compensations and tariffs referred to in subparagraph 2 of the first paragraph of section 13.4 payable by the owner in respect of the immovable and the amount that he would have to pay were the immovable situated in the territory of another municipality that is a party to the agreement.

The municipality may also enter into an agreement for such purposes with the lessee of an immovable situated in its territory and belonging to the board.

The duration of the agreement under the first or second paragraph shall not exceed the period during which the rules referred to in subparagraph 2 of the first paragraph of section 13.4 are applicable. The agreement with the owner shall, however, cease to apply when the immovable is no longer used for industrial, para-industrial or research purposes and the agreement with the lessee shall cease to apply upon the expiry of the lease.

“13.8 The municipalities entering into the agreement may provide therein, with the consent of a regional county municipality whose territory comprises one of theirs, that the regional county municipality shall act as the board.

A certified true copy of the resolution whereby the regional county municipality consents to act as the board shall be attached to the copies of the resolutions whereby the municipalities authorize the making of the agreement, where they are transmitted to the Minister of Municipal Affairs with the agreement to be approved.

Except for the adoption of the resolution whereby the regional county municipality consents to act as the board, only the representatives of the municipalities party to the agreement are entitled to participate in the proceedings and voting, at meetings of the council of the regional county municipality, on any matter relating to the application of the agreement.

The rules governing any apportionment of votes between the representatives and the other rules regarding the decisions to be made by the council of the regional county municipality on any matter relating to the application of the agreement shall be provided for in the agreement.”

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

150. Section 84.1 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is replaced by the following section :

“84.1 Local municipalities may enter into an agreement for the purpose of having a study carried out into the advisability of amalgamating their territories.”

ACT RESPECTING THE REMUNERATION OF ELECTED MUNICIPAL OFFICERS

151. Section 1 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), amended by section 962 of chapter 2 of the statutes of 1996, is again amended by striking out the words “regional county municipalities,” in the first and second lines.

152. Section 2 of the said Act is amended

(1) by replacing the words “and that of its councillors” in the second line of the first paragraph by the words “or warden and of its other members”;

(2) by replacing the words “duty among those listed in the third paragraph, specified by the council, that is performed” in the second, third and fourth lines of the second paragraph by the words “position specified by the council among those listed in the third paragraph and held”;

(3) by replacing the words “performing such a duty” in the eighth line of the second paragraph by the words “holding such a position”;

(4) by replacing the third and fourth paragraphs by the following paragraphs:

“The special positions that may give rise to additional remuneration are

(1) acting mayor;

(2) acting warden;

(3) chairman of the council;

(4) chairman, vice-chairman, interim chairman and member and associate councillor of the executive committee;

(5) chairman, vice-chairman and member of the administrative committee;

(6) member of the board of delegates; and

(7) chairman, vice-chairman and member of a commission or of any committee other than the executive or administrative committee.

In no case may the sum of the basic remuneration and any additional remuneration of a member of a council other than the mayor or warden be greater than 90% of the sum of the basic remuneration and any additional remuneration of the mayor or warden.

A by-law affecting the remuneration of the mayor or the warden may be adopted only if the vote of the mayor or warden in favour of the by-law is included in the majority of votes cast in its favour.”

153. The said Act is amended by inserting, after section 2, the following sections:

“2.1 For the holder of a position listed in section 2 held within a regional county municipality, remuneration or additional remuneration may be attached to a class of functions in the regional county municipality. A class of functions is the set of functions for the exercise of which a given group of council members is empowered to deliberate and vote.

In the case provided for in the first paragraph, the council member shall receive the remuneration or additional remuneration attached to the class of functions for which the member is empowered to deliberate and vote.

“2.2 In the case provided for in section 2.1, the establishment of additional remuneration attached to a class of functions is deemed to form part of the exercise of the functions for the purpose of determining the persons who are empowered to deliberate and vote on the matter.

Only the remuneration and additional remuneration in respect of which the same council members are empowered to deliberate and vote may be established in the same by-law.

“2.3 In the case provided for in section 2.1, the expenditures of the regional county municipality resulting from the payment of remuneration or additional remuneration attached to a class of functions are deemed to form part of the expenditures resulting from the exercise of the functions, for the purpose of determining who is to provide the financing therefor.”

154. Section 3 of the said Act is amended

(1) by inserting the word “either” after the word “may” in the first line;

(2) by inserting the words “be fixed” after the word “or” in the second line;

(3) by replacing the words “performs the duty” in the fourth line by the words “holds the position”;

(4) by inserting the words “, or be a combination of both methods of remuneration” after the word “remuneration” in the fifth line.

155. Section 5 of the said Act is amended

(1) by striking out the words “, of not over 6%,” in the second and third lines of the second paragraph;

(2) by striking out the words “or 6%, as the case may be” in the seventh line of the fifth paragraph.

156. Section 6 of the said Act is amended

(1) by replacing the words “replaces the mayor reaches a number of days specified in the by-law, the municipality shall pay to the acting mayor” in the second and third lines by the words “or acting warden replaces the mayor or warden reaches a number of days specified in the by-law, the municipality shall pay to him”;

(2) by inserting the words “or warden” after the word “mayor” in the sixth line.

157. Section 8 of the said Act is amended

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

(2) by striking out the words “and the expense allowance which is to be added thereto” in the first and second lines of subparagraph 2 of the second paragraph;

(3) by replacing the word “fourth” in the second line of subparagraph 4 of the second paragraph by the word “sixth”;

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

“The draft by-law shall, where applicable, differentiate the basic remuneration and any additional remuneration and shall indicate the special position for which additional remuneration is proposed.

The notice of motion may not be replaced as provided for in the fourth paragraph of article 445 of the Municipal Code of Québec (chapter C-27.1).”

158. Section 9 of the said Act is amended

(1) by inserting the words “, the basic remuneration or additional remuneration whose amendment is proposed and, where a council member’s expense allowance would change as a result of a change in

his remuneration, his current and projected allowances” after the word “adopted” in the fifth line of the first paragraph;

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

“In addition to being posted, the notice given by the secretary-treasurer of a regional county municipality shall be published in a newspaper circulating in its territory, within the same time limit.”

159. Section 11 of the said Act, amended by section 963 of chapter 2 of the statutes of 1996, is again amended by replacing the second paragraph by the following paragraph:

“The mayor shall, where applicable, differentiate the basic remuneration and any additional remuneration and shall indicate the special position for which additional remuneration is paid.”

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

“**14.** The excess amount referred to in section 20 shall be added to the amount established in accordance with sections 12 and 13 to determine the minimum annual remuneration to be received by a mayor.”

161. Section 18 of the said Act, amended by section 964 of chapter 2 of the statutes of 1996, is repealed.

162. Section 19 of the said Act is amended

(1) by striking out the words “or 18” in the third line of the first paragraph;

(2) by replacing the word “office” in the second line of the second paragraph by the word “position”.

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

“**20.** Where the amount equal to one-half of the amount of the mayor’s remuneration under sections 12 and 13 exceeds the maximum established in section 22, the difference shall be paid to the mayor as remuneration rather than as an expense allowance.”

164. Section 22 of the said Act is amended by striking out the second sentence of the first paragraph.

165. Section 24 of the said Act is amended

(1) by striking out the words “or in section 18” in the second line of the first paragraph;

(2) by adding the words “or, as the case may be, to the administrative committee” after the word “committee” at the end of the second line of the second paragraph;

(3) by adding, at the end of the second paragraph, the following: “This paragraph takes precedence over article 124 of the Municipal Code of Québec (chapter C-27.1).”

166. Section 25 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, the mayor, or the warden, is not required to obtain such prior authorization when he performs an act as part of his duties. The same rule applies in the case of a member of the council designated by the mayor or, as the case may be, by the warden to replace him where he is unable to represent the municipality.”

167. Section 28 of the said Act is amended by inserting the words “in the case of a local municipality, and to the administrative committee in the case of a regional county municipality” after the word “committee” in the second line.

168. Section 30 of the said Act is amended by replacing the words “or, as the case may be, the executive committee” in the first and second lines of the first paragraph by the words “, the executive committee or the administrative committee, as the case may be,”.

169. The said Act is amended by inserting, after section 30, the following sections:

“**30.0.1** The council of a municipality may, by by-law, provide for the cases in which it shall pay an advance to a member of the council and establish the rules and the terms and conditions applicable to payment of the advance, as well as the terms and conditions of repayment to the municipality of the portion of the advance that exceeds the reimbursement to which the member is entitled under section 26 or 27.

“30.0.2 Sections 25 to 30.0.1 apply in respect of acts performed or expenses incurred while the member of the council is representing the municipality otherwise than in the course of the work of bodies of which he is a member within the municipality, a mandatory body of the municipality or a supramunicipal body, or while he is participating in any convention, seminar or other event held for the purpose of providing information or training relevant to the performance of his duties.

Those sections do not apply, in particular, in respect of acts performed or expenses incurred at a meeting of the council or another body of the municipality, a mandatory body of the municipality or a supramunicipal body, or at any meeting held for the purpose of preparing such a meeting or drawing conclusions therefrom.

“30.0.3 The council of a regional county municipality may, by by-law, provide for the cases and the terms and conditions applicable to reimbursement to its members of expenses incurred by them to attend sittings of the council, a committee or a board of delegates.”

170. Section 30.1 of the said Act is amended by inserting the word “local” in the first line of the first paragraph after the word “A”.

171. Section 31 of the said Act is amended

(1) by inserting the word “local” after the word “a” in the first line of the first paragraph;

(2) by inserting the word “local” after the word “a” in the first line of the second paragraph.

172. Section 32 of the said Act is amended

(1) by inserting the word “local” after the word “a” in the third line of the first paragraph;

(2) by inserting the word “local” after the words “classes of” in the first line of the second paragraph.

CHARTER OF THE CITY OF MONTRÉAL

173. Article 100 of the charter of the city of Montréal (1959-60, chapter 102), enacted by section 4 of chapter 74 of the statutes of 1995, is amended

(1) by inserting the words “by the city” after the word “supply” in the first paragraph;

(2) by replacing the words “supplies, materials or equipment relating to any matter within its jurisdiction” in the first paragraph by the words “material, materials or equipment relating to any matter within its jurisdiction, so that they may be employed or used profitably outside Québec”.

174. Article 107 of the said charter, replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, by section 849 of chapter 57 of the statutes of 1987, by section 9 of chapter 87 of the statutes of 1988, by section 68 of chapter 27 of the statutes of 1992, by section 5 of chapter 82 of the statutes of 1993, by section 3 of chapter 53 of the statutes of 1994 and by section 82 of chapter 34 of the statutes of 1995, is again amended

(1) by replacing the first paragraph of subarticle 3.1 by the following paragraph:

“(3.1) A call for public tenders for a construction contract involving an expenditure of \$100,000 or more must be published either in a daily newspaper circulated mainly in Québec or by means of an electronic tendering system and in a newspaper circulated in the territory of the city.”;

(2) by replacing the words “the lowest tender within the prescribed delay” in subarticle 6 by the words “, within the prescribed time, the lowest tender or a tender that does not exceed the lowest tender by more than 1% or \$50,000”;

(3) by adding, at the end of subarticle 7, the following sentence: “For the purposes of this subarticle, every tender that does not exceed the lowest tender by more than 1% or \$50,000 is considered to be the lowest tender.”

175. The said charter is amended by inserting, after article 1104a, the following articles:

“**1104b.** The majority of the judges of the Municipal Court may, at a meeting called for such purpose by the chief judge, adopt the rules of practice necessary for the exercise of the jurisdiction of their Court. In penal matters, the rules shall be consistent with those of the Court of Québec.

Similarly, the majority of the judges of the Municipal Court may, at a meeting called for such purpose by the chief judge, amend or replace those rules.

“1104c. The rules of practice shall be submitted to the Government for approval and come into force on the fifteenth day after the date of their publication in the *Gazette officielle du Québec*.

They shall, immediately after publication, be entered in a register kept for such purpose by the clerk of the Court, and notice to that effect shall be posted in the office of the clerk of the Court.”

176. The said charter is amended by inserting, after article 1105, the following articles:

“1105.1 The chief judge may, with the approval of the Government, designate a coordinating judge from among the judges of the Municipal Court.

In the same manner, the chief judge shall determine the term of office of the coordinating judge.

“1105.2 The term of office of the coordinating judge shall not exceed three years but may be renewed.

The coordinating judge shall remain in office until he is replaced or reappointed, notwithstanding the expiration of his term of office.

“1105.3 The coordinating judge shall exercise the powers and functions vested under the Courts of Justice Act (R.S.Q., chapter T-16), adapted as required, in the coordinating judges of the Court of Québec.”

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA RIVE SUD DE MONTRÉAL

177. The Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended by inserting, after section 155.1, enacted by section 72 of chapter 25 of the statutes of 1988, the following section:

“155.2 The provisions of Division XIII.1 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, to the corporation.”

TRANSITIONAL AND FINAL PROVISIONS

178. Notwithstanding any inconsistent legislative provision, every by-law in force on 19 June 1996 and adopted pursuant to a power or obligation that, by reason of a provision of this Act, is no longer required to be exercised or fulfilled by by-law, may be amended, replaced or repealed by resolution.

179. No lease of municipal property granted by a municipality before 20 June 1996 may be invalidated on the ground that the municipality did not have the authority to lease the property, in regard to paragraph 2.2 of subsection 1 of section 28 of the Cities and Towns Act (R.S.Q., chapter C-19) or to paragraph 3 of article 6 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as they existed before being replaced, respectively, by sections 1 and 42.

The first paragraph does not affect any case pending on 14 December 1995.

180. No act performed by a municipality in respect of a pension plan established before 20 June 1996 for the benefit of the officers and employees of the municipality or of its municipal housing bureau, may be invalidated on the ground that the municipality performed the act by resolution without having the authority to do so under the second paragraph of section 464 of the Cities and Towns Act or under article 711.1 of the Municipal Code of Québec, as they existed before being amended, respectively, by sections 18 and 82.

The first paragraph does not affect any case pending on 14 December 1995.

181. Until the coming into force of the first by-law adopted by a municipality under section 478.1 of the Cities and Towns Act or under article 962.1 of the Municipal Code of Québec, amended respectively by sections 28 and 95, the municipality may claim administration charges not exceeding \$10 from the drawer of a cheque or order of payment if payment is refused by the drawee.

182. Subject to sections 183 and 184, the provisions of Division XIII.1 of the Cities and Towns Act, enacted by section 40 and made applicable to municipal bodies other than municipalities by the provisions enacted or amended by sections 26, 72, 119, 132, 143 to 145 and 177, and the provisions of Title XVIII.2 of the Municipal Code of Québec enacted by section 83, apply in respect of any proceeding specified therein before a court specified therein after 19 June 1996.

The municipality or other body may decide that the provisions also apply, in its case, to any such proceeding that was pending on that date before any such court.

183. Section 604.10 of the Cities and Towns Act and article 711.19.5 of the Municipal Code of Québec, enacted respectively by sections 40 and 83, apply in respect of any fault specified therein that was committed after 19 June 1996.

A municipality or other body subject to that section or article may decide that it also applies, in its case, to any such fault committed before 20 June 1996.

184. Every by-law adopted under section 604.11 of the Cities and Towns Act or under article 711.19.6 of the Municipal Code of Québec, enacted respectively by sections 40 and 83, may provide that it also applies in respect of a material loss referred to therein that was suffered before 20 June 1996.

185. Every by-law in force on 19 June 1996 and adopted under subparagraph 4 of the first paragraph of article 491 of the Municipal Code of Québec, as it existed before being struck out by section 61, retains its effects until it is replaced or repealed by a resolution passed under the second paragraph of article 165 of the said Code, amended by section 53.

186. Every by-law or resolution in force on 19 June 1996 and adopted or passed under any of sections 204 to 204.8 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), as they existed before being repealed by section 109, retains its effects until it is replaced or repealed by a by-law or resolution adopted or passed under the corresponding provision in sections 2 to 2.3, 24 and 25 to 30.0.1 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001), amended or enacted, as the case may be, by sections 152, 153 and 165 to 169.

A part of the remuneration provided for in a by-law adopted under section 204 of the Act respecting land use planning and development is deemed to be an expense allowance. That part is equal to the lesser of

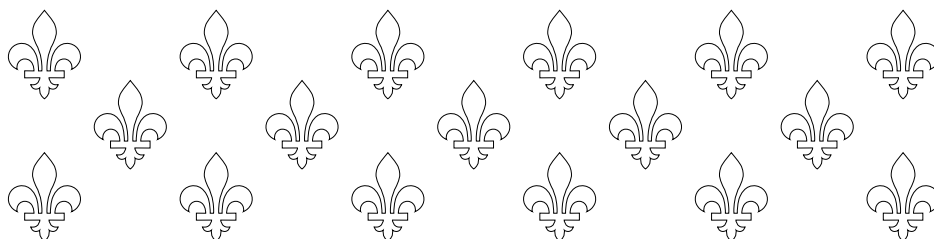
(1) the amount corresponding to one-third of the remuneration ;
and

(2) the amount that the person to whom the remuneration is paid is entitled to receive as an expense allowance from the regional county municipality, taking into account section 23 of the Act respecting the remuneration of elected municipal officers.

If the amount referred to in subparagraph 2 of the second paragraph is nil, no part of the remuneration mentioned in that paragraph is deemed to be an expense allowance for the person to whom the remuneration is paid.

187. Notwithstanding the repeal, by section 161, of section 18 of the Act respecting the remuneration of elected municipal officers, every person who, on 19 June 1996, was receiving additional remuneration under that section shall continue to receive it until the person ceases to hold the position for which the remuneration is payable or until the municipality provides for other additional remuneration for that position in a by-law adopted under section 2 of that Act.

188. This Act comes into force on 20 June 1996, except sections 32 to 34, 101 to 103 and 146, which will come into force on the date or dates fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 25
(1996, chapter 28)

**An Act to amend the Civil Code
as regards the obligation
of support**

**Introduced 15 May 1996
Passage in principle 3 June 1996
Passage 18 June 1996
Assented to 20 June 1996**

**Québec Official Publisher
1996**

EXPLANATORY NOTES

This bill proposes to amend Title Three of the Civil Code of Québec, entitled Obligation of Support.

Under the bill, the legal obligation of support is limited to relatives in the direct line in the first degree. This bill provides that the new provision of the Civil Code will apply to matters pending. It further provides that any obligation to pay support to a relative other than a relative in the first degree arising out of a judgment will end on 30 September 1996.

Bill 25

An Act to amend the Civil Code as regards the obligation of support

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

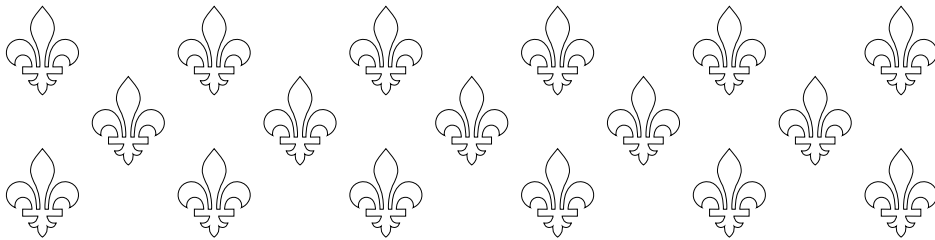
1. Article 585 of the Civil Code of Québec (1991, chapter 64) is replaced by the following article:

“585. Spouses, and relatives in the direct line in the first degree, owe each other support.”

2. The abolition of the obligation of support between relatives other than relatives in the first degree is applicable to matters pending.

Any obligation to pay support to a relative other than a relative in the first degree arising out of a judgment rendered before the coming into force of this Act shall be extinguished on 30 September 1996.

3. This Act comes into force on 20 June 1996.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 26
(1996, chapter 29)

An Act respecting the Ministère du Travail

Introduced 14 May 1996
Passage in principle 23 May 1996
Passage 13 June 1996
Assented to 20 June 1996

**Québec Official Publisher
1996**

EXPLANATORY NOTES

This bill defines the sphere of action of the Minister of Labour as well as his principal powers and functions in the areas of labour relations, labour standards, the management of employment conditions, the health and safety of workers and the safety of buildings.

The Minister is thus made responsible for developing and implementing progressive policies and measures, after consulting with the interested persons, which will meet the needs of the workers, the labour market and the economy.

The bill also confers powers on the Minister that are accessory to his functions, provides for the organization of his department and contains amending, transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Pressure Vessels Act (R.S.Q., chapter A-20.01);
- Health Insurance Act (R.S.Q., chapter A-29);
- Building Act (R.S.Q., chapter B-1.1);
- Labour Code (R.S.Q., chapter C-27);
- Act respecting the Conseil consultatif du travail et de la main-d'oeuvre (R.S.Q., chapter C-55);
- Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Gas Distribution Act (R.S.Q., chapter D-10);

- Act respecting the conservation of energy in buildings (R.S.Q., chapter E-1.1);
- Executive Power Act (R.S.Q., chapter E-18);
- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- National Holiday Act (R.S.Q., chapter F-1.1);
- Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);
- Act respecting piping installations (R.S.Q., chapter I-12.1);
- Act respecting electrical installations (R.S.Q., chapter I-13.01);
- Master Electricians Act (R.S.Q., chapter M-3);
- Master Pipe-Mechanics Act (R.S.Q., chapter M-4);
- Stationary Enginemen Act (R.S.Q., chapter M-6);
- Act respecting the Ministère de l'Emploi (R.S.Q., chapter M-15.01);
- Government Departments Act (R.S.Q., chapter M-34);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- 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 labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Public Buildings Safety Act (R.S.Q., chapter S-3);
- Act respecting the Société québécoise de développement de la main-d'oeuvre (R.S.Q., chapter S-22.001);
- Professional Syndicates Act (R.S.Q., chapter S-40);

- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act respecting the placing of certain labour unions under trusteeship (1975, chapter 57);
- Act respecting the provisional administration of the Parity Committee for the Flat Glass Industry and the Corporation de formation des vitriers et travailleurs du verre du Québec (1994, chapter 9);
- Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions (1995, chapter 8);
- Act to amend the Act respecting the provisional administration of the Parity Committee for the Flat Glass Industry and the Corporation de formation des vitriers et travailleurs du verre du Québec (1995, chapter 22);
- Act to foster the development of manpower training (1995, chapter 43).

Bill 26

An Act respecting the Ministère du Travail

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ORGANIZATION OF THE DEPARTMENT

1. The Ministère du Travail shall be under the direction of the Minister of Labour appointed under the Executive Power Act (R.S.Q., chapter E-18).

2. The Government, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), shall appoint a person as Deputy Minister of Labour.

3. Under the direction of the Minister, the Deputy Minister shall administer the department.

The Deputy Minister shall also perform any other functions assigned to him by the Government or the Minister.

4. In the discharge of his functions, the Deputy Minister has the authority of the Minister.

5. The Deputy Minister may delegate the performance of his functions under this Act, in writing and so far as he indicates, to a public servant or to the holder of a position.

The Deputy Minister may, in the instrument of delegation, authorize the subdelegation of such functions as he indicates; where applicable, he shall identify the public servant or holder of the position to whom the subdelegation may be made.

6. The personnel of the department shall be composed of the public servants necessary for the exercise of the functions of the Minister; they shall be appointed and remunerated in accordance with the Public Service Act.

The Minister shall determine the duties of the public servants of the department so far as they are not determined by law or by the Government.

7. The signature of the Minister or of the Deputy Minister authenticates any document emanating from the department.

No deed, document or writing binds the Minister or may be attributed to him unless it is signed by him, by the Deputy Minister, by a member of the personnel of the department or by the holder of a position, and in the last two cases, only so far as determined by the Government.

8. The Government, on such conditions as it may fix, may permit the signature of the Minister or the Deputy Minister to be affixed by means of an automatic device to such documents as it determines.

The Government may also permit a facsimile of the signature to be engraved, lithographed or printed on such documents as it determines. The facsimile must be authenticated by the countersignature of a person authorized by the Minister.

9. Every document or copy of a document emanating from the department or forming part of its records, if signed or certified true by a person referred to in the second paragraph of section 7, is authentic.

CHAPTER II

FUNCTIONS AND POWERS OF THE MINISTER

10. The Minister shall perform his functions in the areas of labour relations, labour standards, the management of conditions of employment, occupational health and safety, as well as the safety of buildings and of equipment and facilities intended for public use.

11. The Minister shall devise and propose to the Government policies and measures relating to the areas within his competence, in particular to

(1) encourage the establishment or maintenance of harmonious relations between employers and employees or the associations representing them;

(2) adapt labour relations administration and labour standards to changes in the needs of persons, the labour market and the economy;

(3) facilitate the management of manpower and of conditions of employment;

(4) promote the evolution of work organization methods on the basis of the needs of persons, the labour market and the economy;

(5) foster protection of the health, safety and physical integrity of workers;

(6) promote the quality of the construction of buildings and of the equipment and facilities intended for public use as well as the security of the persons having access to them.

The Minister shall see to the implementation of the policies and measures, supervise their administration and coordinate their execution.

The Minister is also responsible for the administration of the Acts under his authority and he shall perform any other function assigned to him by the Government.

12. The Minister shall encourage the participation of representatives or spokes persons of the employers and workers in the establishment of policies and measures that concern them in the areas within his competence.

13. For the purposes of the performance of his functions and the administration of the Acts under his authority, the Minister may, in particular,

(1) at any time, designate a person to promote the establishment or the maintenance of harmonious relations between an employer and his employees or the association representing them. Such person shall report to the Minister;

(2) carry out or cause to be carried out, and disseminate, such studies, research and analyses as he considers useful, including comparative analyses of the development outside Québec of matters within his competence;

(3) collect, compile, analyze and disseminate available information on labour relations, labour standards, work organization, the labour market, conditions of employment and any other activity carried on by his department or the bodies under his authority;

(4) in accordance with law, enter into agreements with any government, department or body.

14. The Minister, in the performance of his functions, may inquire, or designate a person to inquire, into any matter within his competence.

15. No conciliator, mediator or mediator-arbitrator of the Ministère du Travail and no person designated by the Minister to help parties settle a disagreement may be compelled to disclose or produce, before a court or an arbitrator or before a body or a person exercising judicial or quasi-judicial functions, anything made known to or learned by them, or any document prepared or obtained, in the performance of their functions.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no person shall have access to such a document.

16. The Minister shall table a report of the activities of the Ministère du Travail in the National Assembly for each fiscal year, within six months from the end of that year or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER III

AMENDING PROVISIONS

ACT RESPECTING THE CONSEIL CONSULTATIF DU TRAVAIL ET DE LA MAIN-D'OEUVRE

17. Section 2 of the Act respecting the Conseil consultatif du travail et de la main-d'oeuvre (R.S.Q., chapter C-55) is amended

(1) by replacing the word "Employment" in the first line of the first paragraph by the word "Labour";

(2) by replacing the word "jurisdiction." at the end of the first paragraph by the words "competence. It shall also give its opinion to any other minister on any question related to labour or manpower

that the Minister of Labour submits to it, on the request of the other minister, respecting matters within the competence of that other minister.”;

(3) by replacing the words “It may,” in the first line of the second paragraph by the words “The Council may, in addition,”.

18. Section 2.1 of the said Act is amended by replacing the word “Employment” wherever it appears by the word “Labour”.

19. Section 4 of the said Act is amended

(1) by striking out the words “on the recommendation of the Minister of Employment” in the second line of the first paragraph;

(2) by replacing the word “Employment” in the first line of the second paragraph by the word “Labour”.

20. Sections 5 and 7 of the said Act are amended by replacing the word “Employment” wherever it appears by the word “Labour”.

21. Section 8 of the said Act is amended by replacing the word “Employment” in the sixth line of the first paragraph by the words “Labour or any other minister referred to in section 2”.

22. Sections 9, 15 and 16 of the said Act are amended by replacing the word “Employment” wherever it appears by the word “Labour”.

ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

23. Section 1 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended

(1) by striking out the words “of the Ministère de l’Emploi or” in the first and second lines of paragraph *b*;

(2) by replacing the words “as the case may be, in accordance with the regulations made under this Act” in the fourth and fifth lines of paragraph *b* by the words “in accordance with the regulations made under this Act,”;

(3) by replacing the words “Minister of Employment” in paragraph *p* by the words “minister designated by the Government, except where another minister is designated in a provision”.

24. Section 41 of the said Act is amended by adding, at the end, the following paragraph:

“From 20 June 1996, the Minister of Labour shall exercise the power provided for in the first paragraph regarding a council of arbitration.”

25. Section 43 of the said Act is amended by replacing the first two paragraphs by the following paragraph:

“**43.** Upon the joint request of the Minister and the Minister of Labour and in the manner they indicate, the parity committees constituted under the Act respecting collective agreement decrees (chapter D-2), the Commission de la construction du Québec and the Commission des normes du travail must cooperate in applying the standards for the vocational qualification of manpower and report to the Minister and the Minister of Labour in the manner they prescribe.”

26. Section 45 of the said Act is amended by inserting the words “of Labour” after the word “Minister” wherever it appears in paragraph *a*.

27. Section 51 of the said Act is amended

(1) by replacing the word “Department” in the third line by the word “Minister”;

(2) by replacing the words “officer of the Ministère de l’Emploi” in the fifth and sixth lines by the word “Minister”.

28. Section 53 of the said Act is amended by replacing the words “Minister of Employment” in the first line by the words “minister designated by the Government”.

ACT RESPECTING THE MINISTÈRE DE L’EMPLOI

29. The title of the Act respecting the Ministère de l’Emploi (R.S.Q., chapter M-15.01) is replaced by the following title:

“Act respecting certain functions relating to manpower and employment”.

30. Division I of the said Act, including sections 1 to 12, is repealed.

31. The heading of Division II of the said Act is amended by striking out the words “OF THE MINISTER”.

32. Section 13 of the said Act is amended by replacing the first sentence of the first paragraph by the following sentence:

“**13.** The minister designated by the Government shall devise policies and measures concerning manpower and employment and propose them to the Government.”

33. Section 14 of the said Act is amended

(1) by striking out paragraph 3;

(2) by replacing the words “in cooperation with the other ministers concerned, to facilitate vocational training and qualification, entry and re-entry into the labour market, reclassification, retraining, employment protection, manpower mobility, human resource management, labour relations, and the health, safety and physical integrity of workers” in the first, second, third, fourth and fifth lines of paragraph 4 by the words “, in cooperation with the other ministers concerned, to facilitate vocational training and qualification, entry and re-entry into the labour market, reclassification, retraining, employment protection, manpower mobility and human resources management”;

(3) by replacing the words “, vocational training and qualification, labour relations, and the health, safety and physical integrity of workers” in the third and fourth lines of paragraph 5 by the words “and vocational training and qualification”;

(4) by replacing the words “of the department, in particular on labour relations between employers and employees and the conditions of employment of employees” in the second, third and fourth lines of paragraph 6 by the words “within his competence pertaining to employment, manpower, and vocational training and qualification”;

(5) by replacing the words “, conditions of employment, labour relations, and any other activity carried on by his department or the bodies under its jurisdiction” in the second, third and fourth lines of paragraph 7 by the words “and any activity carried on by the bodies under his authority”;

(6) by striking out paragraph 8.

34. Sections 15 and 15.1 of the said Act are repealed.

35. Sections 56 to 62 of the said Act are repealed.

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE DÉVELOPPEMENT
DE LA MAIN-D'OEUVRE

36. Section 17 of the Act respecting the Société québécoise de développement de la main-d'oeuvre (R.S.Q., chapter S-22.001) is amended by replacing the words “the Ministère de l'Emploi” in the third line of the first paragraph by the words “certain functions relating to manpower and employment”.

37. Sections 18, 93 and 96 of the said Act are amended by replacing the words “Minister of Employment” and “Ministère de l'Emploi” wherever they appear by the words “minister designated by the Government” and “department designated by the Government”, respectively.

ACT RESPECTING NORTHERN VILLAGES AND
THE KATIVIK REGIONAL GOVERNMENT

38. Section 379 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing the words “Minister of Employment” in the first line by the words “minister designated by the Government”.

ACT TO FOSTER THE DEVELOPMENT OF MANPOWER TRAINING

39. Section 22 of the Act to foster the development of manpower training (1995, chapter 43) is amended by replacing the words “Minister of Employment” in the third line by the words “minister designated by the Government”.

40. Section 24 of the said Act is amended by replacing the words “Minister of Employment, before the date fixed by the Minister” in the first and second lines of the first paragraph by the words “minister designated by the Government, before the date fixed by the minister”.

41. Section 30 of the said Act is amended by replacing the words “Minister of Employment on the date the Minister determines” in the second and third lines of the first paragraph by the words “minister designated by the Government on the date determined by the minister”.

42. Sections 39 and 41 of the said Act are amended by replacing the words “Minister of Employment” and “Minister” wherever they appear by the words “minister designated by the Government” and “minister”, respectively, and sections 65 and 67 of the said Act are amended by replacing the words “Minister of Employment” wherever they appear by the words “minister designated by the Government”.

OTHER LEGISLATION

43. The words “Minister of Employment”, “Deputy Minister of Employment” and “Ministère de l’Emploi” are replaced by the words “Minister of Labour”, “Deputy Minister of Labour” and “Ministère du Travail”, respectively, wherever they appear in the following provisions:

(1) section 6 of the Act respecting pressure vessels (R.S.Q., chapter A-20.01);

(2) sections 54 and 65 of the Health Insurance Act (R.S.Q., chapter A-29);

(3) section 298 of the Building Act (R.S.Q., chapter B-1.1);

(4) sections 1, 23, 27 and 151 of the Labour Code (R.S.Q., chapter C-27);

(5) section 7 of the Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59);

(6) section 1 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2);

(7) section 14.1 of the Gas Distribution Act (R.S.Q., chapter D-10);

(8) sections 4, 17 and 18 of the Act respecting the conservation of energy in buildings (R.S.Q., chapter E-1.1);

(9) subparagraph 27 of the first paragraph of section 4 of the Executive Power Act (R.S.Q., chapter E-18);

(10) sections 7, 66, 69 and 70 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

(11) section 17.2 of the National Holiday Act (R.S.Q., chapter F-1.1);

(12) section 2 of the Act respecting piping installations (R.S.Q., chapter I-12.1);

(13) section 2 of the Act respecting electrical installations (R.S.Q., chapter I-13.01);

(14) section 1 of the Master Electricians Act (R.S.Q., chapter M-3);

(15) section 1 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4);

(16) section 2 of the Stationary Enginemen Act (R.S.Q., chapter M-6);

(17) paragraph 25 of section 1 of the Government Departments Act (R.S.Q., chapter M-34);

(18) paragraph 8 of section 1 of the Act respecting labour standards (R.S.Q., chapter N-1.1);

(19) sections 46, 50, 62 and 96 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);

(20) subparagraph *p* of the first paragraph of section 1 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20), amended by section 1 of chapter 8 of the statutes of 1995, and section 126.1 of the said Act;

(21) sections 10 and 44 of the Public Buildings Safety Act (R.S.Q., chapter S-3);

(22) section 25 of the Professional Syndicates Act (R.S.Q., chapter S-40);

(23) section 1 of the Act respecting the placing of certain labour unions under trusteeship (1975, chapter 57), amended by section 7 of chapter 43 of the statutes of 1977, by section 12 of chapter 5 of the statutes of 1983 and by section 66 of chapter 12 of the statutes of 1994;

(24) sections 2, 10, 11, 17 and 28 of the Act respecting the provisional administration of the Parity Committee for the Flat Glass Industry and the Corporation de formation des vitriers et

travailleurs du verre du Québec (1994, chapter 9) and sections 3 and 20 of the said Act, amended by sections 1 and 2 of chapter 22 of the statutes of 1995;

(25) section 74 of the Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions (1995, chapter 8);

(26) section 3 of the Act to amend the Act respecting the provisional administration of the Parity Committee for the Flat Glass Industry and the Corporation de formation des vitriers et travailleurs du verre du Québec (1995, chapter 22).

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

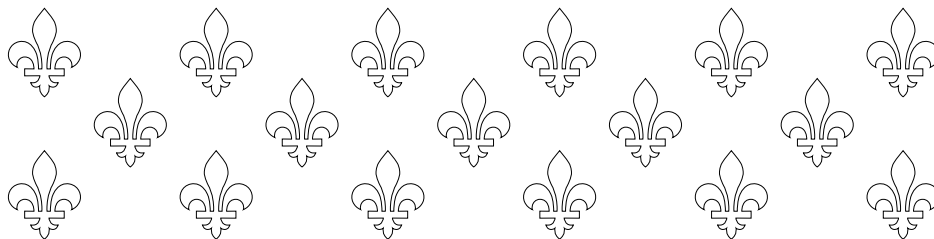
44. Unless the context indicates otherwise, in any Act not referred to in sections 17 to 43 of this Act and in any regulation, order in council, order, proclamation, contract, agreement or other document,

(1) a reference to the Minister or Deputy Minister of Employment or to the Ministère de l'Emploi is, according to the matter concerned, a reference to the Minister or Deputy Minister of Labour or to the Ministère du Travail, or to the minister designated by the Government under section 13 of the Act respecting certain functions relating to manpower and employment;

(2) a reference to the Act respecting the Ministère de l'Emploi is, according to the matter concerned, a reference to the Act respecting the Ministère du Travail, the Act respecting certain functions relating to manpower and employment or to the corresponding provision of either of the said Acts.

45. Any regulation or order made under the Act respecting the Ministère de l'Emploi shall remain in force until replaced or repealed.

46. This Act comes into force on 20 June 1996.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 27
(1996, chapter 30)

An Act to amend the Labour Code

Introduced 14 May 1996
Passage in principle 23 May 1996
Passage 19 June 1996
Assented to 20 June 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill amends certain provisions of the Labour Code concerning the dispute resolution mechanism applicable to municipal police officers and firefighters, in particular as regards mediation and the forms of and criteria for arbitration. It also replaces mandatory mediation by optional mediation accessible on the joint request of the parties.

In addition, the bill introduces the right of the parties to voluntarily opt for mediation-arbitration and maintains the current form of arbitration which continues to apply in the absence of agreement between the parties. It also recognizes the right of the parties, whatever form of arbitration they choose, to agree on the selection of the arbitrator from a list drawn up under the Labour Code.

Lastly, the bill adds a further element to the list of existing criteria, which the bill makes mandatory, requiring the arbitrator to take into consideration prevailing and anticipated wage and economic conditions in Québec.

LEGISLATION AMENDED BY THIS BILL:

- Labour Code (R.S.Q., chapter C-27);
- Act to amend the Labour Code and the Act respecting the Ministère du Travail (1993, chapter 6).

Bill 27

An Act to amend the Labour Code

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 94 of the Labour Code (R.S.Q., chapter C-27), amended by section 221 of chapter 2 of the statutes of 1996, is again amended by replacing the words “application by one party” in the first line of the first paragraph by the words “a joint application by the parties”.

2. Section 95 of the said Code is repealed.

3. Sections 96 to 98 of the said Code are replaced by the following sections:

“96. If there is no agreement at the expiry of the period of mediation, the mediator shall give to the parties a report specifying the matters on which there has been agreement and the matters which are still in dispute.

The mediator shall, at the same time, give a copy of the report to the Minister with his comments.

“97. After receiving a report of unsuccessful mediation or a written application for arbitration, the Minister shall refer the dispute to the form of arbitration selected by the parties.

The dispute shall be referred to an arbitrator at the request of one of the parties or to a mediator-arbitrator at the joint request of the parties.

“98. Within 10 days after receiving notice from the Minister that he intends to refer the dispute to the form of arbitration selected, the parties shall consult each other regarding the selection of an

arbitrator from a list drawn up by the Minister specifically for the arbitration of disputes under this division.

If there is agreement between the parties, the Minister shall appoint the person selected by them as arbitrator. If there is no agreement, the Minister shall appoint an arbitrator from the list.

If mediation has taken place, the Minister shall forward a copy of the mediator's report to the arbitrator."

4. The said Code is amended by inserting, after section 99.1, the following section:

"99.1.1 The mediator-arbitrator shall, before proceeding with arbitration, attempt to settle the dispute referred by the Minister.

Where, in the opinion of the mediator-arbitrator, there is no likelihood of the parties reaching agreement on a collective agreement within a reasonable period of time, he shall proceed to determine the content of the collective agreement. He shall so inform the parties and the Minister."

5. Section 99.4 of the said Code is amended by replacing the words ", on the basis of the mediator's report, such matters" in the first and second lines of the second paragraph by the words "such matters on the basis of the mediator's report or, as the case may be, on the basis of his own observation of the matters on which no agreement was reached during his mediation".

6. Section 99.5 of the said Code, amended by section 221 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words "In rendering his award, the arbitrator may take into account, among other things," in the first and second lines by the words "Subject to section 99.6, the arbitrator must, in rendering his award, take into account";

(2) by striking out the words "as well as" in the fourth line;

(3) by adding, at the end, the words ", as well as prevailing and anticipated wage and economic conditions in Québec";

(4) by adding, at the end, the following paragraph:

"He may also take into account any other piece of evidence referred to in section 99.6."

7. Section 99.7 of the said Code is amended by adding, at the end of the first paragraph, the words “or, as the case may be, that he ascertained during his mediation”.

8. Section 10 of the Act to amend the Labour Code and the Act respecting the Ministère du Travail (1993, chapter 6) is repealed.

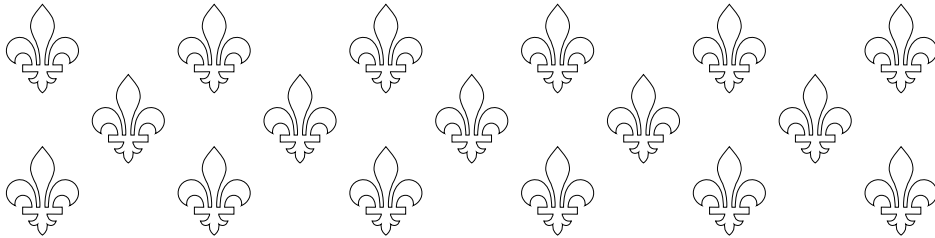
9. The Minister shall present to the Government, not later than 20 June 1999, a report on the application of Division II of Chapter IV of the Labour Code.

The report shall be tabled within the 15 following days in the National Assembly if it is sitting or, if it is not sitting, it shall be submitted to the President.

Within six months from the date on which the report is tabled, the Parliamentary Committee on Labour and the Economy shall take the report under consideration and examine the application of Division II of Chapter IV of the Labour Code. On this subject, the Committee shall hear the representative bodies it designates.

10. The provisions of section 99.5 of the Labour Code, amended by section 6 of this Act, apply to any dispute between a municipality or intermunicipal board and an association of employees certified to represent its policemen or firemen that has been referred to arbitration and in respect of which no award has been rendered before 20 June 1996.

11. This Act comes into force on 20 June 1996.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 28
(1996, chapter 20)

**An Act respecting the Société
de télédiffusion du Québec and
amending the Act respecting
educational programming and
other legislative provisions**

Introduced 14 May 1996
Passage in principle 3 June 1996
Passage 13 June 1996
Assented to 20 June 1996

**Québec Official Publisher
1996**

EXPLANATORY NOTES

The main purpose of this bill is to define the mandate of the Société de radio-télévision du Québec, to be known henceforth as the “Société de télédiffusion du Québec” or “Télé-Québec”, which is to broadcast educational and cultural television programming and to produce and distribute audiovisual, multimedia and broadcasting material, so as to develop a desire for learning, to foster the acquisition of knowledge, to promote arts and culture and to reflect the regional realities and the diversity of Québec society.

The bill proposes to change the composition of the board of directors, which is to consist of no more than ten persons including a chairman of the board of directors, a president and general manager of the Société, three persons from various regions of Québec other than the Montréal region and one member of the personnel of the Société elected by his peers.

The bill provides for the filing with the Société every three fiscal years of a plan of activities, to be examined by the competent parliamentary committee.

In addition, the bill amends the Act respecting educational programming so as to establish the Comité de reconnaissance du caractère éducatif de la programmation, which will be charged with determining the educational character of all broadcasting programming submitted by a broadcasting or cable company, to replace the Régie des télécommunications. The bill sets out the composition of the Comité and the rules for its operation.

Lastly, the bill contains transitional provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting educational programming (R.S.Q., chapter P-30.1);
- Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01).

LEGISLATION REPLACED BY THIS BILL:

- Act respecting the Société de radio-télévision du Québec (R.S.Q., chapter S-11.1).

Bill 28

An Act respecting the Société de télédiffusion du Québec and amending the Act respecting educational programming and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

1. The Société de radio-télévision du Québec, established by chapter 17 of the statutes of 1969, shall be continued under this Act under the name of “Société de télédiffusion du Québec” or “Télé-Québec”.

2. The Société is a legal person.

3. The Société is a mandatary of the Government.

The property of the Société forms part of the domain of the State, but the performance of its obligations may be levied against its property.

The Société binds none but itself when it acts in its own name.

4. The head office of the Société shall be in the territory of the Communauté urbaine de Montréal, at the place determined by the Government. Notice of the location of the head office of the Société, and of any change of location, shall be published in the *Gazette officielle du Québec*.

The Société may hold its meetings at any place in Québec.

5. The business of the Société shall be administered by a board of directors composed, as and when they are appointed or elected, of the following members:

(1) nine persons appointed by the Government, on the recommendation of the Minister of Culture and Communications following consultation with bodies considered by the Minister to be representative of the sectors concerned by the activities of the Société, including

— the chairman of the board of directors;

— the president and general manager of the Société;

— not fewer than three persons from various regions of Québec other than the Montréal region;

(2) one member of the personnel of the Société, elected by a majority vote of his peers in accordance with the by-laws of the Société.

6. The president and general manager shall be appointed for a term not exceeding five years, and the other members of the board for a term not exceeding three years.

Their term of office shall not be renewed more than once consecutively.

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

8. The chairman of the board of directors shall preside at meetings of the board and see to the proper conduct of its business.

9. A vice-chairman of the board of directors shall be appointed by the members of the board from among their number.

If the chairman is absent or unable to act, the vice-chairman shall act as chairman of the board of directors.

10. A majority of the members constitutes a quorum at meetings of the board of directors.

In the case of a tie-vote, the chairman has a casting vote.

11. The president and general manager of the Société is responsible for the administration and direction of the Société within the scope of its by-laws and policies.

He shall perform his duties full-time.

12. The Government shall fix the remuneration, social benefits and other conditions of employment of the president and general manager.

The other members of the board of directors shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

13. The members of the personnel of the Société shall be appointed according to the staffing plan and the standards established by by-law of the Société. The by-law shall also determine the standards and scales of remuneration, the social benefits and the other conditions of employment of the members of the personnel.

The by-law shall be submitted to the Government for approval.

Personnel members who are not employees within the meaning of the Labour Code (R.S.Q., chapter C-27) are entitled to the remedies available under section 33 of the Public Service Act (R.S.Q., chapter F-3.1.1) as if they were public servants.

14. The president and general manager may not, under pain of forfeiture of office, have a direct or indirect interest in an enterprise causing his personal interest to conflict with that of the Société. However, forfeiture is not incurred where the interest devolves to him by succession or gift, provided he renounces or disposes of it with dispatch.

Any other member of the board of directors who has a direct or indirect interest in an enterprise causing his personal interest to conflict with that of the Société must, under pain of forfeiture of office, disclose it in writing to the chairman and abstain from

participating in any discussion or decision involving the enterprise in which he has the interest or in any part of the meeting of the board of directors during which his interest is discussed.

Furthermore, any member of the board of directors who is a member of the personnel of the Société must, under pain of forfeiture of office, abstain from voting on any matter pertaining to his employment relationship, his remuneration, his social benefits or his other conditions of employment or those of the class of employees to which he belongs, or on any matter concerning the remuneration, social benefits or other conditions of employment of other classes of employees. In addition, he must, after having been afforded an opportunity to present his views, withdraw from the meeting for the duration of the discussions and vote relating to such matters.

15. The Société may make by-laws providing for its internal management.

Such by-laws may, in particular,

(1) establish an executive committee, determine its functions and powers and fix the term of office of its members;

(2) provide that absence from a number of meetings specified in the by-laws constitutes a vacancy, in the cases and circumstances set out therein.

CHAPTER II

OBJECTS AND POWERS

16. The object of the Société is to operate an educational and cultural television broadcasting undertaking so as to ensure, by any means of broadcasting, that its products are accessible to the public.

The Société may, in addition, operate a production and distribution service for audiovisual, multimedia and broadcasting material, including subordinate and accompanying material.

The main purpose of such activities is to develop a desire for learning, to foster the acquisition of knowledge, to promote arts and culture and to reflect the regional realities and the diversity of Québec society.

17. The Société must submit all of its programming to the Comité de reconnaissance du caractère éducatif de la programmation, in accordance with the Act respecting educational programming (R.S.Q., chapter P-30.1).

18. The Société may, in particular, for the purpose of exercising its powers and duties,

(1) administer regional offices ;

(2) acquire any movable or immovable property required for its purposes by agreement or, with the authorization of the Government, by expropriation ;

(3) construct, lease, maintain and operate broadcasting stations ;

(4) sell or otherwise alienate or lease its property, and grant real rights in its property ;

(5) make agreements or participate in joint projects with any person or body ;

(6) enter into, according to law, 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 ;

(7) receive gifts, bequests, subsidies and other contributions, provided that any attached conditions are consistent with the exercise of its powers and duties ;

(8) establish a programming committee or any other committee for the examination of such questions as it determines, determine its functions and powers and fix the term of office of its members.

The members of the committees referred to in subparagraph 8 of the first paragraph shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

The committees may hold meetings at any place in Québec, or by means which allow all members to communicate with one another orally.

19. The Société must, every three fiscal years, on the date fixed by the Minister and in the form and tenor determined by him, transmit to the Minister a plan of activities setting forth the planned activities and the objectives of the Société for the following three fiscal years.

The Minister shall table the plan before the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption.

The competent parliamentary committee of the National Assembly shall examine the plan and for that purpose hear representatives designated by the Société.

20. The Société must, except in such cases and on such conditions as the Government may determine by regulation, obtain the authorization of the Government in order to

- (1) acquire or alienate stocks, shares or assets of a legal person;
- (2) contract a loan that increases the aggregate of its outstanding loans to an amount greater than a determined amount; or
- (3) make any other financial commitment for a sum in excess of the amount determined by regulation of the Government.

The Government may subject its authorization to the conditions it determines.

CHAPTER III

FINANCIAL PROVISIONS

21. The fiscal year of the Société ends on 31 March.

22. The Government may, on the conditions it determines,

- (1) guarantee the payment in principal and interest of any loan contracted by the Société and any of its obligations;
- (2) authorize the Minister of Finance to advance to the Société any amount considered to be necessary for the Société to meet its obligations or to exercise its objects and powers.

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

23. The receipts of the Société shall be appropriated to the repayment of its loans and of the advances made by the Minister of Finance under subparagraph 2 of the first paragraph of section 22, and to the payment of its other commitments. Any surplus shall be retained by the Société unless otherwise decided by the Government.

CHAPTER IV

DOCUMENTS, ACCOUNTS AND REPORTS

24. No act, document or writing shall bind the Société unless it is signed by the chairman of the board of directors, by the president and general manager of the Société or, to the extent determined by by-law of the Société, by a member of its personnel.

The Société may allow, subject to the conditions and on the documents it determines, that a required signature be affixed by means of an automatic device or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile shall have the same force as the signature itself only if the document is countersigned by a person authorized by the chairman of the board of directors or by the president and general manager of the Société.

25. The minutes of the meetings of the board of directors, approved by the board and certified true by the chairman or by any other person so authorized by by-law of the Société, are authentic, as are documents and copies emanating from the Société or forming part of its records if signed or certified true by any such person.

26. The Société must, on the expiry of four months after the end of its fiscal year, file its financial statements with the Minister together with a report of its activities for the preceding fiscal year.

The financial statements and the report must contain all such information as the Minister may prescribe.

27. The Minister shall table the report and the financial statements before the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

28. The books and accounts of the Société shall be audited each year by the Auditor General, and whenever so ordered by the Government.

The report of the auditor must accompany the report of activities and the financial statements of the Société.

CHAPTER V

AMENDING PROVISIONS

ACT RESPECTING EDUCATIONAL PROGRAMMING

29. Section 1 of the Act respecting educational programming (R.S.Q., chapter P-30.1) is amended by striking out paragraph *d*.

30. The heading of Division III of the said Act is replaced by the following heading:

“COMITÉ DE RECONNAISSANCE DU CARACTÈRE ÉDUCATIF DE LA PROGRAMMATION”.

31. The said Act is amended by inserting, after the heading of Division III, the following sections:

“**3.1** A committee called the Comité de reconnaissance du caractère éducatif de la programmation is hereby established, to be composed of

- (1) the chairman of the Conseil des arts et des lettres du Québec;
- (2) the chairman of the Conseil de la science et de la technologie;
- (3) the chairman of the Conseil des communautés culturelles;

(4) the chairman of a body designated by the Minister and composed of senior executives from university-level educational institutions.

The members shall appoint a president from among their number.

“**3.2** The members of the committee shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

“**3.3** The committee may establish rules for its operation and the conduct of its affairs.

It may solicit and receive opinions and suggestions from any interested person or body or from the general public in respect of any request made to it.

3.4 The decisions of the committee shall be made by a majority of its members; where opinions are equally divided, the president has a casting vote.

Before making a decision, the committee must afford the applicant an opportunity to present his views.

3.5 The committee and its members may not be prosecuted for official acts performed in good faith in the performance of their duties.

3.6 For the exercise of its powers and duties, the committee may, with the authorization of the Minister, be assisted by experts.”

32. Section 8 of the said Act is repealed.

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

9. Applications to the committee shall be addressed to the Minister of Culture and Communications, who shall transmit a copy thereof to the members of the committee and to the Minister of Education.”

34. The word “Board” is replaced wherever it appears in sections 4 to 7 and section 10 of the said Act by the word “committee”.

ACT RESPECTING THE RÉGIE DES TÉLÉCOMMUNICATIONS

35. Section 22 of the Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01) is repealed.

OTHER AMENDMENTS

36. In every statute and in every regulation, by-law, order, order in council, contract or document, the names “Société de radio-télévision du Québec” and “Radio-Québec” are replaced by the names “Société de télédiffusion du Québec” and “Télé-Québec”, respectively, unless the context indicates otherwise.

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS

37. The term of office of the members of the board of directors of the Société de radio-télévision du Québec ends on (*insert here the date of coming into force of this Act*).

For the purposes of the second paragraph of section 6, no account shall be taken of the end of the term of office under the first paragraph of this section.

38. All declarations that programming is educational made by the Régie des télécommunications under the former provisions of the Act respecting educational programming shall be considered to be declarations made by the Comité de reconnaissance du caractère éducatif de la programmation under the new provisions.

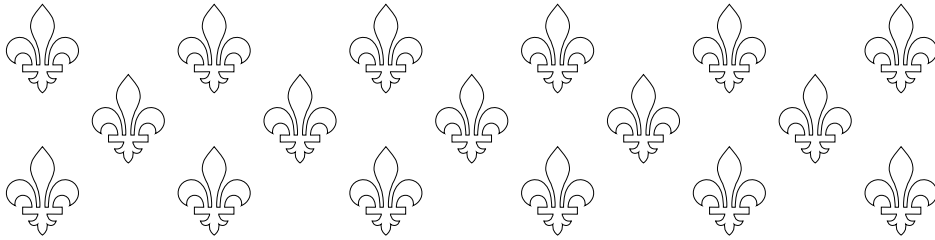
39. The first triennial report referred to in section 19 shall be applicable in respect of the first fiscal year of the Société beginning after (*insert here the date of coming into force of this Act*) and of the following two fiscal years.

40. This Act replaces the Act respecting the Société de radio-télévision du Québec.

Any reference to the Act respecting the Société de radio-télévision du Québec or to any of its provisions is a reference to this Act or to the corresponding provision of this Act.

41. The Minister of Culture and Communications is responsible for the administration of this Act.

42. The provisions of this Act come into force on the date to be fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 29
(1996, chapter 31)

**An Act to amend the Act
respecting the Ministère
du Revenu and other legislative
provisions**

**Introduced 15 May 1996
Passage in principle 3 June 1996
Passage 17 June 1996
Assented to 20 June 1996**

**Québec Official Publisher
1996**

EXPLANATORY NOTES

The primary purpose of this bill is to amend the Act respecting the Ministère du Revenu in order to resolve various problems of interpretation and application. Amendments are also made to the Taxation Act and to other fiscal laws.

Firstly, the Taxation Act is amended

(1) to allow the issue of a consequential assessment in all cases where the Minister of Revenue is required by law to issue an assessment notice with respect to another taxation year;

(2) to clarify the application of section 1011;

(3) to specify that a decision rendered by a judge of the Court of Québec under the second paragraph of section 1067 of the Act is a final judgment of that Court within the meaning of the Code of Civil Procedure; and

(4) to allow a person to apply to a judge of the Court of Québec, in practice court, for a review of a decision of the Minister of Revenue on the extension of the time for opposition.

Secondly, the Act respecting the Ministère du Revenu is amended

(1) to clarify the definition of the term “fiscal law” as well as the definition of the term “prescribed” and the related presumption;

(2) to dissipate any doubts as to the power of a person authorized under a tax collection agreement entered into under section 16.1 to detain alcoholic beverages destined for individuals in Québec;

(3) to allow the Minister of Revenue, under section 17.5, to suspend, revoke or refuse to issue a certificate or permit in the same circumstances as those in which security may be required under section 17.3;

(4) to provide that the four-year time limit for assessments runs from the later of the date on which the duties should have been paid and the date on which the return was filed;

(5) to prescribe that the tax debts of a person who has availed himself of the provisions on voluntary deposit bear interest at the legal rate;

(6) to permit the Minister of Revenue to waive the filing of a prescribed form or prescribed information;

(7) to make the Minister of Revenue responsible both for determining the cases in which documents or information may be transmitted to him by way of on-line filing or of a computer-generated medium and for determining the terms and conditions of such data transmissions;

(8) to empower the Minister of Revenue to require a person to file a return, whether or not the person is subject to the payment of a duty;

(9) to remove the enumeration of things that may be seized upon a search to allow for the seizure of any thing, whatever its nature, that may afford evidence of an offence;

(10) to remove any ambiguity as to when a search may be made;

(11) to permit the seizure of things that may afford evidence of an offence against a regulation made by the Government under a fiscal law;

(12) to specify the powers that may be exercised in penal matters by certain public servants of the Ministère du Revenu;

(13) to introduce a prescription period of eight years for certain offences;

(14) to introduce a measure allowing the Minister of Revenue to cancel charges imposed on a taxpayer or an agent under a fiscal law and to specify that a decision of the Minister in that regard is not subject to opposition or appeal; and

(15) to create and establish the operating rules of a collection fund for the financing of the recovery operations of the Centre de perception fiscale.

Thirdly, the Act respecting the Québec Pension Plan is amended so as to permit the Minister of Revenue to refund, even after more than four years, an amount to which a person is entitled under that Act.

Lastly, the Fuel Tax Act is amended so as to make search and seizure procedures under that Act consistent with those in effect under the Tobacco Tax Act.

LEGISLATION AMENDED BY THIS BILL:

- Tobacco Tax Act (R.S.Q., chapter I-2);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- Fuel Tax Act (R.S.Q., chapter T-1).

Bill 29

An Act to amend the Act respecting the Ministère du Revenu and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TOBACCO TAX ACT

1. Section 13.4 of the Tobacco Tax Act (R.S.Q., chapter I-2) is amended by adding the following paragraph:

“No search under the first paragraph may commence before 7 a.m. or after 8 p.m. or on a non-judicial day, without the written authorization of the judge who authorized the search. Nor may any such search commence more than 15 days after being authorized.”

TAXATION ACT

2. (1) Section 1010.0.1 of the Taxation Act (R.S.Q., chapter I-3) is replaced by the following section:

“1010.0.1 Notwithstanding the expiry of the time limits prescribed in section 1010, where a reassessment must be made for a particular taxation year, the Minister may redetermine the tax, interest and penalties and make a reassessment for a subsequent taxation year, but only for the purpose of making an adjustment consequential upon the reassessment in respect of the particular taxation year.

Such a reassessment may or, where the taxpayer so requests in writing, shall be made on or before the day that is either one year after the day on which all rights of objection to the reassessment in respect of the particular taxation year expire or one year after the day a decision relating to the particular year is rendered following an objection, an appeal or a summary appeal brought under Chapter IV of the Act respecting the Ministère du Revenu (chapter M-31).”

(2) Subsection 1 applies to a reassessment or redetermination consequential upon an assessment in respect of another taxation year made after 20 June 1996 or made pursuant to a decision rendered after 20 June 1996 following an objection, an appeal or a summary appeal.

3. Section 1011 of the said Act is replaced by the following section:

“1011. For the purposes of paragraph *b* of subsection 2 of section 1010, the Minister shall not, in computing the income of a taxpayer upon a reassessment or additional assessment made after the expiry of the time limits provided for in paragraphs *a* to *a.1* of that subsection 2, include any amount other than an amount

(*a*) that can reasonably be regarded as having been the subject of a waiver referred to in subparagraph ii of paragraph *b* of subsection 2 of section 1010, unless the taxpayer establishes otherwise, or

(*b*) in respect of which the failure to include it in computing income resulted from misrepresentation attributable to negligence or wilful default or from fraud, on the part of the taxpayer, in filing the return or in supplying information under this Part, unless the taxpayer establishes otherwise.”

4. The said Act is amended by inserting, after section 1057.2, the following section:

“1057.3 A taxpayer may, before the expiration of 90 days after the day on which the Minister’s decision under section 1057.2 was mailed to the taxpayer, apply to a judge of the Court of Québec for a review of the decision.

The judge shall grant the application if, in his opinion, the taxpayer meets the conditions set out in sections 1057.1 and 1057.2. The judge’s decision is a final judgment of the Court of Québec within the meaning of the Code of Civil Procedure (chapter C-25).”

5. Section 1060 of the said Act is replaced by the following section:

“1060. Section 1057 does not apply to a reassessment under section 1059 or to an assessment issued by virtue of a waiver referred to in subparagraph ii of paragraph *b* of subsection 2 of section 1010,

unless the waiver was made within the period during which the Minister may reassess or make an additional assessment under paragraph *a*, *a.0.1* or *a.1* of subsection 2 of section 1010, as the case may be.”

6. Section 1067 of the said Act, amended by section 8 of chapter 36 of the statutes of 1995, is again amended by adding, at the end of the third paragraph, the following sentence: “The decision of the judge is a final judgment of the Court of Québec within the meaning of the Code of Civil Procedure.”

7. Section 1069 of the said Act, amended by section 9 of chapter 36 of the statutes of 1995, is again amended by striking out subparagraph *d* of the first paragraph.

ACT RESPECTING THE MINISTÈRE DU REVENU

8. The French text of section 1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by replacing the word “administration” in the last line of paragraph *a* by the word “application”.

9. Section 1.1 of the said Act is replaced by the following section :

“**1.1** In any fiscal law, unless the context indicates otherwise, the word “prescribed” means, in the case of a form or information to be given on a form, prescribed by the Minister or the Deputy Minister and, in any other case, prescribed by regulation or determined in accordance with rules prescribed by regulation.”

10. Section 12 of the said Act is amended by inserting “subject to paragraph *b* of section 97.2,” after “law;” in the third line of the first paragraph.

11. Section 12.1 of the said Act is amended by striking out the third paragraph.

12. The English text of section 15 of the said Act is amended by replacing the words “if it were not secured” in the second paragraph by the words “but for the security or transfer”.

13. Section 16.2 of the said Act is amended by replacing the first paragraph by the following paragraph :

“16.2 Where a person brings or causes to be brought into Québec corporeal property for which duties provided for by a fiscal law are payable, or where a person acquires an alcoholic beverage in Québec from a person authorized under section 19.1 of the Act respecting the Société des alcools du Québec (chapter S-13), and the person refuses or fails to file the return required under such a fiscal law or to obey a request for payment made by a person authorized under section 16.1, the authorized person may detain the property or beverage and deposit it at the place specified by the Minister who shall keep it as security until the duties and, where applicable, the maintenance expenses arising from the deposit are paid.”

14. Section 16.3 of the said Act is amended by adding the following paragraph:

“In the case of an alcoholic beverage, the Minister shall dispose of it by delivering it to the Société des alcools du Québec for sale purposes. The Société shall remit to the Minister the proceeds from the sale of the beverage, less 10%.”

15. Section 17.5 of the said Act is amended

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

“(b.1) is controlled by a director, officer or other person who has failed to pay to the Minister an amount he was bound to pay under section 1015 of the Taxation Act or under section 23, 24 or 24.0.1 or is controlled by a person one of whose directors or officers has failed to pay such an amount;”;

(2) by inserting “, b.1” after “*b*” in the first line of the second paragraph;

(3) by inserting “, b.1” after “*b*” in the first line of the third paragraph.

16. Section 23 of the said Act is amended by adding the following paragraph:

“However, a person who does not make the withholding provided for in the said section 1015 shall pay interest on such amount as though the first paragraph were applicable. The interest shall cease to accrue on or before 30 April of the year following the year in which the withholding should have been made.”

17. Section 25 of the said Act is amended by replacing the second paragraph by the following paragraph :

“However, no such assessment may be made

(a) more than four years after the later of

i. the date on which the duties should have been paid, and

ii. the date on which the return was filed ; or

(b) more than four years after the application for a refund was filed.”

18. Section 25.2 of the said Act is replaced by the following section :

“25.2 For the purposes of paragraph *a* of section 25.1, where a reassessment is made after the expiry of the time limit provided for in the second paragraph of section 25, the Minister shall not consider any amount other than an amount the omission or the inclusion of which results, unless the contrary is established by the person, from a false representation of the facts through carelessness or voluntary omission or from fraud committed by the person in rendering an account, in filing a return, an application for a refund or a report or in supplying information prescribed by a fiscal law.”

19. The said Act is amended by inserting, after section 28, the following section :

“28.0.1 Where a person avails himself of the provisions of the Code of Civil Procedure (chapter C-25) which relate to voluntary deposit, interest shall be computed at the rate provided for in article 644 of that Code.”

20. Section 35.4 of the said Act is replaced by the following section :

“35.4 A person contemplated in this division who has notified a notice of objection in respect of an assessment or who is a party to an appeal brought under a fiscal law shall keep the registers, books of account and vouchers necessary for the examination of the objection or appeal until the time for appeal provided for in sections 1066 and 1067 of the Taxation Act has expired or until judgment on the appeal is rendered and, where applicable, until the time for filing any further appeal has expired or until the judgment on any further appeal is rendered.”

21. The said Act is amended by inserting, after section 36, the following section:

“36.1 The Minister may, on the conditions he determines, waive the filing of a prescribed form, prescribed information, a voucher or any other document the filing of which would otherwise be required.

However, the Minister retains the right to revoke his waiver and to require the filing of any information or document referred to in the first paragraph within such time as he may determine.”

22. (1) Section 37.1 of the said Act, enacted by section 210 of chapter 1 of the statutes of 1995, is replaced by the following section:

“37.1 Any person who, in cases determined by the Minister, meets the terms and conditions determined by the Minister, may file a document or information required under a fiscal law by way of electronic filing or of a computer-generated medium.”

(2) Subsection 1 has effect from 1 January 1995.

23. Sections 37.2 and 37.4 of the said Act, enacted by section 210 of chapter 1 of the statutes of 1995, are repealed.

24. Section 39 of the said Act is amended by inserting “, whether or not he is subject to the payment of a duty, ” after “person” in the third line of the first paragraph.

25. Section 40 of the said Act is amended

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

“40. A judge of the Court of Québec may, on an application *ex parte* following an information laid in writing and under oath by a public servant of the Ministère du Revenu, for all purposes respecting the application of a fiscal law, authorize in writing any public servant of the Ministère du Revenu, or any other person whom he designates, to enter and search, by force if need be, any building, receptacle or place to search therein for any thing that may afford evidence of an offence against a fiscal law or a regulation made by the Government under a fiscal law, and to seize and remove any such thing and keep it until it has been produced in judicial proceedings; the public servant or the person authorized under this section may call upon the assistance of a peace officer.

The public servant who lays the information must have reasonable grounds to believe that the said offence is being or has been committed and that there are things that may afford evidence of the offence in the building, receptacle or place.”;

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

“The search may not commence before 7 a.m. or after 8 p.m. or on a non-judicial day, without the written authorization of the judge who authorized the search. Nor may it commence more than 15 days after being authorized.”

26. Section 40.1 of the said Act is amended

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

“**40.1** A public servant or designated person who enters and searches a building, receptacle or place in accordance with section 40 may seize and remove, in addition to that which is referred to in the said section, things which he believes, on reasonable grounds, to constitute evidence of the commission of an offence against a fiscal law or a regulation made by the Government under a fiscal law.”;

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

“The judge may authorize the Minister to retain the things for the inquiry purposes until they are produced in judicial proceedings, if he is satisfied that they may constitute evidence of an offence against a fiscal law or a regulation made by the Government under a fiscal law and that they were seized in accordance with this section.”

27. Section 40.2 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**40.2** The Minister shall, on request, allow the examination of any thing seized under section 40 or 40.1 by the person from whom it was seized or the person legally entitled to the thing or, where applicable, furnish a copy at his expense.”

28. (1) Section 59.0.2 of the said Act, amended by section 211 of chapter 1 of the statutes of 1995, is again amended by replacing the second paragraph by the following paragraph:

“Where the prescribed form is required to be filed in respect of work carried out on a building, structure or land used in the course of carrying on a business or for the purpose of earning income therefrom, the penalty is \$200 for each person in respect of whom any required information is not provided.”

(2) Subsection 1 applies in respect of work carried out after 30 June 1995.

29. (1) Section 59.0.3 of the said Act, amended by section 212 of chapter 1 of the statutes of 1995, is again amended by replacing the second paragraph by the following paragraph:

“In the case of information required to be provided to a person who is required to file a prescribed form in respect of work carried out on a building, structure or land used in the course of carrying on a business or for the purpose of earning income therefrom, the penalty is \$500.”

(2) Subsection 1 applies in respect of work carried out after 30 June 1995.

30. The said Act is amended by inserting, after section 72.4, the following sections:

“**72.5** Where an offence against a fiscal law or a regulation made by the Government under a fiscal law has been committed, any person responsible for the enforcement of that Act may draw up an offence report.

A person authorized under section 38 or section 72.4 is, for the purposes of the Code of Penal Procedure, a person responsible for the enforcement of a fiscal law.

“**72.6** A public servant of the Ministère du Revenu authorized by the Deputy Minister under section 72.4 may serve a statement of offence in accordance with article 21 of the Code of Penal Procedure.”

31. Section 78 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, penal proceedings for an offence under section 62 shall be prescribed eight years from the date on which the offence is committed.”

32. Section 87 of the said Act is amended

(1) by replacing the word “or” in the first line of the first paragraph by a comma;

(2) by inserting the words “or of a notice of a decision of the Minister under section 1059 of the Taxation Act” after the word “payable” in the second line of that paragraph.

33. Section 89 of the said Act is replaced by the following section:

“**89.** Any form or information to be furnished on a form described as a prescribed form or prescribed information is deemed to be a form or information prescribed by order of the Minister under a fiscal law, except if it is set aside by the Minister or a person authorized by him.”

34. (1) Section 94.1 of the said Act, replaced by section 16 of chapter 36 of the statutes of 1995, is amended

(1) by replacing its two paragraphs by the following paragraphs:

“**94.1** The Minister may waive, in whole or in part, any interest, penalty or charge provided for by a fiscal law.

The Minister may also cancel, in whole or in part, any interest, penalty or charge exigible under a fiscal law.”;

(2) by adding, after the second paragraph, the following paragraphs:

“A decision of the Minister under this section is not subject to opposition or appeal.

A statistical summary of all waivers and cancellations under this section shall be tabled, each year, before the National Assembly, within the first 15 days of the following session.”

(2) Paragraph 2 of subsection 1, where it introduces the third paragraph of the said section 94.1, applies in respect of applications made after 16 June 1994.

35. (1) The said Act is amended by inserting, after section 97, the following:

“DIVISION II.1

“COLLECTION FUND

“**97.1** A Collection Fund is hereby established at the Ministère du Revenu for the purpose of financing recovery operations.

The Government shall determine the date on which the Fund begins to operate as well as its assets and liabilities. It shall also determine the nature of property and services to be financed by the Fund and the nature of the costs to be charged to the Fund.

“**97.2** The Fund shall be made up of the following sums, except interest:

(a) the sums collected in respect of the property and services financed by the Fund;

(b) the recovery charges provided for in section 12.1, in such proportion as is determined by the Government;

(c) the sums paid into the Fund by the Minister out of the appropriations granted for that purpose by Parliament;

(d) the sums paid into the Fund by the Minister of Finance pursuant to section 97.5 and the first paragraph of section 97.6.

“**97.3** The Government may, on the Minister’s proposal, to the extent and subject to the conditions determined by the Government, merge the Fund with another, change the name under which it has been established or terminate its activities.

“**97.4** The management of the sums constituting the Fund shall be entrusted to the Minister of Finance. The sums shall be paid to the order of the Minister of Finance and deposited with the financial institutions he designates.

Notwithstanding section 13 of the Financial Administration Act (chapter A-6), the Minister shall keep the books of account for and record the financial commitments chargeable to the Fund. He shall also certify that such commitments and the payments arising therefrom do not exceed, and are consistent with, the available balances.

“**97.5** The Minister, as the manager of the Fund, may borrow from the Minister of Finance sums taken out of the financing fund established under section 69.1 of the Financial Administration Act.

“97.6 The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the Fund sums taken out of the consolidated revenue fund.

The Minister of Finance may, conversely, advance to the consolidated revenue fund, subject to the conditions he determines, any part of the sums making up the Fund that is not required for its operations.

Any advance paid into a fund is repayable out of that fund.

“97.7 All expenses incurred for the carrying out of the Minister’s functions relating to the management of the Fund, including the remuneration and expenses pertaining to the social benefits and other conditions of employment of persons assigned, in accordance with the Public Service Act, to activities related to the Fund, shall be paid out of the Fund.

“97.8 All surpluses accumulated by the Fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

“97.9 Sections 22 to 27, 33, 35, 45, 47 to 49, 49.2, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the Fund.

“97.10 The fiscal year of the Fund ends on 31 March.

“97.11 Notwithstanding any provision to the contrary, the Minister of Finance shall, in the event of a deficiency in the consolidated revenue fund, pay out of the Collection Fund the sums required for the execution of a judgment against the Crown that has become *res judicata*.”

(2) Subsection 1 has effect from 1 April 1996.

ACT RESPECTING THE QUÉBEC PENSION PLAN

36. Section 66 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) is amended by replacing the third paragraph by the following paragraph:

“However, no assessment may be made by the Minister in respect of an employer after four years have elapsed from the day on which that amount should have been paid, unless the employer has engaged in misrepresentation or has committed fraud in supplying

the required information or unless a waiver has been filed with the Minister on the prescribed form.”

37. (1) Section 194 of the said Act is amended by adding, at the end, the following paragraph:

“The second paragraph shall not be construed as preventing the rectification of an entry after the expiry of the time referred to in that paragraph if the rectification results from the application of Title III.”

(2) Subsection 1 applies even to entries made more than four years before its coming into force.

FUEL TAX ACT

38. Section 39 of the Fuel Tax Act (R.S.Q., chapter T-1) is amended

(1) by replacing the word “officer” in the first line of the first paragraph by the word “member”;

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

“Unless a member of the Sûreté du Québec, a member of a municipal police force or the Minister, as the case may be, authorizes otherwise, the vehicle shall not be moved until a judge rules on the application referred to in section 40.1, which must be introduced with reasonable dispatch, and until the vehicle is seized, where applicable.”

39. Section 40 of the said Act is amended

(1) by replacing the word “officer” in the first line of the first paragraph by the word “member”;

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

“Unless a member of the Sûreté du Québec, a member of a municipal police force or the Minister, as the case may be, authorizes otherwise, the vehicle shall not be moved until a judge rules on the application referred to in section 40.1, which must be introduced with reasonable dispatch, and until the vehicle is seized, where applicable.”

40. Sections 40.1 to 40.6 of the said Act are replaced by the following sections:

“40.1 A judge of the Court of Québec or a justice of the peace having jurisdiction may, on an *ex parte* application following an information laid in writing and under oath by a public servant of the department who has reasonable grounds to believe that an offence against this Act is being or has been committed and that there is in a place in Québec a thing that may afford evidence of the offence or that is being or has been used in the commission of the offence, authorize in writing any public servant of the department, or any other person he designates, to search in that place for and to seize and remove that thing and, for those purposes, to enter any building, receptacle or premises in that place; the public servant or person so authorized may call upon the assistance of a peace officer.

Any public servant of the department may also apply for a telewarrant and make a search in accordance with articles 96 to 114 of the Code of Penal Procedure (chapter C-25.1) so as to search for, seize and remove a thing referred to in the first paragraph.

In addition, any public servant of the department who has reasonable grounds to believe that an offence against this Act is being or has been committed and that there is in a place in Québec a thing that may afford evidence of the offence or that is being or has been used in the commission of the offence, may search for, seize and remove that thing without having obtained the authorization provided for in the first paragraph or the telewarrant provided for in the second paragraph if the person in charge of the place consents to the search or in exigent circumstances within the meaning of article 96 of the Code of Penal Procedure.

No search under the first paragraph may commence before 7 a.m. or after 8 p.m. or on a non-judicial day, without the written authorization of the judge who authorized the search. Nor may any such search commence more than 15 days after being authorized.

“40.2 For the purposes of the first paragraph of section 40.1, the judge may grant his authorization on the conditions he indicates if he is convinced that there are reasonable grounds to believe that an offence against this Act is being or has been committed and that things which may afford evidence of the offence or which are being or have been used in the commission of the offence are in the place indicated in the information.

“40.3 The public servant or designated person who carries out a search in accordance with the first paragraph of section 40.1 may seize and remove, in addition to what is provided for in that paragraph, any other thing which he believes, on reasonable grounds, constitutes evidence of the commission of the offence described in the information or has been used in committing the offence, as well as any other thing in plain view to which section 40.1 applies.

The person shall, with reasonable dispatch, report the seizure to the judge who gave the written authorization under section 40.1 or, in his absence, to a judge of the same jurisdiction.

The judge may authorize the Minister to retain the things seized if he is convinced that they may constitute evidence of the commission of an offence against this Act or that they have been used in committing such an offence and that they have been seized in accordance with this section.

“40.4 Subject to a release of seizure by the Minister, any thing seized under sections 40.1 and 40.3 shall remain in the custody of a person designated by the Minister for that purpose until, in accordance with section 40.5, it is sold or, in accordance with section 48, it is confiscated or, in accordance with article 138 of the Code of Penal Procedure, subject to section 40.7.1, or in accordance with section 40.8, it is returned to a person entitled thereto.

However, the Minister may return a vehicle seized under section 40.1 or 40.3 to the person from whom it was seized if that person pays a deposit equal to the sum of the cash value of the vehicle and of the amount, determined on the day of payment of the deposit, of the costs of seizure and preservation fixed by regulation. Such deposit is payable in cash or in the manner prescribed by regulation, and shall be kept by an authorized person in the manner prescribed by regulation until disposed of according to law.

“40.5 Notwithstanding sections 40.1 and 40.3, where fuel or a vehicle is seized, a judge of the Court of Québec may, on the application of the Minister, authorize the Minister in writing to sell the fuel or vehicle or have it sold on the conditions determined in the authorization. An authorization concerning fuel must also provide for the keeping of samples in sufficient quantity to serve as evidence. Prior notice of not less than one clear day of the application must be served, where their identity is known, on the person from whom the fuel or vehicle was seized and on the persons who claim to have a right in the fuel or vehicle. The proceeds of the sale, after deduction

of the costs, shall be kept by a person authorized by the Minister in the manner prescribed by regulation until disposed of according to law.

“40.6 A thing seized under section 40.1 or 40.3, a deposit referred to in section 40.4 or sale proceeds referred to in section 40.5 shall not be retained for more than 180 days from the date of seizure, unless proceedings have been instituted or an extension order has been granted.”

41. The said Act is amended by inserting, after section 40.7, the following section:

“40.7.1 Where, in accordance with the provisions of article 138 of the Code of Penal Procedure, an application for the return of a thing seized under section 40.1 or 40.3 or of the proceeds referred to in section 40.5 is made by a person who claims to have a right therein and who is not the offender, the judge may order the return on the conditions he indicates if he is convinced that, in addition to what is provided for in article 138 of the Code of Penal Procedure, the thing or proceeds need not be retained for the purposes of this Act or that confiscation is not required under section 48.

The judge may also, in such a case, order the person to pay the costs of seizure and preservation fixed by regulation.”

42. Section 40.8 of the said Act is replaced by the following section:

“40.8 The Minister must return the thing seized, the deposit referred to in section 40.4 or the proceeds referred to in section 40.5 to the person from whom the thing was seized as soon as retention thereof is no longer necessary in the interests of justice.”

43. Section 48 of the said Act is replaced by the following section:

“48. A judge convicting a defendant under this Act may, on the application of the Minister, order the defendant to pay the costs fixed by regulation in respect of the seizure and preservation of any thing seized under section 40.1 or 40.3.

However, the judge may reduce the amount if he is convinced that the Minister unduly delayed instituting proceedings or caused the commencement of proceedings to be delayed without sufficient cause.

On an application of the Minister made within 30 days after a judgment has been rendered in proceedings to impose a penal sanction for an offence under this Act or, in cases where the defendant is deemed to have been convicted of the offence, within 90 days after service of the statement of offence, a judge may also order, in cases where a defendant has been convicted of, or is deemed to have been convicted of, an offence under this Act, in addition to any penalty otherwise prescribed for the offence, the confiscation of any thing seized under section 40.1 or 40.3, of the deposit referred to in section 40.4 or of the proceeds referred to in section 40.5.

Prior notice of not less than one clear day of an application under this section shall be served on the defendant, on the person from whom the thing was seized and on the persons claiming a right in the thing seized or in the proceeds referred to in section 40.5, except where they are in the presence of the judge.

Where the confiscation of a thing seized under section 40.1 or 40.3 is ordered, the judge may, on the application of the Minister, authorize the Minister to destroy the thing.”

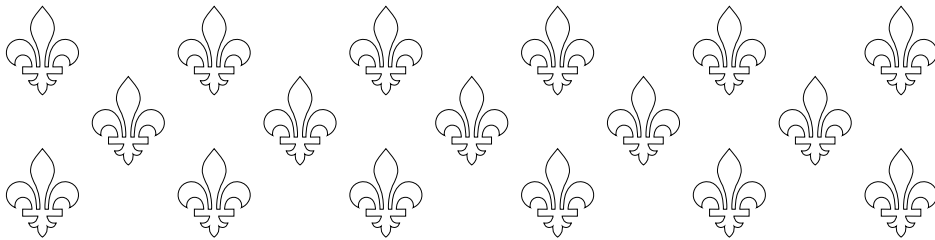
44. Section 48.1 of the said Act is repealed.

45. Section 50 of the said Act is amended by replacing subsection 1 by the following subsection:

“**50.** (1) Where an offence has been committed under this Act, any person responsible for the enforcement of this Act shall draw up a report of the offence.”

46. For the fiscal year 1996-97, the appropriations granted to the Office des ressources humaines with respect to the social benefits and other conditions of employment of the persons assigned to the activities of the Collection Fund shall be transferred, to the extent determined by the Government, to the Ministère du Revenu.

47. This Act comes into force on 20 June 1996.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 32
(1996, chapter 33)

An Act to amend the Act respecting the Ministère du Revenu

Introduced 15 May 1996
Passage in principle 3 June 1996
Passage 19 June 1996
Assented to 20 June 1996

**Québec Official Publisher
1996**

EXPLANATORY NOTE

This bill gives effect to certain elements of the Budget Speech of 9 May 1996 with respect to the following matters:

(1) the communication of certain information between the Minister of Revenue and public bodies that are subject to the allocation procedure, when such bodies are to pay an amount to an individual;

(2) the taxpayer's right of access to his tax file;

(3) the testimony of a public servant and the filing of documents containing information obtained under a fiscal law in proceedings arising out of a grievance or complaint relating to labour relations;

(4) the communication of certain information to the extent that the information does not reveal the identity of the person to whom it relates;

(5) the communication of confidential information for statistical purposes or where it is necessary for the administration or enforcement of a fiscal law;

(6) the communication of certain information to other public bodies and the obtention by the Minister of Revenue of information necessary for the administration of a fiscal law;

(7) the setting out of new rules as concerns the preservation of documents and their transfer to the Keeper of the Archives nationales du Québec.

Bill 32

An Act to amend the Act respecting the Ministère du Revenu

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 31.1.2 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), replaced by section 273 of chapter 63 of the statutes of 1995, is again replaced by the following section:

“31.1.2 For the purposes of the second paragraph of section 30.1 and section 31.1.1, where an amount is to be paid by a public body, the body or its agent must inform the Minister thereof in accordance with the terms and conditions prescribed under section 31.1.5.”

2. Section 69 of the said Act is amended

(1) by replacing the second, third, fourth and fifth paragraphs by the following paragraphs:

“However, such confidential information may, on the written application of the person who provided the information or of his authorized representative, be communicated to a person designated in the application. In addition, a public servant may communicate confidential information to the taxpayer to whom the information relates. A public servant may not, however, reveal to a taxpayer the existence of information relating to the taxpayer provided by a third person or communicate such information to the taxpayer if this would allow the third person to be identified, unless the third person has given written consent to the information and its origin being disclosed to the taxpayer.

No public servant may be summoned or authorized to testify in respect of information referred to in the first paragraph or to produce

a document containing such information or a document obtained, written or compiled by or on behalf of the Minister for the purposes of a fiscal law, except in the case of criminal proceedings or any proceedings relating to the administration or enforcement of an Act of the Parliament of Canada that provides for the imposition or collection of a tax or duty.

The third paragraph does not apply to proceedings between the interested party and the Deputy Minister, to an application for an injunction under section 68.1, to an appeal to the Commission de la fonction publique under the Public Service Act or to a complaint or grievance arising out of a disciplinary or administrative measure and filed by a public servant with the labour commissioner general, the Labour Court or a grievance arbitrator, but the Minister, the Deputy Minister and the Associate Deputy Ministers of Revenue are not compellable; they must, however, on the written application of a party served at least 30 days before the date of hearing and specifying the facts requiring testimony, designate a public servant having knowledge of the facts to testify.

Where the Commission de la fonction publique, the labour commissioner general, the Labour Court, a grievance arbitrator or an inquiry commission established by the Government requires a public servant to testify, the testimony shall be given and, where applicable, the documents produced exclusively *in camera*, and such testimony or documents shall not be mentioned in any document, report, stenographic note or recording of that authority or at other public or *in camera* sittings thereof. The authority may order such measures as are necessary to ensure that confidential information or documents containing confidential information are not used or communicated for any purpose not relating to the proceedings.”;

(2) by adding, after the seventh paragraph, the following paragraph:

“Information that does not directly or indirectly reveal the identity of the person to whom it relates or that cannot be associated therewith is not confidential information.”

3. Section 69.0.1 of the said Act, enacted by section 276 of chapter 63 of the statutes of 1995, is replaced by the following section:

“69.0.1 Notwithstanding section 69, a public servant may,

(a) for the purposes of the Agreement referred to in section 2, communicate confidential information to an authority that is a party to the Agreement, to the mandatary or designated agent of such an authority and to any person responsible for the implementation of the Agreement;

(b) use confidential information to compile information in a form that does not directly or indirectly reveal the identity of the person to whom it relates;

(c) communicate to a person confidential information that can reasonably be considered to be necessary for the administration or enforcement of a fiscal law in his respect; and

(d) communicate to a department or body of the Government or to a department or body of the Government of Canada the name, address and occupation of a person and, where applicable, the size and type of business, but solely for the purpose of enabling that department or body to obtain statistical data for research and analysis.”

4. Section 69.1 of the said Act, amended by section 13 of chapter 46 of the statutes of 1994, by section 213 of chapter 1 of the statutes of 1995, by section 14 of chapter 36 of the statutes of 1995, by section 50 of chapter 43 of the statutes of 1995, by section 277 of chapter 63 of the statutes of 1995, by section 22 of chapter 69 of the statutes of 1995 and by section 18 of chapter 12 of the statutes of 1996, is again amended by adding, after subparagraph *j* of the second paragraph, the following subparagraphs:

“(k) the Bureau de la statistique du Québec, solely to the extent that the information is necessary for the purposes of the Act respecting the Bureau de la statistique (chapter B-8);

“(l) the Minister of Municipal Affairs, in respect of the name and address of the person who operates, or has operated, a gas distribution, telecommunications or electric power system and who is subject to section 221 of the Act respecting municipal taxation, and the amount of tax collected and of any arrears, refund or interest payable or credited;

“(m) the Régie de l’assurance-maladie du Québec, solely to the extent that the information is necessary for the purpose of verifying if a person is resident or is deemed to be resident in Québec within the meaning of the Health Insurance Act (chapter A-29);

“(n) the Régie des rentes du Québec, solely to the extent that the information relates to the earnings and contributions of contributors and is needed to determine the amount of any benefit payable and to calculate the amount of any financial adjustment, or to the extent that the information is needed for the keeping of the Record of Contributors within the meaning of the Act respecting the Québec Pension Plan;

“(o) the Minister of Education, solely to the extent that the information is necessary to verify a person’s eligibility for financial assistance under the Act respecting financial assistance for students (chapter A-13.3), to establish the amount of such financial assistance, to identify a situation not declared by a student in accordance with paragraph 1 of section 39 of that Act or to verify the address and income of a person who is required to repay an amount under that Act and, where applicable, the name of his employer.”

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

“**71.** Every public body within the meaning of section 31.1.4, every body having the rights and privileges of a mandatary of the Government and every municipality must file with the Minister any information required by him, where that information is necessary for the administration and enforcement of a fiscal law.

The first paragraph does not apply to nominative information of a medical nature or to information appearing on an electoral list.”

6. The said Act is amended by inserting, after section 71, the following sections:

“**71.0.1** For the purposes of sections 69.1 to 71, an agreement may be made with a body to specify, among other things, the information to be transmitted, the means to be used to ensure that the information transmitted remains confidential as well as security measures.

“**71.0.2** A request for an information file under section 71 may be made by the Minister or by a person specifically authorized by the Minister for such purpose.

“**71.0.3** The Minister shall prepare a utilization plan for every information file he intends to obtain under section 71 for the purposes of comparison, pairing or cross-matching, and shall submit it to the Commission d’accès à l’information for its opinion.

The utilization plan shall include a brief description of

- (a) the information file requested and its origin;
- (b) the purpose of requesting the file;
- (c) the planned use of the file;
- (d) the terms and conditions of exchange; and
- (e) the security measures, where applicable.

The Commission d'accès à l'information shall issue an opinion in regard to the plan within 30 days of receiving it.

Where the opinion of the Commission d'accès à l'information is not favourable, the plan may be submitted to the Government for approval and, if approved, it shall come into force on the day of its approval.

“71.0.4 The utilization plan, together with the opinion of the Commission d'accès à l'information and, where applicable, the instrument evidencing the approval of the Government shall be tabled before the National Assembly within 30 days after the opinion or the approval, as the case may be, is issued or, if the Assembly is not sitting, within 30 days of resumption.

The utilization plan shall, in addition, be published in the *Gazette officielle du Québec* within 30 days of its tabling in the National Assembly.

“71.0.5 Every element of a utilization plan is confidential where it is likely to disclose a method of investigation, a confidential source of information, a program or a plan of action intended to prevent, detect or repress violations of fiscal laws or to disclose information protected under section 69.

“71.0.6 The Minister shall submit to the National Assembly, at the expiry of one year from the coming into force of the plan and within the first 15 days of the following session, a report on the activities having resulted from the comparison, pairing or cross-matching of the information files obtained under section 71. The report must contain an opinion of the Commission d'accès à l'information in regard to the report.

No report mentioned in the first paragraph shall contain information which makes it possible to identify a taxpayer.

“71.0.7 The Minister shall record every release of information files under section 69.1 in the appropriate register.

“71.0.8 The Minister shall record every release of information files contemplated in sections 71.0.2 and 71.0.3 in the appropriate register.

“71.0.9 Every person who so requests shall be given access to the registers provided for in sections 71.0.7 and 71.0.8.

“71.0.10 The Minister shall inform taxpayers annually and in a timely manner that comparisons, pairing or cross-matching of information files may be made for the purposes of the administration and enforcement of fiscal laws.

“71.0.11 The overall strategy of the department concerning the obtention, under section 71, of information files for purposes of comparison, pairing or cross-matching shall be included in the Additional Information and Estimates submitted annually to the National Assembly in accordance with section 38 of the Financial Administration Act (chapter A-6).”

7. The said Act is amended by inserting, after section 71.1, the following sections:

“71.2 Section 69 shall not operate to prevent the transfer of confidential documents to the Keeper of the Archives nationales du Québec pursuant to the Archives Act (chapter A-21.1).

However, the communication of confidential information or of a document containing confidential information shall continue to be effected in accordance with the rules set out in this division, by a public servant designated by the Minister.

“71.3 Any document containing information referred to in section 69 that is transferred to the Keeper shall remain confidential for a period of 75 years from the date of the document.

“71.4 This division has precedence over the provisions of any general or special Act, even a subsequent Act, that would be contrary thereto, unless that Act expressly states that it applies notwithstanding this section.

Sections 69.1 and 71 apply notwithstanding sections 67.3, 67.4, 68, 68.1 and 70 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

8. This Act comes into force on 20 June 1996.

Coming into force of Acts

Gouvernement du Québec

O.C. 925-96, 17 July 1996

An Act to amend the Act respecting income security and other legislative provisions (1995, c. 69)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting income security and other legislative provisions

WHEREAS the Act to amend the Act respecting income security and other legislative provisions (1995, c. 69) was assented to on 15 December 1995;

WHEREAS section 27 of the Act prescribes that its provisions will come into force on the date or dates to be fixed by the Government, except sections 15, 16, 19 and 22 which came into force on 1 January 1996;

WHEREAS under Order in Council 201-96 dated 14 February 1996, sections 10, 14, 21 and 26 of the Act came into force on 1 March 1996 and sections 3 to 7, 9, 17, 23 and 25 of the Act came into force on 1 April 1996;

WHEREAS under Order in Council 265-96 dated 28 February 1996, paragraph 2 of section 1, paragraphs 2 and 6 of section 20 and section 24 of the Act came into force on 1 April 1996;

WHEREAS under Order in Council 760-96 dated 19 June 1996, section 11 and paragraphs 4 and 7 of section 20 of the Act, but only in respect of subparagraph 24.1 of the first paragraph of section 91 of the Act respecting income security, will come into force on 18 July 1996, paragraph 1 of section 1 and paragraph 1 of section 20 of the Act will come into force on 1 August 1996, section 18 and paragraph 4 of section 20 of the Act, but only in respect of subparagraph 24.2 of the first paragraph of section 91 of the Act respecting income security, will come into force on 1 October 1996 and sections 12 and 13 and paragraphs 5, 8 and 9 of section 20 of the Act will come into force on 1 January 1997;

WHEREAS it is expedient to fix the coming into force of certain other provisions of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Employment and Solidarity and Minister of Income Security:

THAT 18 July 1996 be fixed as the date of coming into force of paragraph 7 of section 20 of the Act to amend the Act respecting income security and other legislative provisions in respect of subparagraphs 23 and 24 of the first paragraph of section 91 of the Act respecting income security.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

9907

Regulations and other acts

Gouvernement du Québec

O.C. 909-96, 17 July 1996

An Act respecting the Société de financement agricole (R.S.Q., c. S-11.0101)

Apple Businesses

— Financial Assistance Program

Financial Assistance Program for Apple Businesses

WHEREAS under section 13 of the Act respecting the Société de financement agricole (R.S.Q., c. S-11.0101), the object of the Corporation is to foster the economic development of the bio-food sector in Québec by making financing more accessible to primary level farming businesses;

WHEREAS under section 14 of that Act, the Corporation shall grant financial assistance within the scope of programs;

WHEREAS under section 34 of that Act, the Government may, by regulation, prescribe any measure necessary to the application of that Act and, particularly, establish financial assistance programs designed to further the economic development of primary level farming businesses and determine the conditions, criteria and limits of application thereof;

WHEREAS under that same section, the Government may also make regulations to establish, in particular, criteria determining the businesses or classes of businesses that may receive financial assistance, which may vary according, in particular, to the persons who comprise the business, their ages, occupations, qualifications or interests in the business;

WHEREAS it is expedient to establish a financial assistance program for apple businesses;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made notwithstanding the publication requirement of section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency owing to the following circumstances justifies the absence of prior publication and such coming into force:

— the measure in question is in response to a petition by representatives of the parties concerned;

— the liquidity squeeze experienced by apple businesses may well compromise the quality of the 1996 crops;

— a decrease in the activities necessary to ensuring quality production will jeopardize the competitiveness of the sector; and

— a certain number of apple businesses may have to abandon apple production;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Financial Assistance Program for Apple Businesses, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Financial Assistance Program for Apple Businesses

An Act respecting the Société de financement agricole (R.S.Q., c. S-11.0101, s. 34)

DIVISION I PROGRAM OBJECTIVE

1. This Program is designed to enable the Société de financement agricole to financially support apple businesses having sustained major damage as a result of frost during the winter of 1994, by means of a special contribution to the payment of interest on loans granted under the Program for farm financing, made by Order in Council 699-95 dated 24 May 1995.

DIVISION II INTERPRETATION

2. For the purposes of this Program,

“apple business” means an entity composed of one or more persons, that is involved in the production of apples;

“borrower” means an apple business that obtains a loan;

“lender” means a person authorized to act as a lender under the Program for farm financing; and

“loan” means a loan granted under the Program for farm financing.

DIVISION III GENERAL

3. Financial assistance granted under this Program shall be in the form of a special contribution to the payment of interest.

Such financial assistance may be granted by the Corporation to an apple business that meets the requirements of this Program and the particular requirements determined by the Corporation in accordance with the powers conferred upon it by subparagraph 1 of the first paragraph of section 16 of the Act respecting the Société de financement agricole (R.S.Q., c. S-11.0101).

4. In order to be admissible, an application for financial assistance shall be submitted to the Corporation in writing no later than 29 September 1996 and shall be accompanied by the information and documents required by the Corporation under section 22 of the Act.

5. In order to be eligible for financial assistance, an apple business shall demonstrate that its apple orchards sustained major damage as a result of frost during the winter of 1994 and that, consequently, the loss in revenue resulting from a reduction in the number of apple trees under production is jeopardizing the continuation of the business's farming activities.

6. For the duration of the special contribution to the payment of interest, an apple business shall meet the conditions which rendered it eligible for the loan granted under the Program for farm financing.

DIVISION IV SPECIAL CONTRIBUTION TO THE PAYMENT OF INTEREST

7. The Corporation may, within the scope of the objective described in section 1, grant to an apple business a special contribution to the payment of interest on a loan granted under the Program for farm financing, up to a maximum amount of \$100 000.

8. Such special contribution to the payment of interest shall apply to a loan or part of a loan granted for the following purposes:

(1) the replanting of apple trees on adequate sites, in accordance with a replanting plan approved by the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation; or

(2) a reorganization of the apple business's financial structure.

9. The Corporation shall contribute to the payment of the interest on a loan by paying an amount equal to the total interest payable to the lender on the balance owing but not overdue on the principal of a loan contracted from 31 July 1996.

The special contribution to the payment of interest shall be calculated on the basis of the actual interest rate applicable to a one-year loan granted under the Program for farm financing.

Notwithstanding the foregoing, where the lender is a savings and credit union governed by the Savings and Credit Unions Act (R.S.Q., c. C-4.1) and the term of the loan is 36 or 60 months, the special contribution to the payment of interest shall be calculated on the basis of the interest rate applicable to a one-year closed-term loan secured by a first hypothec on a single-family dwelling held by the federation to which the credit union is affiliated.

For the purposes of this section, “actual interest rate” means the interest rate indicated in the loan contract, including any adjustment made to that rate upon the expiry of the one-year term.

10. The special contribution to the payment of interest described in section 9 shall apply over a maximum period of 5 years from the date of the first disbursement of the loan.

It shall be paid by the Corporation to the lender, as a cheque issued to the order jointly of the lender and the borrower.

11. Where the term chosen is not one year and the hypothecary interest rate for that term is equal to or greater than the hypothecary interest rate applicable to a one-year loan, the contribution to the payment of interest shall be calculated on the basis of the hypothecary interest rate applicable to a one-year loan as defined by the Program for farm financing. The contribution is equal to the contribution provided for in the first paragraph of section 9, without any adjustment for the duration of the chosen term.

12. Where the term chosen is not one year and the hypothecary interest rate for that term is lower than the hypothecary interest rate applicable to a loan with a one-year term, the special contribution to the payment of interest shall be calculated on the basis of the hypothecary interest rate applicable to a one-year loan as defined by the Program for farm financing. The contribution is equal to the contribution provided for in the first paragraph of section 9, less the difference between the hypothecary interest rate applicable to a one-year loan and the hypothecary interest rate chosen, without any adjustment for the duration of the chosen term.

Notwithstanding the first paragraph, where the lender is a person to whom is owed all or part of the sale price of an interest in a farming business, of non-voting shares or of preferred shares, as the case may be, the special contribution to the payment interest shall be calculated in accordance with the provisions of the second paragraph of section 9. The contribution shall be equal to the contribution provided for in the first paragraph of that section, without adjustment for the duration of the chosen term.

DIVISION V MISCELLANEOUS

13. No special contribution to the payment of interest may be calculated on any amount of principal or interest in arrears or on any outstanding loan fees.

14. Any instalment on a special contribution to the payment of interest shall be suspended if arrears in principal, interest or fees have not been paid.

Notwithstanding the foregoing, the Corporation shall pay the instalments thus suspended where the borrower pays the entire amount of the arrears and fees out of those instalments.

15. Any excess special contribution to the payment of interest shall be deducted from any subsequent instalments, unless it is paid back in the meantime.

16. Any instalment on a special contribution to the payment of interest shall be applied to any overdue instalments on the loan for which it is being paid.

17. Where, pursuant to subparagraph 1 of the first paragraph of section 16 of the Act, the Corporation requires, as a condition of a loan, that an apple business file its annual financial statements, and where the apple business fails to file them within the prescribed time or produces unsatisfactory financial statements, any instalment on a special contribution to the payment of interest payable in respect of that loan shall be suspended until satisfactory financial statements are filed.

DIVISION VI TRANSITIONAL AND FINAL

18. An apple business which is granted financial assistance under this Program may not obtain, in respect of a loan or part of a loan to which that financial assistance applies, financial assistance provided for under the Program for protection against a rise in interest rates or the Program of assistance for establishment, development and training, made by Order in Council 699-95 dated 24 May 1995, for the duration of the period during which the business receives such assistance, except a capital subsidy.

Following that period, the financial assistance provided for under the Program for protection against a rise in interest rates or the Program of assistance for establishment, development and training apply only for the remainder of the period to which it initially applied.

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

9906

Gouvernement du Québec

O.C. 912-96, 17 July 1996

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

Hunting — Amendments

Hunting in Wildlife Sanctuaries — Amendments

Trapping and the fur trade — Amendments

Development of wildlife — Scale of fees and duties — Amendments

Regulation to amend the Regulation respecting hunting, Regulation to amend the Hunting in Wildlife Sanctuaries Regulation, Regulation to amend the Regulation respecting trapping and the fur trade and Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

WHEREAS under section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may, by regulation, allow the hunting and trapping of any animal or any animal of a class of animals it determines

(1) on the basis of sex, what animal or animal of a class of animals may be hunted;

(2) the period of the year, day or night during which the animal may be hunted or trapped;

(3) the territory or the area in which the animal may be hunted or trapped;

(4) the types of arms or traps which may be used;

(5) on the basis of the age, what animal or animal of a class of animals may be hunted.

WHEREAS under paragraphs 5, 6, 8, 9 and 16 of section 162 of the Act, the Government may, in addition to the other regulatory powers conferred on it by the Act, make regulations

(5) determining the means and their characteristics, the animals including domestic animals and dogs with which hunting, trapping or capturing an animal it indicates its permitted;

(6) determining the maximum number of animals that may be killed or captured by a person or group of persons, during a period and in a place it indicates;

(8) fixing types and classes of licences and certificates, in particular, for residents and non-residents, and limiting the number of licences of each class for a territory or area it indicates;

(9) determining the conditions that must be fulfilled by the applicant or holder of a licence or certificate, and the obligations with which the holder of a licence or certificate must comply; the conditions and obligations may vary, namely according to the age of the applicant or holder;

(16) prescribing norms and obligations respecting the transportation, possession and registration of animals or fish;

WHEREAS under paragraph 1 of section 121 of the Act, the Government may, by regulation, in respect of a wildlife sanctuary, determine the conditions on which hunting, fishing or trapping activities are permitted and fix the amount of the fees exigible for the carrying on of such activities or prohibit them according to the category of persons concerned, the age of the persons, the activity carried on, the species of wildlife sought, the length of the stay, the place or the date where the hunting, fishing or trapping activity is carried on;

WHEREAS the Regulation respecting hunting, the Hunting in Wildlife Sanctuaries Regulation, the Regulation

respecting trapping and the fur trade and the Regulation respecting the scale of fees and duties related to the development of wildlife were made under the Act respecting the conservation and development of wildlife;

WHEREAS it is expedient to amend the Regulation respecting hunting in order to prescribe therein, in particular, standards respecting the white-tailed deer management plan and to make adjustments to certain of its provisions;

WHEREAS it is expedient to amend the Hunting in Wildlife Sanctuaries Regulation, in particular, in order to change certain hunting periods;

WHEREAS it is expedient to amend the Regulation respecting trapping and the fur trade, in particular, in order to change certain trapping periods and certain bag limits;

WHEREAS it is expedient to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, in order to prescribe therein a new amount for the right of access for the hunting of white-tailed deer in the Rimouski Wildlife Sanctuary;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation to amend the Regulation respecting hunting, the draft of the Regulation to amend the Hunting in Wildlife Sanctuaries Regulation, the draft of the Regulation to amend the Regulation respecting trapping and the fur trade and the draft of the Regulation respecting the scale of fees and duties related to the development of wildlife, were published in Part 2 of the *Gazette officielle du Québec* of 1 May 1996 with a notice that they could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS amendments have been made to the draft of the Regulation respecting hunting and to the draft of the Regulation respecting trapping and the fur trade since that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting hunting, the Regulation to amend the Hunting in Wildlife Sanctuaries Regulation, the Regulation to amend the Regulation respecting trapping and the fur trade and the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT the Regulation to amend the Regulation respecting hunting, the Regulation to amend the Hunting in Wildlife Sanctuaries Regulation, the Regulation to amend the Regulation respecting trapping and the fur trade and the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting hunting

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 56, s. 162, pars. 5, 6, 8, 9 and 16)

1. The Regulation respecting hunting, made by Order in Council 1383-89 dated 23 August 1989 and amended by the Regulations made by Orders in Council 457-90 dated 4 April 1990, 1094-90 dated 1 August 1990, 1149-90 dated 8 August 1990, 41-91 dated 16 January 1991, 294-91 dated 6 March 1991, 1290-91 dated 18 September 1991, 491-92 dated 1 April 1992, 1286-92 dated 1 September 1992, 18-93 dated 13 January 1993, 719-93 dated 19 May 1993, 1108-93 dated 11 August 1993, 1351-93 dated 22 September 1993, 199-94 dated 2 February 1994 and 994-95 dated 19 July 1995, is further amended by striking out the second paragraph of section 25.

2. Section 32 is revoked.

3. Section 40 is amended.

(1) by adding the words “other than night vision equipment” at the end of subparagraph 1 of the first paragraph; and

(2) by substituting the word “including” for the words “other than” in subparagraph 5.1 of the first paragraph.

4. Section 41 is amended by adding the following paragraphs after paragraph 8:

“(9) “type 9”:

(a) bows with a torque of at least 18 kilograms within a draw of 0 to 71 centimetres and arrows with a steel head having a cutting diameter of at least 22 millimetres;

(b) muzzle-loading black-powder rifles or shotguns, single barrel, of a gauge or calibre equal to or greater than 11 millimetres used with only one bullet at a time and equipped solely with iron sights;

(10) “type 10”:

10, 12, 16, 20, 24, 28 or 410-gauge shotguns used with shells loaded with shot containing less than 1 % of lead by weight.”.

5. Section 45 of the Regulation is amended by substituting the following for the second paragraph:

“Notwithstanding the foregoing, hunting is permitted during those activities for the animals and under the conditions provided for in Schedule III, provided that the activity occurs in a place not usually frequented by big game and located on land other than land in the public domain.”.

6. Section 48 is amended by substituting the following for the third paragraph:

“Each additional coupon must come from the hunting licence of a person authorized to hunt the same species, with the same implements, during the same period and for the same area; in addition that person must have participated in the hunting expedition during which that animal was killed.”.

7. The following is substituted for section 1 of Schedule II:

“1. For hunting female white-tailed deer or male white-tailed deer with antlers measuring less than 7 cm.

Area	Number of licences
3, the part described in Schedule X	1 000
4	4 000
5	4 000
6	4 000
8, the part described in Schedule VI	3 000
9	1 000
10, except the part described in Schedule XVI	2 000
10 west, the part described in Schedule XVI	2 000
11	1 000”.

8. Schedule III attached to this Regulation is substituted for the former Schedule III

9. The following are substituted for sections 2 and 3 of Schedule IV:

“

Section	Column I Animal	Column II Type of implement	Column III ZEC	Column IV Hunting season
2.	White-tailed deer	2	Bras-Coupé-Désert	From the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
			Jaro	From the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
			Louise-Gosford	From the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
			Petawaga	From the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
			Pontiac	From the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
			Rapide-des-Joachims	From the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
			Saint-Patrice	From the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
2.1	White-tailed deer whose antlers measure 7 cm or more	2	Bas-Saint-Laurent	From the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
			Chapais	From the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
			Owen	From the Saturday on or closest to 1 November to the Sunday on or closest to 16 November

”;

10. The Regulation is amended by adding Schedules XXIV, XXV, XXVI, XXVII, XXVIII and XXIX attached to this Regulation.

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

SCHEDULE III

(a. 20 et 27)

HUNTING SEASON IN ZONE

Article	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
1	Moose	1) 6	(a) 1, 2 except the parts of the territories described in Schedules XIX, XXIV, XXV and XXVI, 3, 4, 5, 10 except the part of the territory described in Schedule XXII, the western part of area 11 described in Schedule XV	(a) From the Saturday on or closest to 27 September to the Sunday on or closest to 5 October
			(b) 8 except the part of the territories described in Schedule XX, 9 except the part of the territory described in Schedule XXI, the eastern part of Area 11 described in Schedule XIV	(b) From the Saturday on or closest to 27 September to the Sunday on or closest to 19 October
			(c) 12, 13, 15 except the part of the territory described in Schedule XXVIII	(c) From the Saturday on or closest to 18 September to the Sunday on or closest to 3 October
			(d) 14, 16, 17, 18 except the part of the territory described in Schedule XXIII	(d) From the Saturday on or closest to 4 September to the Sunday on or closest to 19 September
			(e) The southern part of Area 19 described in Schedule V, 22	(e) From the Saturday on or closest to 28 August to the Sunday on or closest to 5 September
			(f) The part of Area 20 described in Schedule XI	(f) From 1 September to 1 December
			(g) 6	(g) From the Saturday on or closest to 15 October to the Sunday on or closest to 23 October

Article	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
			(h) 7 except the part of the territory described in Schedule XXVII	(h) From the Saturday on or closest to 27 September to the Sunday on or closest to 19 October
		2) 1	(a) 1, 2 except the part of the territories described in Schedules XIX, XXIV, XXV and XXVI, 3, 4, the western part of Area 10 described in Schedule XVI, the western part of Area 11 described in Schedule XV	(a) From the Saturday on or closest to 15 October to the Sunday on or closest to 23 October
			(b) 12, 13, 15 except the part of the territory described in Schedule XXVIII	(b) From the Saturday on or closest to 9 October to the Sunday on or closest to 24 October
			(c) 14, 16, 17, 18 except the part of the territory described in Schedule XXIII	(c) From the Saturday on or closest to 25 September to the Sunday on or closest to 17 October
			(d) The southern part of Area 19 described in Schedule V, 22	(d) From the Saturday on or closest to 11 September to the Sunday on or closest to 11 October
			(e) 20 except the part described in Schedule XI	(e) From 1 September to 1 December
2	Caribou	1	(a) The southern part of Area 19 located west of the railway linking Sept-Îles and Labrador	(a) From the Saturday on or closest to 11 September to the Monday on or closest to 11 October
			(b) The parts of Area 22 described in Schedules VII et XVII	(b) From 15 November to 15 February
			(c) 23 except the part of the territory described in Schedule VIII	(c) From 1 August to 31 October From 15 February to 15 April

Article	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
			(d) 24	(d) From 1 August to 30 September
			(e) The part of Area 19 and of Area 23 described in Schedule IX	(e) From 15 November to 31 March
			(f) The southern part of Area 23 described in Schedule XVIII	(f) From 15 November to 31 March
3	White-tailed deer	1) 6	(a) 2 except the parts of the territories described in Schedules XIX, XXIV, XXV and XXVI, 3, 10 except the part of the territory described in Schedule XXII, 11	(a) From the Saturday on or closest to 27 September to the Friday on or closest to 10 October
			(b) 4, 5, 6	(b) From the Saturday on or closest to 20 September to the Friday on or closest to 10 October
			(c) 7 except the part of the territory described in Schedule XXVII	(c) From the Saturday on or closest to 27 September to the Sunday on or closest to 19 October
			(d) The part of Area 8 described in Schedule VI, 9 except the part of the territory described in Schedule XXI	(d) From the Saturday on or closest to 27 September to the Sunday on or closest to 19 October
			(e) 8 except the parts of the territories described in Schedules VI and XX	(e) From the Saturday on or closest to 27 September to the Sunday on or closest to 26 October
			(f) The part of Area 20 described in Schedule XI	(f) From 1 September to 1 December
		2) 2	(a) The part of Area 3 described in Schedule X, 4, 6, the part of Area 8 described in Schedule VI, 10 except the part of the territory described in Schedule XXII, 11	(a) From the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
			(b) 5, 9 except the part of the territory described in Schedule XXI	(b) From the Saturday on or closest to 1 November to the Friday on or closest to 14 November

Article	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
			(c) 20 except the part described in Schedule XI	(c) From 1 September to 1 December
		3) 9	(a) 8 except the part of the territories described in Schedules VI, XX and XXIX	(a) From the Saturday on or closest to 8 November to the Sunday on or closest to 23 November
3.1	White-tailed deer, whose antlers measure 7 cm or more	1) 6	(a) The part of Area 20 described in Schedule XI	(a) From 1 August to 31 August
			(b) 7 except the part of the territory described in Schedule XXVII	(b) From the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
		2) 2	(a) 2 except the parts of the territories described in Schedules XIX, XXIV, XXV and XXVI, 3	(a) From the Saturday on or closest to 1 November to the Sunday on or closest to 16 November
			(b) 20 except the part described in Schedule XI	(b) From 1 August to 31 August
4	Female or male white-tailed deer, whose antlers measure less than 7 cm	1) 9	(a) 4	(a) From the Wednesday on or closest to 19 November to the Thursday on or closest to 20 November
			(b) 5, 6	(b) From the Wednesday on or closest to 19 November to the Friday on or closest to 21 November
5	Black Bear	2	(a) The southern part of Area 19 described in Schedule V	(a) From 1 May to 4 July From the Saturday on or closest to 11 September to the Monday on or closest to 11 October
			(b) 23	(b) From 1 May to 4 July From 25 August to 31 October
			(c) 24	(c) From 1 May to 4 July From 25 August to 30 September
			(d) 10 except the part of the territory described in Schedule XXII	(d) From the Saturday on or closest to 3 May to the Sunday on or closest to 1 June

Article	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
			(e) Other areas except the parts of the territories described in Schedules XIX, XX, XXI, XXIII, XXIV, XXV, XXVI, XXVII and XXVIII, the northern part of Area 19 described in Schedule V, 20 and 22	(e) From 1 May to 4 July From the Saturday on or closest to 18 September to the Sunday on or closest to 21 November
6	Black bear with dog	2	(a) 10 except the part of the territory described in Schedule XXII	(a) From the Saturday on or closest to 3 May to 15 May
			(b) All areas except the parts of the territories described in Schedules XIX, XX, XXI, XXIII, XXIV, XXV, XXVI, XXVII and XXVIII, 10, 19, 20, 22, 23 and 24	(b) From 1 May to 15 May From the Saturday on or closest to 18 September to the Sunday on or closest to 21 November
7	Coyote, Wolfe	4	(a) 1, 2 except the parts of the territories described in Schedules XIX, XXIV, XXV and XXVI	(a) From 18 October to 31 March
			(b) 3, 4, 5, 6, 7 except the part of the territory described in Schedule XXVII, 9 except the part of the territory described in Schedule XXI, 10 except the part of the territory described in Schedule XXII, 11, 15 except the part of the territory described in Schedule XXVIII	(b) From 25 October to 31 March
			(c) 8 except the part of the territory described in Schedule XX	(c) From 8 November to 31 March
			(d) 12, 13, 14, 16, 18 except the part of the territory described in Schedule XXIII, 21	(d) From 18 October to 31 March
			(e) The southern part of Area 19 described in Schedule V	(e) From 11 October to 15 April

Article	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
8	Woodchuck	4	(a) All areas except the parts of the territories described in Schedules XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII and XXVIII, 17, the northern part of Area 19 described in Schedule V, 20, 22, 23 et 24	(a) From 1 July to 30 April
9	Raccoon	3	(a) 4, 5, 6, 7 except the part of the territory described in Schedule XXVII	(a) From 25 October to 1 March
			(b) 8 except the part of the territory described in Schedule XX	(b) From 8 November to 1 March
10	Silver, cross or red-fox	4	(a) 4, 5, 6, 7 except the part of the territory described in Schedule XXVII	(a) From 25 October to 1 March
			(b) 8 except the part of the territory described in Schedule XX	(b) From 8 November to 1 March
11	Raccoon hunted at night with dog	5	(a) 4, 5, 6, 7 except the part of the territory described in Schedule XXVII	(a) From 25 October to 15 December
			(b) 8 except the part of the territory described in Schedule XX	(b) From 8 November to 15 December
12	Arctic hare, Snowshoe hare, Eastern cotton-tail rabbit	1) 3	(a) The southern part of Area 19 described in Schedule V	(a) From the Saturday on or closest to 11 September to 30 April
			(b) 22	(b) From 1 September to 30 April
			(c) 23, 24	(c) From 25 August to 30 April

Article	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
			(d) Others areas except the territories described in Schedules XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII and XXVIII, the northern part of Area 19 described in Schedule V and Îles-de-la-Madeleine	(d) From the Saturday on or closest to 18 September to 1 March
		2) 7	(a) 1, 2 except the parts of the territories described in Schedules XIX, XXIV, XXV and XXVI, 10 except the part of the territory described in Schedule XXII, 11, 12, 13, 14, 15 except the part of the territory described in Schedule XXVIII and l'Île d'Orléans, 16, 17, 18 except the part of the territory described in Schedule XXIII, 20	(a) From the Saturday on or closest to 18 September to 1 March
			(b) 3, 4, 5, 6, 7 except the part of the territory described in Schedule XXVII, 9 except the part of the territory described in Schedule XXI, 21 except the Îles-de-la-Madeleine	(b) From 1 December to 1 March
			(c) the southern part of Area 19 described in Schedule V	(c) From the Saturday on or closest to 11 September to 30 April
13	Sharptailed grouse, Ruffed grouse, Rock dove	3	(a) The southern part of Area 19 described in Schedule V	(a) From the Saturday on or closest to 11 September to 31 December
			(b) 22	(b) From 1 September to 31 December

Article	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
			(c) 23, 24	(c) From 25 August to 31 December
			(d) Other areas except the parts of the territories described in Schedule XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII and XXVIII, the northern part of Area 19 described in Schedule V and the following islands: l'Île d'Orléans and l'Île Verte in Area 2	(d) From the Saturday on or closest to 18 September to 31 December
14	Spruce groupe	3	(a) The southern part of Area 19 described in Schedule V	(a) From the Saturday on or closest to 11 September to 31 December
			(b) 22	(b) From 1 September to 31 December
			(c) 23, 24	(c) From 25 August to 31 December
			(d) Other areas except the parts of the territories described in Schedules XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII and XXVIII, the northern part of Area 19 described in Schedule V, Area 20 and the following islands: l'Île d'Orléans and l'Île Verte in Area 2	(d) From the Saturday on or closest to 18 September to 31 December
15	Wild turkey	3	(a) All areas except the parts of the territories described in Schedules XIX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII and XXVIII, 4, 5, 6, 8 and the northern part of Area 19 described in Schedule V	(a) From 1 August to 31 December

Article	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
16	Quail, Northern bobwhite, Pheasant, Francolin, Rock partridge, Chukar partridge, Redlegged partridge, Guinea fowl	3	(a) All areas except the parts of the territories described in Schedules XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII and XXVIII, III, the northern part of Area 19 described in Schedule V	(a) From 1 August to 31 December
17	Rock ptarmigan, Willow ptarmigan	3	(a) The southern part of Area 19 described in Schedule V	(a) From the Saturday on or closest to 11 September to 30 April
			(b) 22	(b) From 1 September to 30 April
			(c) 23, 24	(c) From 25 August to 30 April
			(d) Other areas except the parts of the territories described in Schedules XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII and XXVIII, the northern part of Area 19 described in Schedule V	(d) From the Saturday on or closest to 18 September to 30 April
18	Gray partridge	3	(a) All areas except the parts of the territories described in Schedules XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII and XXVIII, l'Île d'Orléans and the northern part of Area 19 described in Schedule V	(a) From the Saturday on or closest to 18 September to 15 November

Article	Column I Animal	Column II Type of implement	Column III Area	Column IV Hunting season
19	Northern leopard frog, Green frog, Bullfrog	8	(a) All areas except 17, 22, 23, 24 and the parts of the territories described in Schedules XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII and XXVIII, the northern part of Area 19 described in Schedule V	(a) From 15 July to 15 November
20	Redwinged blackbird, European starling, Common grackle, House sparrow, Brown-headed cowbird, American crow	3	(a) All areas except the parts of the territories described in Schedules XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII and XXVIII, the northern part of Area 19 described in Schedule V	(a) From 1 July to 30 April
21	Training or field trials of hunting dogs, Quail, Northern bobwhite Pheasant, Francolin, Rock partridge, Chukar partridge, Redlegged partridge Rock dove, Guinea fowl	3	(a) All areas except the parts of the territories described in Schedules XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII and XXVIII, the northern part of Area 19 described in Schedule V	(a) From 1 April to 31 March

D. 1383-89, ann. III; D. 1094-90, a. 1; D. 1149-90, a. 6; Erratum, 90-10-03; D. 294-91, a. 4; D. 1290-91, a. 15; D. 491-92, a. 7; D. 1286-92, a. 1; D. 719-93, a. 10; D. 1108-93, a. 1; D. 1351-93, a. 1; D. 199-94, a. 34; D. 994-95, a. 6.

SCHEDULE XXIV

PROVINCE DE QUÉBEC
MINISTÈRE DE L'ENVIRONNEMENT ET DE
LA FAUNE

TÉMISCOUATA REGISTRATION DIVISION

TECHNICAL DESCRIPTION

Territory of Escourt

A territory which is located in the Municipalité régionale de comté de Témiscouata, Canton d'Escourt, whose area is 4.10 km² and whose perimeter is described as follows:

Starting from a point located on the line dividing lots 12 and 13 of Rang I, Canton d'Escourt, and the normal high-water mark (N.H.W.M.) of lac Pohénégamook; thence, in a general northwesterly direction, that N.H.W.M. to the line dividing the townships of Escourt and Pohénégamook; thence, northeasterly, the dividing line to the line dividing ranges I and II of the Canton d'Escourt; thence, southeasterly, that dividing line to the line dividing lots 12 and 13 of Rang I of the Canton d'Escourt; thence, southwesterly, that dividing line to the starting point.

The whole as shown on the plan attached hereto numbered P-1056.

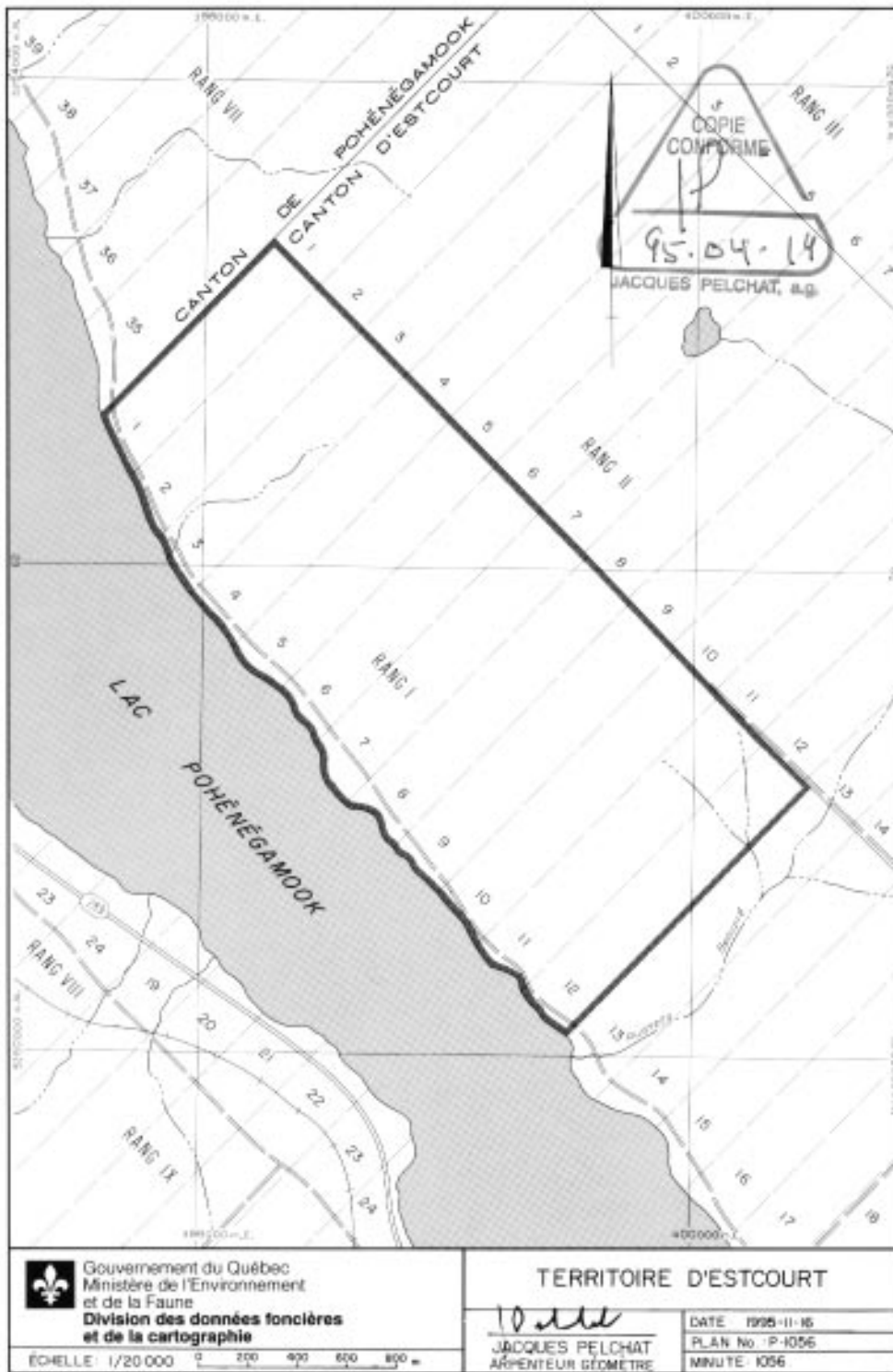
The original of this document is kept at the Division des données foncières et de la cartographie of the Ministère de l'Environnement et de la Faune.

Prepared by: JACQUES PELCHAT,
Land Surveyor

Québec, 16 November 1995

Minute: 1056

Toponymy reviewed by the Commission de toponymie in April 1990.



SCHEDULE XXV

PROVINCE DE QUÉBEC
MINISTÈRE DE L'ENVIRONNEMENT ET DE
LA FAUNE

KAMOURASKA REGISTRATION DIVISION

TECHNICAL DESCRIPTION

Territory of Ixworth

A territory which is located in the Municipalité régionale de comté de Kamouraska, townships of Ixworth and Ashford, whose area is 6.20 km² and whose perimeter is described as follows:

Starting from a point located on the line dividing lots 5 and 6 of Rang VIII and the line dividing ranges VIII and IX, Canton d'Ixworth; thence, northwesterly, the line dividing lots 5 and 6 to a point located on the western limit of Rang VIII of the Canton d'Ixworth; thence, southwesterly, that limit to a point located on the centre line of lot 5 of Rang VII of the Canton d'Ixworth; thence, northwesterly, that centre line to the line dividing ranges VII and VI of the Canton d'Ixworth; thence, southwesterly, that dividing line to a point located on the line dividing the townships of Ixworth and Ashford; thence, southeasterly, that dividing line to the line dividing ranges VIII and IX of the Canton d'Ixworth; thence, northeasterly, the dividing line to the starting point.

The whole as shown on the plan attached hereto and numbered P-1036.

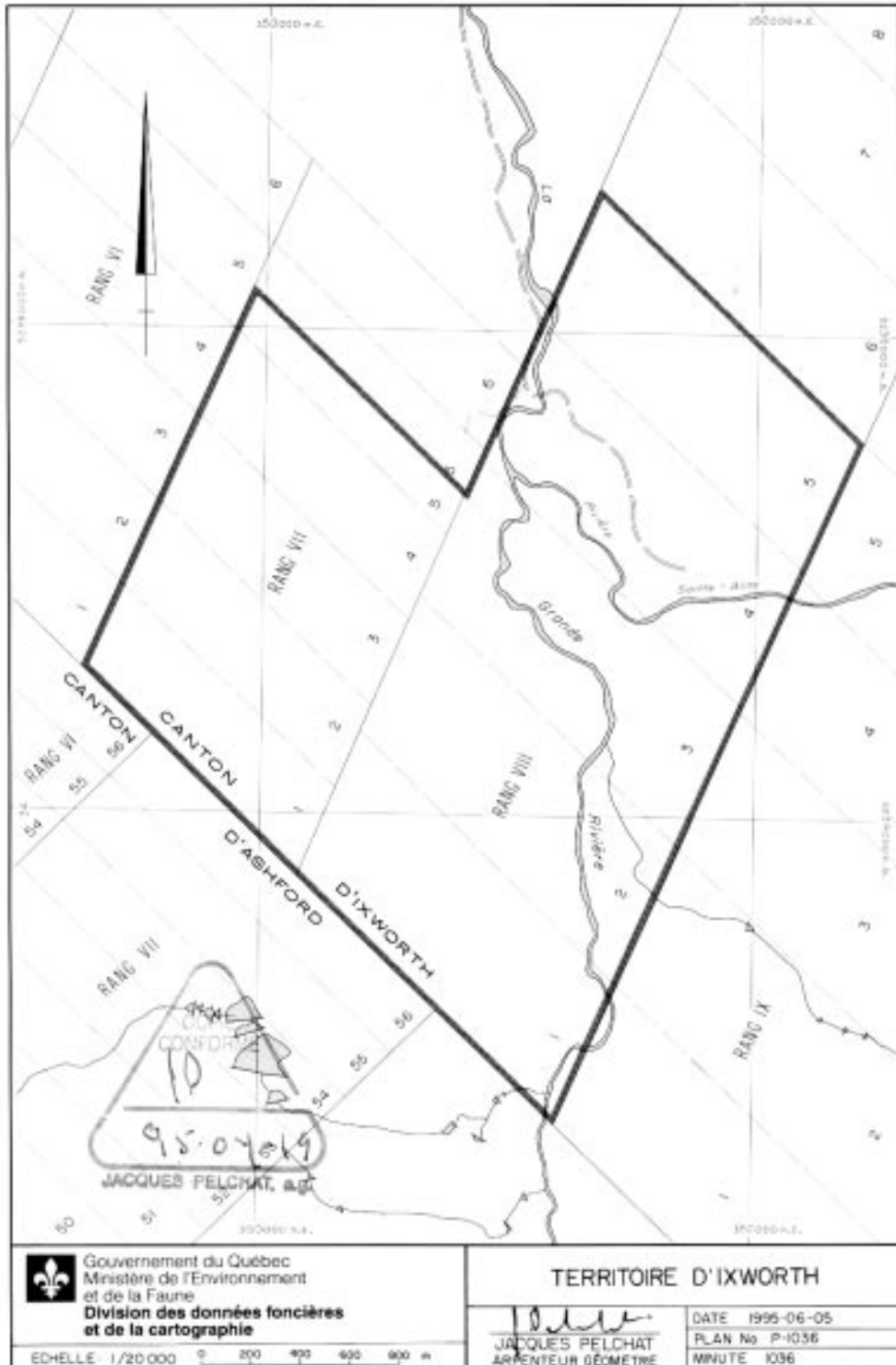
The original of this document is kept at the Division des données foncières et de la cartographie of the Ministère de l'Environnement et de la Faune.

Prepared by: JACQUES PELCHAT,
Land Surveyor

Québec, 5 June 1995

Minute: 1036

Toponymy reviewed by the Commission de toponymie
in April 1990



SCHEDULE XXVI

PROVINCE DE QUÉBEC
MINISTÈRE DE L'ENVIRONNEMENT ET DE LA
FAUNE

KAMOURASKA REGISTRATION DIVISION

TECHNICAL DESCRIPTION**Territory of Parke**

A territory which is located in the regional county municipalities of Témiscouata and Kamouraska, in the townships of Parke, Pohénégamook and Bungay, whose area is 123.3 km² and whose perimeter is described as follows:

Starting from a point located on the line dividing ranges VI and VII of the Canton de Parke and the line dividing the townships of Parke and Whitworth; thence, southeasterly, the line dividing the townships of Parke and Whitworth, Pohénégamook and Armand to the meeting with the normal high-water mark (N.H.W.M.) located on the right bank of rivière Saint-François; thence, in a general southwesterly then southeasterly direction, that N.H.W.M. to the line dividing ranges IV and V of the Canton de Pohénégamook; thence, southwesterly, that dividing line to the line dividing lots 30 and 29 of Rang IV; thence, northwesterly, that dividing line to the line dividing ranges III and IV of the Canton de Pohénégamook; thence, southwesterly, that dividing line to the southwestern limit of lot 26, Rang III; thence, northwesterly, that limit to the line dividing ranges II and III of the Canton de Pohénégamook; thence, southwesterly, that dividing line to the southwestern limit of lot 24, Rang II; thence, northwesterly, that limit to the line dividing ranges I and II of the Canton de Pohénégamook; thence, southwesterly, that dividing line to the southwestern limit of lot 20, Rang I; thence, northwesterly, to the line dividing the townships of Pohénégamook and Parke; thence, southwesterly, that dividing line to the line dividing lots 1A and 1B, Rang A, of the Canton de Parke; thence, northwesterly, that dividing line to the line dividing lots 1B and 2, Rang A; thence, southwesterly, that dividing line to a point lo-

cated on the northeastern limit of the right of way of Highway 289; thence, in a general southeasterly direction, that limit of the right of way to the line dividing the townships of Parke and Pohénégamook; thence, southwesterly, that dividing line to the line dividing the townships of Parke and Bungay; thence, northwesterly, that dividing line to the line dividing ranges VIII and IX of the Canton de Bungay; thence, southwesterly, that dividing line to the line dividing lots 4 and 5 of Rang VIII; thence, northwesterly, that dividing line to the line dividing ranges VII and VIII of the Canton de Bungay; thence, southwesterly, that dividing line to the line dividing lots 5 and 6 of Rang VII; thence, northwesterly, that dividing line to the line dividing ranges IV and V of the Canton de Bungay; thence, northeasterly, that dividing line to the line dividing the townships of Bungay and Parke; thence, northwesterly then northeasterly, the southwestern then northwestern limit of the Canton de Parke to its meeting with the northeastern limit of the right of way of Highway 289; thence, in a general southeasterly direction, that limit of the right of way to the line dividing lots 23 and 24 of Rang A of the Canton de Parke; thence, northeasterly, that limit to the southwestern limit of lot 44, Rang V, of the Canton de Parke; thence, southeasterly, that limit and the southwestern limit of lot 44 of Rang VI to the line dividing ranges VI and VII, Canton de Parke; thence, northeasterly, that dividing line to the starting point.

The whole as shown on the plan attached hereto and numbered P-1041.

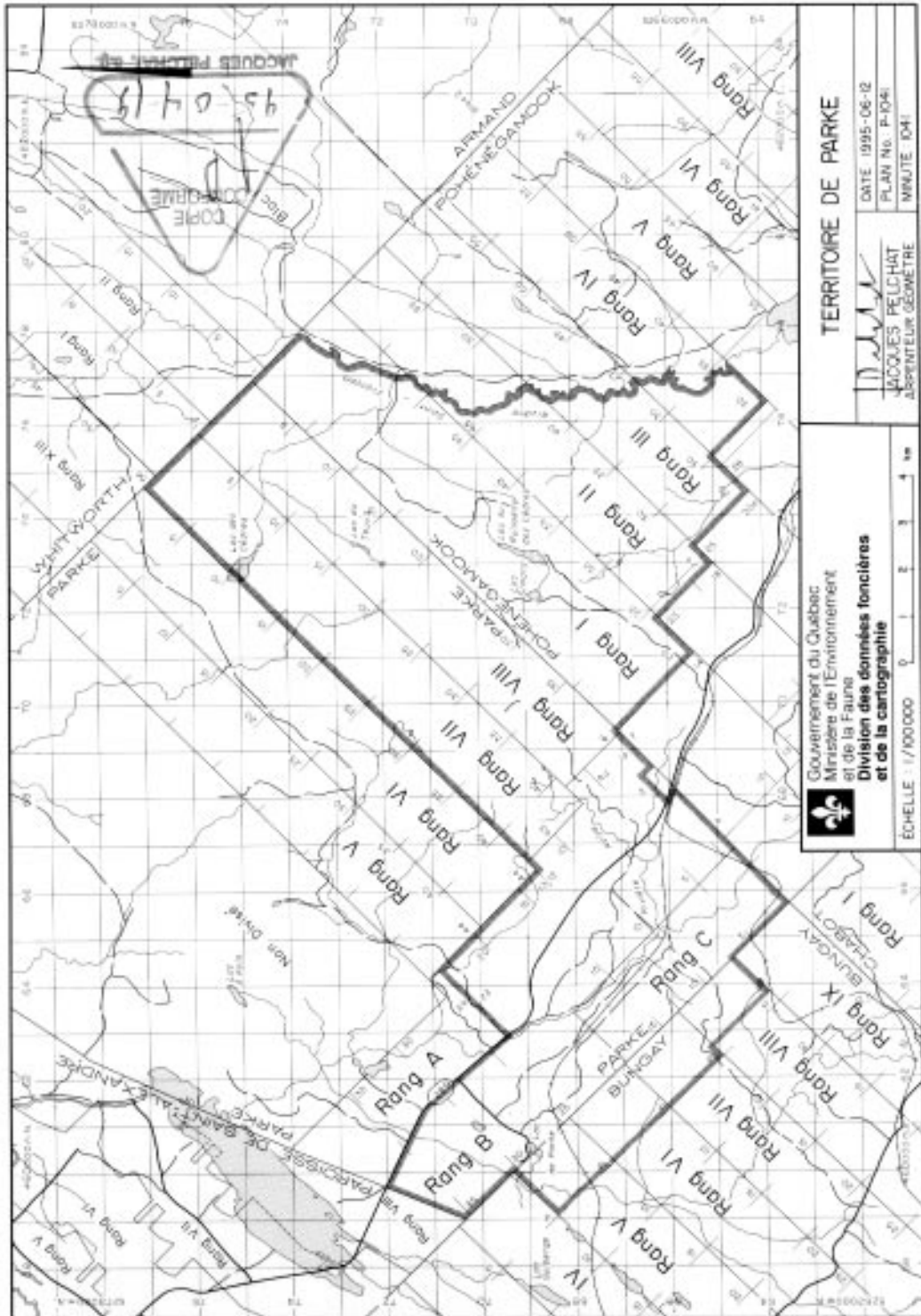
The original of this document is kept at the Division des données foncières et de la cartographie of the Ministère de l'Environnement et de la Faune.

Prepared by: JACQUES PELCHAT,
Land Surveyor

Québec, 12 June 1995

Minute: 1041

Toponymy reviewed by the Commission de toponymie in May 1990.



SCHEDULE XXVII

PROVINCE DE QUÉBEC
 MINISTÈRE DE L'ENVIRONNEMENT ET DE
 LA FAUNE

NICOLET AND DRUMMOND REGISTRATION
 DIVISIONS

TECHNICAL DESCRIPTION**Territory of Drummondville**

A territory which is located in the Municipalité régionale de comté de Drummond, in the townships of Grantham and Wendover, whose total area is 15.9 km² and whose perimeter is described as follows:

First perimeter

Starting from a point located on the southern corner of lot 1503 of Rang I, Canton de Grantham; thence, northwesterly, the southwestern limit of lots 1503, 42 and 45, the southern limit of lots 46, 49 and 50 to the line dividing lots 51 and 52, Rang I, Canton de Grantham; thence, southwesterly, that dividing line to the line dividing ranges I and II, Canton de Grantham; thence, northwesterly, the dividing line to the line dividing lot 56 and a part of lot 57; thence, northeasterly, northwesterly then southwesterly, the line dividing a part of lot 57 to the line dividing ranges I and II of the Canton de Grantham; thence, northwesterly, that dividing line to the line dividing lots 60 and 61 of Rang I, Canton de Grantham; thence, northeasterly, that dividing line to the normal high-water mark (N.H.W.M.) of rivière Saint-François; thence, in a general northeasterly then southeasterly direction, that N.H.W.M. to the northwestern corner of a part of lot 32; thence, southwesterly then southeasterly, that limit to the line dividing lots 29 and 1503 of Rang I of the Canton de Grantham; thence, southwesterly, that dividing line to the starting point.

Area: 9.6 km²

Second perimeter

Starting from a point located on the line dividing lots 72 and 73 of Rang III, Canton de Wendover and the N.H.W.M. of rivière Saint-François; thence, in a general northwesterly direction, that N.H.W.M. to the line

dividing lots 83 and 84 of Rang III, Canton de Wendover; thence, northeasterly, that dividing line to the line dividing ranges III and IV, Canton de Wendover; thence, northwesterly, to the meeting with the southwestern and northwestern limits of lot 180-1 of Rang IV, Canton de Wendover; thence, northeasterly, the northwestern limit of lot 180-1 to a point located on the southern right of way of Highway 255; thence, southeasterly, the southern limit of that right of way to the northwestern limit of a part of lot 179 of Rang IV, Canton de Wendover; thence, southwesterly, southeasterly then northeasterly, that limit to a point located on the southern limit of the right of way of Highway 255; thence, southeasterly, that limit of the right of way to the line dividing lots 178-1 and a part of lot 178; thence, southwesterly, that dividing line to the line dividing ranges IV and III, Canton de Wendover; thence, southeasterly, that dividing line to the line dividing lots 73 and 72 of Rang III, Canton de Wendover; thence, southwesterly, that dividing line to the starting point.

Area: 6.0 km²

Third perimeter

Island 54 located in front of lots 84, 85 and 86 of Rang III, Canton de Wendover, and lots 49, 50 and 53 of Rang I, Canton de Grantham.

Area: 0.3 km²

The whole as shown on the plan attached hereto and numbered P-1037.

The original of this document is kept at the Division des données foncières et de la cartographie of the Ministère de l'Environnement et de la Faune.

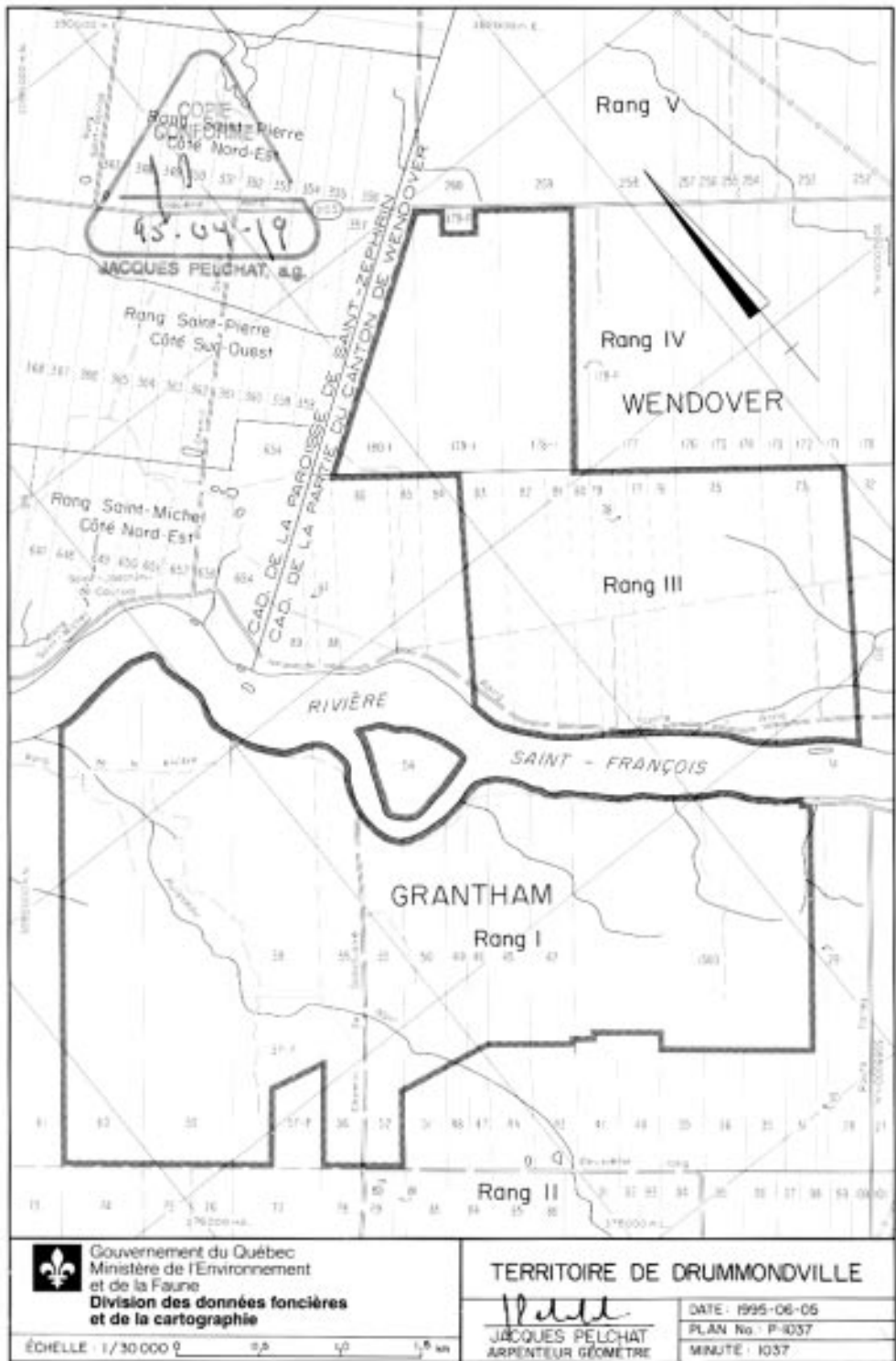
Prepared by: JACQUES PELCHAT,
Land Surveyor

Québec, 5 June 1995

Minute: 1037

Toponymy reviewed by the Commission de toponymie in April 1990.

Reviewed on 5 June 1990



Gouvernement du Québec
 Ministère de l'Environnement
 et de la Faune
 Division des données foncières
 et de la cartographie

ÉCHELLE : 1/30 000 0 0,5 1,0 1,5 km

TERRITOIRE DE DRUMMONDVILLE

Jacques Pelchat
 JACQUES PELCHAT
 ARPENTEUR GÉOMÈTRE

DATE : 1995-06-05
 PLAN No. : P-1037
 MINUTE : 1037

SCHEDULE XXVIII

PROVINCE DE QUÉBEC
MINISTÈRE DE L'ENVIRONNEMENT ET DE
LA FAUNE

MONTMORENCY REGISTRATION DIVISION

TECHNICAL DESCRIPTION**Territory of Mont-Sainte-Anne**

A territory which is located in the Municipalité régionale de comté de la Côte-de-Beaupré, in the cadastre of the parishes of Saint-Féréol, Sainte-Anne and the Seigneurie de la Côte-de-Beaupré, whose area is 62.9 km² and whose perimeter is described as follows:

Starting from a point located on the right bank of rivière Sainte-Anne du Nord and the line dividing lots 545 and 546 of the 1st range of the cadastre of the Paroisse de Saint-Féréol; thence, in a general southwesterly direction, the right bank of the said river to the southwestern limit of lot 611 of the cadastre of the Paroisse de Sainte-Anne; thence, northwesterly, the southwestern limit of lots 610 and 611 over a distance of 674.10 m; thence, southerly, a straight line over a distance of 223.69 m, that is to the line dividing lots 612 and 613; southwesterly, a line perpendicular to the line dividing the said lots over a distance of 393.80 m; thence, northwesterly, along the line dividing lots 619 and 620 over a distance of 152.40 m; southwesterly, a line perpendicular to the line dividing lots 619 and 620 over a distance of 262.73 m to the line dividing lots 624 and 637; thence, southeasterly, the line dividing the said lots over a distance of 104.46 m; thence, southwesterly, a line perpendicular to the line dividing lots 624 and 637 over a distance of 149.10 m to the line dividing lots 637 and 639; thence, southwesterly, a straight line along an azimuth of 233°16'39" over a distance of 60.68 m, that point is located on the eastern limit of the right of way of Highway 360; thence, southeasterly, the said right of way to the meeting with the extension of the southeastern limit of lot 640-47; thence, southwesterly, the said extension, the southeastern limit of lot 640-47 and its extension crossing lot 648 to the meeting with the line dividing lots 648 and 1 of the cadastre of the Paroisse de Sainte-Anne; thence, northwesterly, the said limit to a point located 1 205.94 m from the northwestern limit of lot 2 of the cadastre of the Paroisse de Sainte-Anne; thence, azimuth 230°21'28" over a distance of 649.17 m to the line dividing lots 27 and 29 of Rang I; thence, northwesterly, the line dividing lots 27 and 29 over a distance of 288.29 m, that is to the southeastern limit of the right of way of the power transmission line; thence, northwesterly, the southeastern limit of the right of way of the

said power transmission line to the line dividing lots 35 and 36 of Rang I; thence, northwesterly, the line dividing lots 35 and 36 over a distance of 535.80 m; thence, a broken line in accordance with the following azimuths and distances: 237°24'08" - 30.07 m; 339°24'28" - 19.65 m; 234°54'28" - 128.86 m; thence, northwesterly, the line dividing lots 36 and 38 to the southern limit of the northeastern concession of Rivière aux Chiens; thence, southwesterly, the southern limit of the said concession and Concession Saint-Pierre; thence, northerly, the western limit of Concession Saint-Pierre; northeasterly, the northwestern limit of lot 298 of Concession Saint-Pierre to the right bank of Rivière aux Chiens; thence, northwesterly, the right bank of Rivière aux Chiens to the extension of the northwestern limit of lot 297 of the northeastern concession of Rivière aux Chiens; thence, northeasterly, the northwestern limit of lot 297; thence, northeasterly, a line parallel to and 731.52 m from the northwestern limit of the cadastre of the Paroisse de Saint-Féréol over a distance of 3 834.53 m; thence, a broken line in accordance with the following azimuths and distances: 351°40'00" - 1 729.19 m; 36°12'00" - 1 695.15 m; 98°49'00" - 2 054 m, to a point located on the southwestern limit of Concession Saint-Nicolas, in the cadastre of the Paroisse de Saint-Féréol; thence, southeasterly, the southwestern limit of Concession Saint-Nicolas over a distance of 437.14 m; thence, azimuth 49°00'00" over a distance of 381 m; thence, azimuth 137°09' over a distance of 555.71 m; thence, azimuth 139°00' over a distance of 1 286.10 m, that is to the line dividing lots 97 and 98; thence, southwesterly, the line dividing lots 97 and 98 of Concession Saint-Nicolas over a distance of 381 m; thence, southeasterly, the southwestern limit of Concession Saint-Nicolas over a distance of 683.42 m; thence, azimuth 222°24' over a distance of 979.38 m, that point being located on lot 208, Concession Saint-Julien; thence, azimuth 140°01' over a distance of 38.22 m; thence, azimuth 222°24' over a distance of 117.19 m; thence, southeasterly, along the line dividing lots 206 and 207 over a distance of 110.70 m; thence, azimuth 228°57' over a distance of 116.95 m; thence, southeasterly, along the line dividing lots 205 and 206 over a distance of 45.72 m; thence, azimuth 228°57' over a distance of 233.87 m; thence, southeasterly, along the line dividing lots 203 and 204 over a distance of 121.92 m; thence, azimuth 228°57' over a distance of 117.92 m; thence, southeasterly, along the line dividing lots 202 and 203 over a distance of 178.46 m; thence, azimuth 228°57' over a distance of 174.22 m; thence, southeasterly, the line dividing lots 201 and 202 over a distance of 3 294.13 m; thence, azimuth 228°57' over a distance of 12.67 m; thence, southeasterly along the line dividing lots 382 and 386 over a distance of 457.20 m; thence, azimuth 228°57' over a distance of 96.68 m; thence, southeasterly, along the line dividing lots 386 and 388 over a distance of 11.24 m; thence,

azimuth 208°31' over a distance of 63.67 m; thence, southeasterly, along the line dividing lots 387 and 390 over a distance of 438.88 m, that point being located on the northwestern limit of the right of way of the power transmission line; thence, southwesterly, the northwestern limit of the said right of way to the southwestern limit of the right of way of the road (Rang St-Julien); thence, southeasterly, the southwestern limit of the right of way of the said road over a distance of approximately 435 m, that is to the remainder on lot 392 remaining the property of Mr. Henri Fortier at the time of the expropriation for the purposes of the Parc du Mont Sainte-Anne; thence, southwesterly, the northwestern limit of the said remainder over a distance of 54 m; thence, southwesterly, a straight line to a point being the meeting of the southeastern limit of the right of way of the power transmission line with the line dividing lots 408 and 410, Concession St-Julien; thence, southwesterly, the southeastern limit of the right of way of the power transmission line to a point located on the line dividing lots 548 and 544-28; thence, southeasterly, the northeastern limit of lots 548, 547 and 546 to the starting point.

To be withdrawn, the part of the right of way of Highway 360 crossing that territory.

The whole as shown on a plan attached hereto numbered P-1034.

The original of these documents is kept at the Division des données foncières et de la cartographie of the Ministère de l'Environnement et de la Faune.

Prepared by: JACQUES PELCHAT,
Land Surveyor

Québec, 5 June 1995

Minute: 1034

SCHEDULE XXIX

PROVINCE OF QUÉBEC
MINISTÈRE DE L'ENVIRONNEMENT ET
DE LA FAUNE

VAUDREUIL REGISTRATION DIVISION

TECHNICAL DESCRIPTION

Territory of the montagne de Rigaud

A territory situated in the Regional County Municipality of Vaudreuil-Soulanges, cadaster of the parishes of: Sainte-Marthe, Sainte-Justine-de-Newton, Sainte-Madeleine-de-Rigaud, Très-Saint-Rédempteur, Saint-Michel and the village de Rigaud, comprising an area of 194 km² described as follows:

Of irregular form, bounded to the north by the Normal High Water Mark of rivière de Outaouais and lac des Deux-Montagnes; to the east, by the eastern limit of the right-of way of route 201 and of montée Lavigne as well as by the extension of the latter to the Normal High Water Mark of lac des Deux-Montagnes; to the south, by the southern limit of the right-of-way of chemin Sainte-Marie, of chemin du deuxième rang as well as by the southern limit of the right-of-way of montée Cardinal leading to Ontario; to the west, by the Québec-Ontario border line.

The whole as shown on the plan attached hereto hearing number P-9120.

The original of this document is kept at the Division des données foncières et de la cartographie of the Ministère de l'Environnement et de la Faune.

Prepared by: HENRI MORNEAU
Land Surveyor

Québec, 18 June 1996

Minute: 9120



Gouvernement du Québec
Ministère de l'Environnement
et de la Faune
Division des données foncières
et de la cartographie

**TERRITOIRE DE LA
MONTAGNE DE RIGAUD**

Cadastre de la Paroisse de : Sainte-Marthe, Sainte-Justine-de-Newton, Sainte-Madeleine-de-Rigaud,
Très-Saint-Rédempteur, Saint-Michel, Village de Rigaud.

Circ. foncière : Vaudreuil

M. R. C. : Vaudreuil-Soulanges

Préparé par : *Henri Morneau*
Henri Morneau
arpenteur-géomètre

No. Plan : P-9120
Superficie : 194 km²

Regulation to amend the Hunting in Wildlife Sanctuaries Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 121, par. 1)

1. The Hunting in Wildlife Sanctuaries Regulation, made by Order in Council 838-84 dated 4 April 1984 and amended by the Regulations made by Orders in Council 1273-84 dated 6 June 1984, 209-85 dated 30 January 1985, 1317-85 dated 26 June 1985, 1916-85 dated 18 September 1985, 1030-86 dated 9 July 1986, 1786-87 dated 24 November 1987, 631-88 dated

27 April 1988, 1366-88 dated 7 September 1988, 485-89 dated 29 March 1989, 1385-89 dated 23 August 1989, 461-90 dated 4 April 1990, 1095-90 dated 1 August 1990, 45-91 dated 16 January 1991, 295-91 dated 6 March 1991, 1292-91 dated 18 September 1991, 492-92 dated 1 April 1992, 1109-93 dated 11 August 1993 and 200-94 dated 2 February 1994, is further amended by substituting Schedules I and II attached hereto for Schedules I and II to the Regulation.

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

SCHEDULE I

(ss. 1, 2 and 3)

RESTRICTED HUNTING IN WILDLIFE SANCTUARIES

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting period
Ashuapmushuan	Moose	1	1 per party	From the Saturday on or closest to 11 September to the Friday on or closest to 8 October
	Black bear	2	2 per party	From the Saturday on or closest to 11 September to the Friday on or closest to 8 October
	Northern hare	7	None	From the Saturday on or closest to 11 September to the Friday on or closest to 8 October
Chic-Chocs	Moose	1	1 per party	From the Tuesday on or closest to 16 September to the Friday on or closest to 10 October
	Black bear	1	2 per party	From the Friday on or closest to 3 June to the Monday on or closest to 27 June
Dunière	Moose	1	1 per party	From the Saturday on or closest to 23 September to the Wednesday on or closest to 18 October
		6	1 per party	From the Sunday on or closest to 17 September to the Friday on or closest to 22 September
Laurentides	Moose	1	1 per party	From the Monday on or closest to 11 September to the Friday on or closest to 13 October
	Black bear	2	2 per party	From the Friday on or closest to 22 May to 4 July

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting period
La Vérendrye	Moose	1	1 per party	From the Monday on or closest to 12 September to the Wednesday on or closest to 12 October
	Ruffed grouse	3	See s. 5	From the Saturday on or closest to 17 September to the Wednesday on or closest to 12 October
	Spruce grouse	3	See s. 5	From the Saturday on or closest to 17 September to the Wednesday on or closest to 12 October
	Northern hare	3	None	From the Saturday on or closest to 17 September to the Wednesday on or closest to 12 October
	Wildfowl		See Migratory Birds Regulations	
La Vérendrye except for the territory described in paragraph <i>f</i> of section 1 of the Regulation respecting beaver reserves (R.R.Q., 1981, c. C-61, r. 31) except for the territory described in Schedule III	Black bear	2	2 per party	From the Friday on or closest to 17 May to 4 July
Mastigouche	Moose	1	1 per party	From the Saturday on or closest to 17 September to the Tuesday on or closest to 4 October
Matane	Moose	1	1 per party	From the Saturday on or closest to 16 September to the Wednesday on or closest to 18 October
	Black bear	2	2 per party	From the Friday on or closest to 3 June to the Sunday on or closest to 19 June
Papineau – Labelle	Moose	1	1 per party	From the Saturday on or closest to 20 September to the Sunday on or closest to 5 October
	White-tailed deer	2	2 per party of 4 or 5 hunters or 3 per party of 6 hunters	From the Wednesday on or closest to 8 October to the Thursday on or closest to 23 October
	Black bear	2	2 per party	From the Tuesday on or closest to 26 May to the Friday on or closest to 26 June

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting period
Portneuf	Moose	1	1 per party	From the Tuesday on or closest to 11 September to the Friday on or closest to 5 October
	Black bear	2	2 per party	From 1 June to 15 June
Rimouski	Moose	1	1 per party	From the Saturday on or closest to 11 October to the Saturday on or closest to 18 October
		6	1 per party	From the Saturday on or closest to 4 October to the Thursday on or closest to 9 October
	Black bear	2	2 per party	From the Friday on or closest to 3 June to the Sunday on or closest to 19 June
Rouge-Matawin	Moose	1	1 per party	From 11 September to 30 September
Saint-Maurice	Moose	1	1 per party	From the Saturday on or closest to 17 September to the Thursday on or closest to 6 October
Sept-Îles – Port-Cartier	Moose	1	1 per party	From the Sunday on or closest to 11 September to the Friday on or closest to 7 October
	Black bear	2	2 per party	From the Sunday on or closest to 11 September to the Friday on or closest to 7 October

SCHEDULE II

(ss. 2, 13.1 and 13.2)

UNRESTRICTED HUNTING IN WILDLIFE SANCTUARIES

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting period
Aiguebelle	Northern hare	7	None	From 1 October to 1 March
Ashuapmushuan	Ruffed grouse	3	See s. 5	From the Saturday on or closest to 2 October to the Sunday on or closest to 14 November
	Spruce grouse	3	See s. 5	From the Saturday on or closest to 2 October to the Sunday on or closest to 14 November
	Northern hare	3	None	From the Saturday on or closest to 2 October to the Sunday on or closest to 14 November
	Black bear	2	1 per person	From 1 June to 21 June
	Wildfowl	See Migratory Birds Regulations		
	Northern hare	7	None	From the Saturday on or closest to 9 October to 1 March

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting period
Chic-Chocs	Wolf	4	Bag limit for area 1	From the Saturday on or closest to 31 October to the Sunday on or closest to 8 November
	Coyote	4	Bag limit for area 1	From the Saturday on or closest to 31 October to the Sunday on or closest to 8 November
	Ruffed grouse	3	See s. 5	From the Saturday on or closest to 11 October to the Sunday on or closest to 30 October
	Spruce grouse	3	See s. 5	From the Saturday on or closest to 11 October to the Sunday on or closest to 30 October
	Northern hare	3	None	From the Saturday on or closest to 11 October to the Sunday on or closest to 30 October
	Wildfowl	See Migratory Birds Regulations		
	Northern hare	7	None	From the Saturday on or closest to 11 October to 1 March
Dunière	Wolf	4	Bag limit for area 1	From the Saturday on or closest to 31 October to the Sunday on or closest to 8 November
	Coyote	4	Bag limit for area 1	From the Saturday on or closest to 31 October to the Sunday on or closest to 8 November
	Ruffed grouse	3	See s. 5	From the Thursday on or closest to 19 October to the Sunday on or closest to 29 October
	Spruce grouse	3	See s. 5	From the Thursday on or closest to 19 October to the Sunday on or closest to 29 October
	Northern hare	3	None	From the Thursday on or closest to 19 October to the Sunday on or closest to 29 October
	Wildfowl	See Migratory Birds Regulations		
	Northern hare	7	None	From the Thursday on or closest to 19 October to 1 March
Île d'Anticosti with respect only to the first perimeter as described in Schedule I to the Regulation respecting the Île d'Anticosti Wildlife Sanctuary R.R.Q., 1981, c. C-61, r. 61)	Ruffed grouse	3	See s. 5	From the Saturday on or closest to 18 September to 31 December
	Northern hare	3	None	From the Saturday on or closest to 18 September to 1 March
	Wildfowl	See Migratory Birds Regulations		
	Northern hare	7	None	From the Saturday on or closest to 18 September to 1 March

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting period
Laurentides	Ruffed grouse	3	See s. 5	From the Saturday on or closest to 14 October to the Sunday on or closest to 5 November
	Spruce grouse	3	See s. 5	From the Saturday on or closest to 14 October to the Sunday on or closest to 5 November
	Northern hare	3	None	From the Saturday on or closest to 14 October to the Sunday on or closest to 5 November
	Wildfowl	See Migratory Birds Regulations		
	Northern hare	7	None	From the Saturday on or closest to 21 October to 1 March
La Vérendrye	Ruffed grouse	3	See s. 5	From the Thursday on or closest to 13 October to the Sunday on or closest to 27 November
	Spruce grouse	3	See s. 5	From the Thursday on or closest to 13 October to the Sunday on or closest to 27 November
	Northern hare	3	None	From the Thursday on or closest to 13 October to the Sunday on or closest to 27 November
	Wildfowl	See Migratory Birds Regulations		
	Northern hare	7	None	From the Thursday on or closest to 13 October to 1 March
Mastigouche	Ruffed grouse	3	See s. 5	From the Wednesday on or closest to 5 October to the Sunday on or closest to 30 October
	Spruce grouse	3	See s. 5	From the Wednesday on or closest to 5 October to the Sunday on or closest to 30 October
	Northern hare	3	None	From the Wednesday on or closest to 5 October to the Sunday on or closest to 30 October
	Wildfowl	See Migratory Birds Regulations		
	Northern hare	7	None	From the Wednesday on or closest to 5 October to 1 March
Matane	Black bear	2	1 per person	From 1 June to 30 June
	Wolf	4	Bag limit for area 1	From the Saturday on or closest to 31 October to the Sunday on or closest to 8 November
	Coyote	4	Bag limit for area 1	From the Saturday on or closest to 31 October to the Sunday on or closest to 8 November

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting period
	Ruffed grouse	3	See s. 5	From the Thursday on or closest to 19 October to the Sunday on or closest to 29 October
	Spruce grouse	3	See s. 5	From the Thursday on or closest to 19 October to the Sunday on or closest to 29 October
	Northern hare	3	None	From the Thursday on or closest to 19 October to the Sunday on or closest to 29 October
	Wildfowl	See Migratory Birds Regulations		
	Northern hare	7	None	From the Thursday on or closest to 19 October to 1 March
	Black bear	2	1 per person	From the Saturday on or closest to 4 June to the Sunday on or closest to 20 June
Papineau – Labelle	Ruffed grouse	3	See s. 5	From the Saturday on or closest to 13 September to the Friday on or closest to 19 September From the Friday on or closest to 24 October to the Sunday on or closest to 2 November
	Spruce grouse	3	See s. 5	From the Saturday on or closest to 13 September to the Friday on or closest to 19 September From the Friday on or closest to 24 October to the Sunday on or closest to 2 November
	Northern hare Eastern cottontail	3	None	From the Saturday on or closest to 13 September to the Friday on or closest to 19 September From the Friday on or closest to 24 October to the Sunday on or closest to 2 November
	Wildfowl	See Migratory Birds Regulations		
	Northern hare Eastern cottontail	7	None	From the Friday on or closest to 24 October to 1 March
Plaisance	Northern hare	7	None	From the Saturday on or closest to 18 September to 1 March
	Wildfowl	10	See Migratory Birds Regulations	
Port-Daniel	Ruffed grouse	3	See s. 5	From the Saturday on or closest to 18 September to the Sunday on or closest to 26 September
	Spruce grouse	3	See s. 5	From the Saturday on or closest to 18 September to the Sunday on or closest to 26 September

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting period
	Northern hare	3	None	From the Saturday on or closest to 18 September to the Sunday on or closest to 26 September
	Wildfowl	See Migratory Birds Regulations		
	Northern hare	7	None	From 1 October to 1 March
	Wolf	4	Bag limit for area 1	From the Saturday on or closest to 31 October to the Sunday on or closest to 8 November
	Coyote	4	Bag limit for area 1	From the Saturday on or closest to 31 October to the Sunday on or closest to 8 November
Portneuf	Ruffed grouse	3	See s. 5	From the Saturday on or closest to 6 October to the Sunday on or closest to 28 October
	Spruce grouse	3	See s. 5	From the Saturday on or closest to 6 October to the Sunday on or closest to 28 October
	Northern hare	3	None	From the Saturday on or closest to 6 October to the Sunday on or closest to 28 October
	Wildfowl	See Migratory Birds Regulations		
	Northern hare	7	None	From the Saturday on or closest to 6 October to 1 March
Rimouski	Wolf	4	Bag limit for area 2	From the Saturday on or closest to 25 October to the Sunday on or closest to 2 November
	Coyote	4	Bag limit for area 2	From the Saturday on or closest to 25 October to the Sunday on or closest to 2 November
	Ruffed grouse	3	See s. 5	From the Saturday on or closest to 20 September to the Friday on or closest to 10 October From the Sunday on or closest to 19 October to the Sunday on or closest to 2 November
	Spruce grouse	3	See s. 5	From the Saturday on or closest to 20 September to the Friday on or closest to 10 October From the Sunday on or closest to 19 October to the Sunday on or closest to 2 November

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting period
	Northern hare	3	None	From the Saturday on or closest to 20 September to the Friday on or closest to 10 October From the Sunday on or closest to 19 October to the Sunday on or closest to 2 November
	White-tailed deer	6	Bag limit for area 2	From the Friday on or closest to 12 September to the Friday on or closest to 19 September
		2	Bag limit for area 2	From the Saturday on or closest to 25 October to the Sunday on or closest to 2 November
	Wildfowl	See Migratory Birds Regulations		
	Northern hare	7	None	From the Sunday on or closest to 19 October to 1 March
	Black bear	2	1 per person	From the Saturday on or closest to 4 June to the Sunday on or closest to 19 June
Rouge-Matawin	Ruffed grouse	3	See s. 5	From 1 October to 1 November
	Spruce grouse	3	See s. 5	From 1 October to 1 November
	Northern hare	3	None	From 1 October to 1 November
	Wildfowl	See Migratory Birds Regulations		
	Northern hare	7	None	From 1 October to 1 March
Saint-Maurice	Ruffed grouse	3	See s. 5	From the Friday on or closest to 7 October to the Sunday on or closest to 30 October
	Spruce grouse	3	See s. 5	From the Friday on or closest to 7 October to the Sunday on or closest to 30 October
	Northern hare	3	None	From the Friday on or closest to 7 October to the Sunday on or closest to 30 October
	Wildfowl	See Migratory Birds Regulations		
	Northern hare	7	None	From the Friday on or closest to 7 October to 1 March
	Black bear	2	1 per person	From 1 June to 30 June
Sept-Îles – Port-Cartier	Ruffed grouse	3	See s. 5	From the Saturday on or closest to 8 October to the Sunday on or closest to 30 October
	Spruce grouse	3	See s. 5	From the Saturday on or closest to 8 October to the Sunday on or closest to 30 October
	Northern hare	3	None	From the Saturday on or closest to 8 October to the Sunday on or closest to 30 October
	Wildfowl	See Migratory Birds Regulations		

Wildlife sanctuary	Species	Type of implement	Bag limit	Hunting period
	Northern hare	7	None	From the Saturday on or closest to 8 October to 1 March
	Black bear	2	1 per person	From the Saturday on or closest to 20 May to 15 June

”

Regulation to amend the Regulation respecting trapping and the fur trade

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 56, s. 162, par. 6)

1. The Regulation respecting trapping and the fur trade, made by Order in Council 1289-91 dated 18 September 1991 and amended by the Regulations made by Orders in Council 1240-92 dated 26 August 1992, 201-94 dated 2 February 1994 and 1035-95 dated 2 August 1995, is further amended by substituting “prescribed in section 30” for “prescribed in sections 30 and 31” in paragraph 4 of section 15.

2. The Regulation is amended by inserting the following section after section 17:

“**17.1** In Area 10 and for the wildlife sanctuaries located within that area, a person may capture two black bears during the spring trapping period and one black bear during the autumn trapping period.”.

3. Sections 29 and 31 are revoked.

4. The Regulation is amended by substituting Schedule III attached hereto for Schedule III to the Regulation.

5. The Regulation is amended by adding Schedules XI and XII attached hereto.

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

SCHEDULE III

(ss. 17 and 19)

TRAPPING PERIODS IN FISHING, HUNTING AND TRAPPING AREAS

Areas/species	Black bear	Muskrat	Long-tailed weasel Least weasel Coyote Grey squirrel American red squirrel Ermine Wolf Striped skunk Raccoon Arctic fox (blue or white) Red fox (silver, cross or red)	Beaver Mink River otter	American marten Fisher
1	01-05/04-07 01-10/15-11	01-11/30-04	18-10/01-03	01-11/01-03	01-11/31-12
2 except the part described in Schedule VI	01-05/04-07 01-10/15-11	01-11/30-04	18-10/01-03	01-11/01-03	01-11/31-12
4	01-05/04-07 01-10/15-11	25-10/25-11 01-03/15-04	25-10/01-03	15-11/01-03	25-10/01-03
5, 6, 7 except the part described in Schedule XII	01-05/04-07 01-10/30-11	25-10/25-11 01-03/15-04	25-10/01-03	15-11/01-03	25-10/01-03
8 except the part described in Schedule VII	01-05/04-07 01-10/30-11	25-10/25-11 01-03/15-04	08-11/01-03	15-11/01-03	08-11/01-03
3, 9 except the part described in Schedule VIII, 11, 15	01-05/04-07 01-10/15-11	25-10/30-04	25-10/01-03	25-10/01-03	25-10/01-03
10 except the parts described in Schedules IX and XI	02-06/16-06 01-10/01-11	25-10/30-04	25-10/01-03	25-10/01-03	25-10/01-03
The part of area 10 described in Schedule XI	02-06/16-06 01-10/01-11	25-10/25-11 01-03/15-04	25-10/01-03	25-10/01-03	25-10/01-03
12, 14, 16, 21	01-05/04-07 01-10/15-11	18-10/30-04	18-10/01-03 (Note 2)	18-10/15-03	18-10/01-03
13, 18 except the part described in Schedule X	01-05/04-07 01-10/15-11	18-10/30-04	18-10/01-03	18-10/15-03	18-10/01-03
The southern part of Area 19	01-05/04-07 15-09/15-11	11-10/15-05	11-10/01-03	11-10/15-03	11-10/01-03
20	—	01-11/30-04	01-11/01-03 (Note 1)	01-11/15-03 (Note 1)	—

Note 1: In Area 20, only river otter, beaver and red fox (silver, cross or red) may be trapped.

Note 2: The trapping period for red fox (silver, cross or red) on all the territory that is part of the Îles-de-la-Madeleine (Area 21) is from 1 December to 31 December.

SCHEDULE XI

PROVINCE DE QUÉBEC
MINISTÈRE DE L'ENVIRONNEMENT ET DE LA
FAUNE
SERVICE DES IMMOBILISATIONS, DE LA
CARTOGRAPHIE
ET DE L'EXPERTISE CONTRACTUELLE

TECHNICAL DESCRIPTION

Hunting, fishing and trapping areas**Area 10, southern part**

The territory comprises the part of Area 10 located within the limits thus bounded:

Northerly, by the southern limit of the right of way of Highway 148;

Easterly, by the upstream side (west) of the bridge over rivière des Outaouais between Grenville and Hawkesbury and the western limit of the right of way of Highway 344;

Southerly, the Québec-Ontario boundary line;

Westerly, by the right bank of rivière Coulonge and its extension into rivière des Outaouais to the Québec-Ontario boundary line.

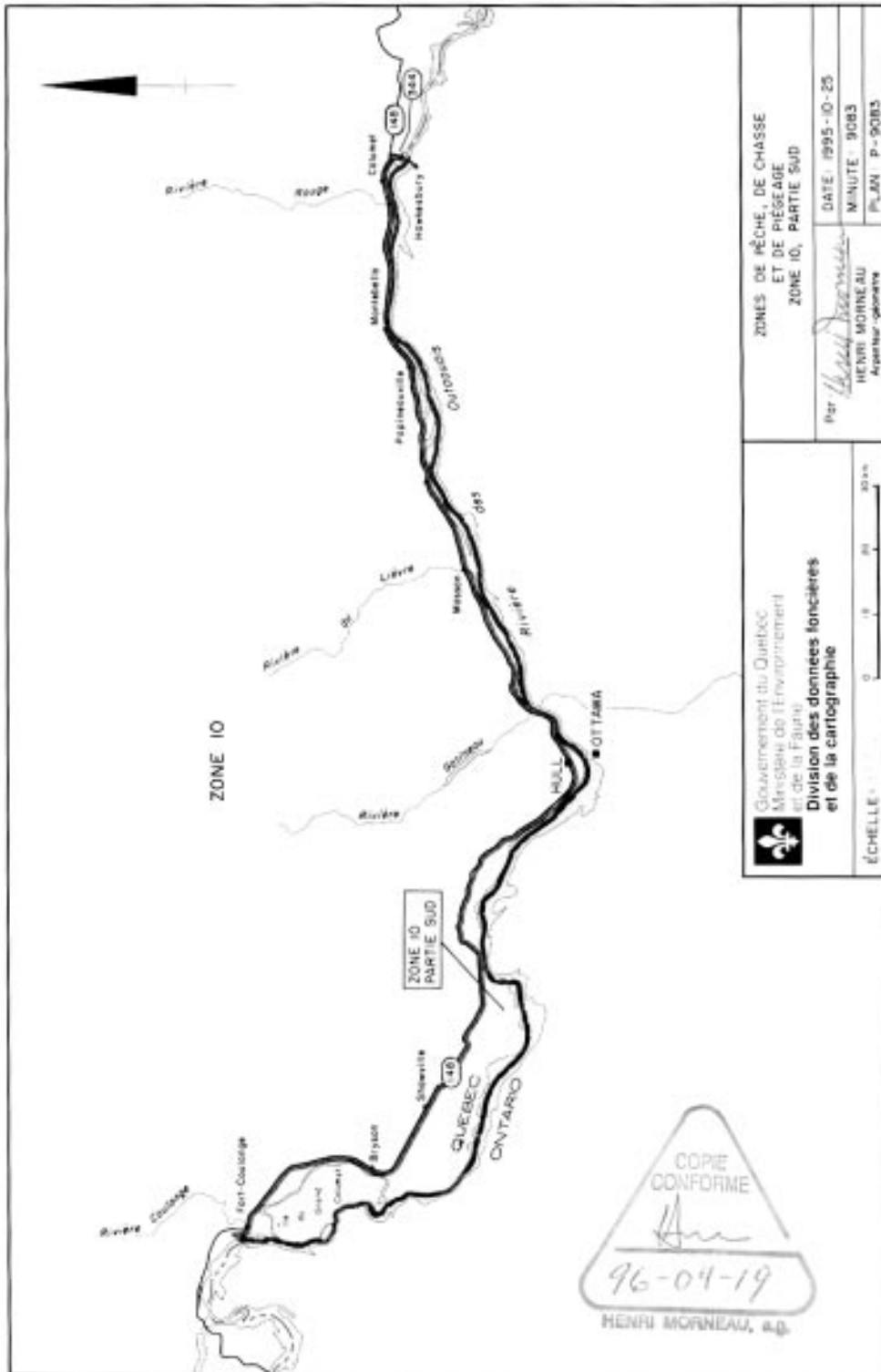
The whole as shown on the map attached hereto and numbered P-9083.

The original of this document is kept at the Division des données foncières et de la cartographie of the Ministère de l'Environnement et de la Faune

Prepared by: HENRI MORNEAU,
Land Surveyor

Québec, 25 October 1995

Minute 9083



**ZONES DE PÊCHE, DE CHASSE
ET DE PIÈGEAGE
ZONE 10, PARTIE SUD**

Par *Henri Morneau*
HENRI MORNEAU
Arpenteur-géomètre

DATE: 1995-10-25
MINUTE: 9083
PLAN: P-9083

Art Synthes Inc.

Gouvernement du Québec
Ministère de l'Environnement
et de la Faune
**Division des données foncières
et de la cartographie**

ÉCHELLE: 0 10 20 30 km

COPIE CONFORME

Henri Morneau

96-04-19

HENRI MORNEAU, s.p.

SCHEDULE XII

PROVINCE DE QUÉBEC
 MINISTÈRE DE L'ENVIRONNEMENT ET DE LA
 FAUNE

NICOLET AND DRUMMOND REGISTRATION DI-
 VISIONS

TECHNICAL DESCRIPTION**Territory of Drummondville**

A territory located in the Municipalité régionale de comté de Drummond, in the townships of Grantham and Wendover, covering a total area of 15.9 km² and whose perimeter is described as follows:

First perimeter

Starting from a point located on the southern corner of lot 1503 of range I, Canton de Grantham; thence, northwesterly, the southwestern limit of lots 1503, 42 and 45, the southern limit of lots 46, 49 and 50 to the line dividing lots 51 and 52, range I, Canton de Grantham; thence, southwesterly, that dividing line to the line dividing ranges I and II, Canton de Grantham; thence, northwesterly, that dividing line to the line dividing lot 56 and a part of lot 57; thence, northeasterly, northwesterly then southwesterly, the dividing line of a part of lot 57 to the line dividing ranges I and II of the Canton de Grantham; thence, northwesterly, that dividing line to the line dividing lots 60 and 61 of range I, Canton de Grantham; thence, northeasterly, that dividing line to the normal high-water mark (N.H.W.M.) of rivière Saint-François; thence, in a general northeasterly then southeasterly direction, that N.H.W.M. to the northwestern corner of a part of lot 32; thence, southwesterly then southeasterly, that limit to the line dividing lots 29 and 1503 of range I of the Canton de Grantham; thence, southwesterly, that dividing line to the starting point.

Area: 9.6 km²

Second perimeter

Starting from a point located on the line dividing lots 72 and 73 of range III, Canton de Wendover and the N.H.W.M. of rivière Saint-François; thence, in a general northwesterly direction, that N.H.W.M. to the line di-

viding lots 83 and 84 of range III, Canton de Wendover; thence, northeasterly, that dividing line to the line dividing ranges III and IV, Canton de Wendover; thence, northwesterly, to the meeting of the southwestern and northwestern limits of lot 180-1 of range IV, Canton de Wendover; thence, northeasterly, the northwestern limit of lot 180-1 to a point located on the southern right of way of Highway 255; thence, southeasterly, the southern limit of that right of way to the northwestern limit of a part of lot 179 of range IV, Canton de Wendover; thence, southwesterly, southeasterly then northeasterly, that limit to a point located on the southern limit of the right of way of Highway 255; thence, southeasterly, that limit of the right of way to the line dividing lots 178-1 and a part of lot 178; thence, southwesterly, that dividing line to the line dividing ranges IV and III, Canton de Wendover; thence, southeasterly, that dividing line to the line dividing lots 73 and 72 of range III, Canton de Wendover; thence, southwesterly, that dividing line to the starting point.

Area: 6.0 km²

Third perimeter

Island 54 located in front of lots 84, 85 and 86 of range III, Canton de Wendover and lots 49, 50 and 53 of range I, Canton de Grantham.

Area: 0.3 km²

The whole as shown on the map attached hereto and numbered P-1037.

The original of this document is kept at the Division des données foncières et de la cartographie of the Ministère de l'Environnement et de la Faune.

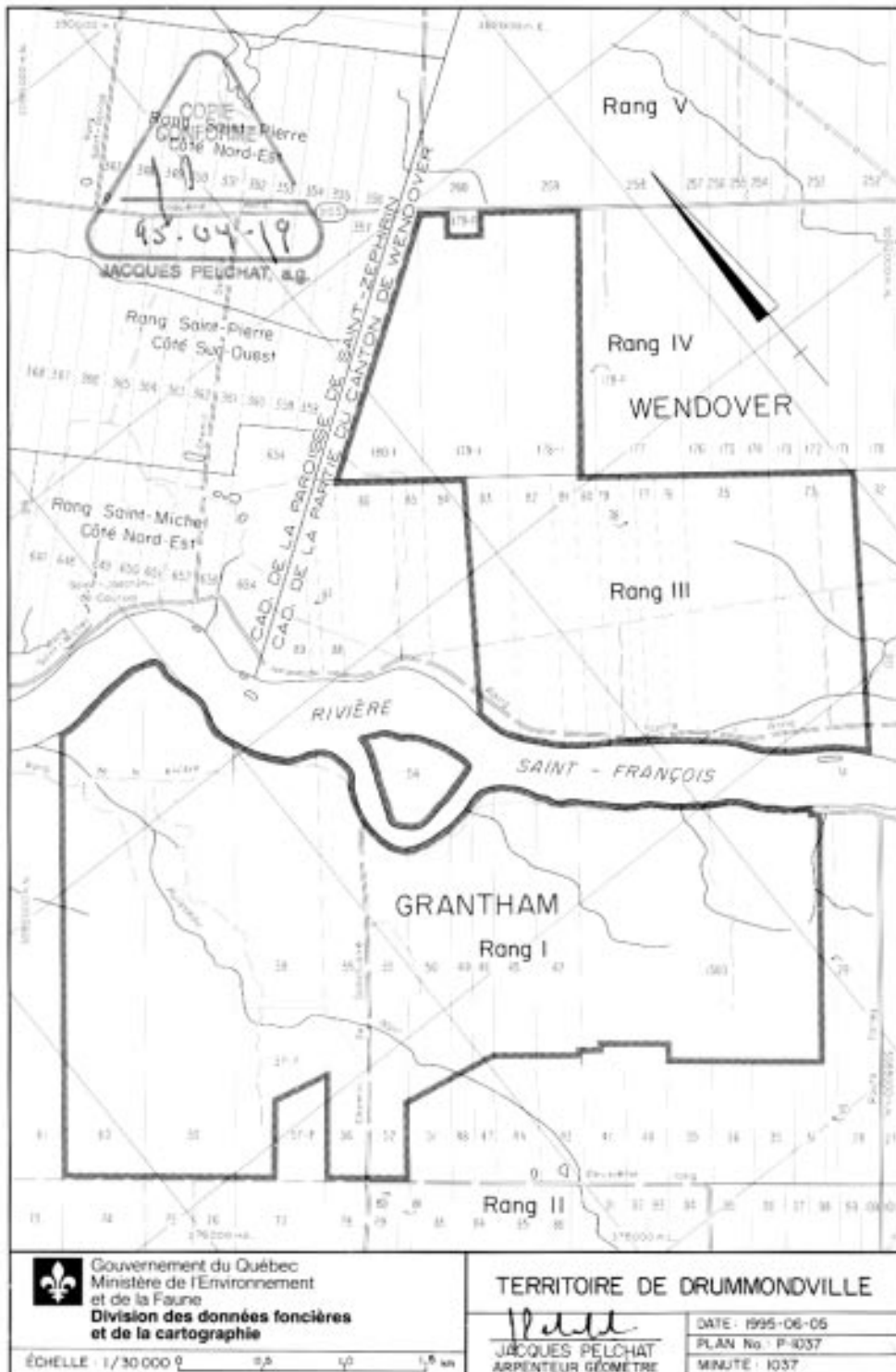
Prepared by: JACQUES PELCHAT,
Land Surveyor

Québec, 5 June 1995

Minute: 1037

Toponymy reviewed by the Commission de toponymie in April 1990

Reviewed on 5 June 1990



Regulations to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 121, par. 1)

1. The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 and amended by the Regulations made by Orders in Council 277-92 dated 26 February 1992, 494-92 dated 1 April 1992, 310-93 dated 10 March 1993, 195-94 dated 2 February 1994, 633-94 dated 4 May 1994, 322-95 dated 15 March 1995, 1063-95 dated 9 August 1995 and 314-96 dated 13 March 1996, is further amended by substituting in the Columns “Species” and “Right of access fee per hunter”, in Schedule III and with respect to the Rimouski Wildlife Sanctuary, the words and amounts “Wolf, coyote, white-tailed deer” “\$24.57 per day for hunting all 3 species” for the words and amounts “Wolf, coyote” “\$14.15 per day for hunting both species”.

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

9908

Gouvernement du Québec

O.C. 913-96, 17 July 1996

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

Parc Paul-Sauvé Reserve and the Drummondville, Grosse Île, Ixworth, Parke, Pointe Taillon and Provancher sanctuaries

— Amendment

Amendment to the Regulation respecting the parc Paul-Sauvé Reserve and the Drummondville, Grosse Île, Ixworth, Parke, Pointe Taillon and Provancher sanctuaries

WHEREAS in accordance with paragraphs *r* and *s* of section 77 of the Wild-life Conservation Act (R.S.Q., c. C-61), the Government made the Regulation respecting the parc Paul-Sauvé Reserve and the Drummondville, Grosse Île, Ixworth, Parke, Pointe Taillon and Provancher sanctuaries (R.R.Q., 1981, c. C-61, r. 49), amended by “Décrets” 1226-90 dated 22 August 1990 and 847-91 dated 19 June 1991;

WHEREAS under section 186 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), every provision of a regulation, order in council or order made by the Government under the Wild-life Conservation Act continues to be in force to the extent that it is consistent with that Act;

WHEREAS under section 184 of that Act, the provisions of the Wild-life Conservation Act are replaced by the corresponding provisions of the Act respecting the conservation and development of wildlife;

WHEREAS under section 111 of the Act respecting the conservation and development of wildlife, the Government may establish wildlife sanctuaries on lands in the public domain and dedicate them to the conservation, development and utilization of wildlife;

WHEREAS under section 191.1 of the Act respecting the conservation and development of wildlife, regulations made by the Government under section 111 of that Act before 1 January 1987 shall continue to be in force until they are replaced, amended or repealed by an order of the Government;

WHEREAS it is expedient to amend the Regulation respecting the parc Paul-Sauvé Reserve and the Drummondville, Grosse Île, Ixworth, Parke, Pointe Taillon and Provancher sanctuaries, in order to cancel the Drummondville, Ixworth and Parke sanctuaries;

WHEREAS it is expedient to make consistency amendments to the Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Order in Council concerning the amendment to the Regulation respecting the parc Paul-Sauvé Reserve and the Drummondville, Grosse Île, Ixworth, Parke, Pointe Taillon and Provancher sanctuaries was published in Part 2 of the *Gazette officielle du Québec* of 1 May 1996 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT the Regulation respecting the parc Paul-Sauvé Reserve and the Drummondville, Grosse Île, Ixworth, Parke, Pointe Taillon and Provancher sanctuaries (R.R.Q., 1981, c. C-61, r. 49), amended by Orders in Council 1226-90 dated 22 August 1990 and 847-91 dated 19 June 1991, be further amended by substituting the following for the title of the Regulation “Regulation respecting the Grosse Île Sanctuary”;

THAT the following be substituted for the introductory paragraph of section 1:

“1. The following territory is established as a hunting and fishing reserve under the name “Grosse Île Sanctuary”;

THAT paragraphs *b*, *e* and *f* of section 1 be revoked;

THAT subparagraph *b* of the first paragraph of section 3 and sections 4, 5, 6 and 7 be revoked;

THAT this Order in Council come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

9905

Gouvernement du Québec

O.C. 914-96, 17 July 1996

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

Parc du Mont Sainte-Anne Game Reserve — Revocation

Estcourt Game Reserve — Revocation

Revocation of the Regulation respecting the parc du Mont Sainte-Anne Game Reserve and the Regulation respecting the Estcourt Game Reserve

WHEREAS in accordance with section 81.2 of the Wildlife Conservation Act (R.S.Q., c. C-61), the Government made the Regulation respecting the parc du Mont Sainte-Anne Game Reserve (R.R.Q., 1981, c. C-61, r. 48), and the Regulation respecting the Estcourt Game Reserve (R.R.Q., 1981, c. C-61, r. 58);

WHEREAS under section 186 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), every provision of a regulation, order in council or order made by the Government under the Wild-life Conservation Act continues to be in force to the extent that it is consistent with that Act;

WHEREAS under section 184 of that Act, the provisions of the Wild-life Conservation Act are replaced by the corresponding provisions of the Act respecting the conservation and development of wildlife;

WHEREAS section 111 of the Act respecting the conservation and development of wildlife provides that the Government may, by order, establish wildlife sanctuaries on lands in the public domain and dedicate them to the conservation, development and utilization of wildlife;

WHEREAS section 191.1 of the Act respecting the conservation and development of wildlife provides that regulations made by the Government under section 111 of that Act before 1 January 1987 shall continue to be in force until they are replaced, amended or repealed by an order of the Government;

WHEREAS it is expedient to revoke the Regulation respecting the parc du Mont Sainte-Anne Game Reserve and the Regulation respecting the Estcourt Game Reserve (R.R.Q., 1981, c. C-61, r. 58);

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Order in Council concerning the revocation of the Regulation respecting the parc du Mont Sainte-Anne Game Reserve and the draft of the Order in Council concerning the revocation of the Regulation respecting the Estcourt Game Reserve were published in Part 2 of the *Gazette officielle du Québec* of 1 May 1996 with a notice that they could be made by the Government upon the expiry of 45 days following that publication;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT the Regulation respecting the parc du Mont Sainte-Anne Game Reserve (R.R.Q., 1981, c. C-61, r. 48) and the Regulation respecting the Estcourt Game Reserve (R.R.Q., 1981, c. C-61, r. 58) be revoked;

THAT this Order in Council come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

9918

Gouvernement du Québec

O.C. 922-96, 17 July 1996

Nurses Act
(R.S.Q., c. I-8)

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

Nurses

— Terms and conditions for the issue of permits and special authorizations

Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations

WHEREAS under section 3 of the Nurses Act (R.S.Q., c. I-8), the Ordre des infirmières et infirmiers du Québec, hereinafter designated as “the Order”, and its members are, subject to that Act, governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS under subparagraph *c* of the first paragraph of section 38 of the Nurses Act, amended by section 333 of Chapter 40 of the Statutes of 1994, every person who applies for a permit from the Order is entitled to obtain the permit if the person has complied with the conditions and formalities imposed under the Professional Code;

WHEREAS paragraph *i* of section 94 of the Professional Code, amended by section 81 of Chapter 40 of the Statutes of 1994, enables, in particular, the Bureau of the Order to determine, by regulation, the other terms and conditions for issuing permits and special authorizations, particularly the requirement to sit for and pass the professional examinations it determines;

WHEREAS the Bureau of the Order made the Regulation respecting the terms and conditions, for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations, in its French version, at its meeting held on 8 and 9 February 1996 and in its English version, at its meeting held on 18 and 19 April 1996;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published as a draft regulation in Part 2 of the *Gazette officielle du Québec* of 15 May 1996, with a notice indicating that it could be submitted to the Government, which could approve it with or without amendment, upon the expiry

of 45 days following that publication and inviting any interested person to submit his comments within that period;

WHEREAS under section 95 of the Professional Code, amended by section 83 of Chapter 40 of the Statutes of 1994, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or the Act constituting the professional order shall be transmitted to the Office des professions for examination and it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment;

WHEREAS the Regulation has been transmitted to the Office, which has examined it and made its recommendation;

WHEREAS under the first paragraph of section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority approving it is of the opinion, in particular, that the urgency of the situation so requires;

WHEREAS according to the second paragraph of section 18 of that Act, the reason justifying the coming into force of the regulation on the date of its publication in the *Gazette officielle du Québec* shall be published with the regulation;

WHEREAS it is expedient that the Regulation come into force on the date of its publication in the *Gazette officielle du Québec* for the following reason:

— the situation is urgent, in that the Regulation enables the Order to hold professional examinations, which must be held on 7 August 1996;

WHEREAS it is expedient to approve the Regulation made by the Bureau of the Order, but with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations, the text of which is attached hereto, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations

Nurses Act
(R.S.Q., c. I-8, s. 38, 1st par., subpar. c; 1994, c. 40, s. 333)

Professional Code
(R.S.Q., c. C-26, s. 94, par. i; 1994, c. 40, s. 81)

DIVISION I INTERPRETATION

1. In this Regulation, unless otherwise indicated by the context, the following expression shall mean:

(1) “candidate for the profession of nursing”: means a person who holds a diploma meeting permit requirements of the Order, a person who has proven to the Bureau of the Order that she has successfully completed a program in nursing or a person whose training received in Québec has been recognized as equivalent by the Bureau of the Order, who has applied to the Order for a permit and is awaiting its issue;

(2) “graduate eligible by equivalence”: means a person who holds a diploma issued by an educational establishment outside Québec and recognized as equivalent by the Bureau of the Order or a person whose training acquired outside Québec has been recognized as equivalent by the Bureau of the Order, and who has applied to the Order for a permit and is awaiting its issue;

(3) “nurse”: means any person entered on the roll of the Order;

(4) “Order”: means the “Ordre des infirmières et infirmiers du Québec”;

(5) “program in nursing”: means courses in theory and the clinical practice, as a whole, that lead to a diploma meeting permit requirements of the Order;

(6) “secretary”: means the secretary of the Order.

DIVISION II GENERAL

2. To obtain a permit issued by the Order in accordance with the Nurses Act (R.S.Q., c. I-8), the Professional Code (R.S.Q., c. C-26) and the Charter of the French language (R.S.Q., c. C-11), any person shall pass the professional examination prescribed in this Regulation and shall comply with the other terms and conditions set out herein.

The dues required under this Regulation shall be determined by the Bureau of the Order pursuant to paragraphs (8) and (9) of section 86.01 of the Professional Code.

Unless otherwise indicated by the context, the provisions of this Regulation that refer to the professional examination apply to the supplemental examination.

DIVISION III PROFESSIONAL EXAMINATION

§1. *General*

3. The professional examination shall assess the extent to which candidates for the profession of nursing and graduates eligible by equivalence have assimilated their knowledge, as well as their capacity to apply their knowledge in solving problems specific to nursing.

4. A candidate for the profession of nursing shall register for and sit the first examination held following, if applicable, the day on which the Bureau of the Order recognizes her diploma meeting the permit requirements, recognizes that she has successfully completed a program in nursing or recognizes as equivalent the training she received in Québec.

A graduate eligible by equivalence shall register for and sit the first examination held following, if applicable, the day on which the Bureau of the Order recognizes as equivalent a diploma issued to her by an educational establishment outside Québec or the training she received outside Québec.

5. A candidate for the profession of nursing and a graduate eligible by equivalence may take up to two years from the date set for the first examination for which they must register and that they must sit, to meet all the requirements for the issue of a permit.

The Bureau may excuse a person from the above-mentioned examination for a satisfactory reason, in particular where her absence is due to illness, accident, childbirth, the death of an immediate family member, or some other major event.

6. Not less than sixty days preceding the date set for examination, the secretary shall send a notice of examination to each educational establishment that grants a diploma meeting permit requirements. The notice shall be published in Québec at least once, in a French-language daily and an English-language daily.

7. Each year the Bureau shall set the registration fees for the examination.

8. The examination may be written in French or in English.

9. The Order shall hold the examination not less than twice per year at locations determined by the Bureau of the Order. The supplemental examination shall be held at the same time.

10. The Bureau of the Order shall determine the passing mark and may decide that the result obtained on the examination will be expressed simply as a pass or a failure. Within fifteen days following receipt of the examination results at the head office of the Order, the secretary shall send these to the persons who sat the examination.

11. Where so decided by the professional examination committee, a candidate fails the examination where she:

(1) registers for the examination under false pretences; or

(2) copies or is party to copying during the examination.

Such decision by the committee may not be revised or appealed and a person who fails for either of the foregoing reasons shall not have the right to sit the supplemental examination.

12. Any person who fails the examination has the right to appeal to an authority designated by the Bureau of the Order to review her mark. An application to that effect shall be made in writing within thirty days following the mailing of the result.

13. No person may rewrite the examination more than twice. A person who fails shall sit the next examination held.

§2. Professional examination committee

14. The professional examination committee set up by resolution under paragraph (2) of section 86.01 of the Professional Code shall be made up of five nurses and a number of substitute members determined by the Bureau of the Order; committee members shall have not less than five years of experience in nursing, in a clinical setting or in teaching in the program in nursing, and shall hold a master's degree.

15. The Bureau of the Order shall appoint the nurses and the substitute members of the committee for a three year term of office, which may be renewed once, and shall designate a chairperson from among the committee members.

16. The committee shall be accountable to the Bureau of the Order for the entire professional examination process, in particular for elaborating, drafting, evaluating, revising and correcting the examination questions and for supervising all examination sessions held.

The committee shall examine the overall report on the results of each examination and shall make its recommendations to the Bureau of the Order.

17. The committee may appoint experts to sit with its members, subject to the Bureau of the Order's approval for each appointment.

18. Nurses, substitute members of the committee and, where applicable, experts shall take an oath to the effect that they will respect the confidential nature of all information that comes to their attention during the performance of their duties.

19. The Bureau shall determine the general operating rules of the committee in accordance with paragraph (2) of section 86.01 of the Professional Code.

§3. Eligibility for the professional examination for a person having successfully completed a program in nursing

20. To be eligible for the professional examination, a person having successfully completed a program in nursing shall hold:

(1) a registration certificate issued by the secretary when the person registered for the first term of the program in nursing or at the beginning of a professional training period carried out under such program; and

(2) a diploma meeting the Order's permit requirements.

Where the diploma referred to in subparagraph (2) of the first paragraph is not available, the person shall provide proof of successful completion of the program in nursing, particularly by having the educational establishment attended by the person send a transcript to the secretary not less than thirty days preceding the date set for the examination.

§4. Examination registration process

21. Every person registering for the professional examination shall

(1) fill out and sign an application for registration using the form determined by the Bureau of the Order and send the application to the secretary so that it arrives not less than thirty days before the date set for the examination;

(2) enclose, with the application prescribed in paragraph (1), two recent, identical photographs of passport size (5 cm x 7 cm), signed on the white strip intended for that purpose; the photographs shall be authenticated on the back by the persons designated as sponsors for Canadian passports; and

(3) pay the examination fees not less than thirty days preceding the date set for the examination.

DIVISION IV OTHER TERMS AND CONDITIONS FOR THE ISSUE OF A PERMIT

22. Every person applying for a permit provided for in section 40 of the Professional Code shall also

(1) provide proof that her knowledge of French is appropriate for the practice of nursing;

(2) complete an application using the form determined by the Bureau of the Order;

(3) pay the fees required by the Bureau of the Order for the processing of an application and the issue of a permit.

(4) in the case where she practises nursing in another jurisdiction, provide proof that she is regularly practising in such jurisdiction.

DIVISION V TERMS AND CONDITIONS FOR THE ISSUE OF TEMPORARY AND RESTRICTED PERMITS

23. The Bureau of the Order may, in accordance with section 41 of the Professional Code, issue a temporary permit to a person who is legally authorized to practise nursing outside Québec and who meets all the terms and conditions for the issue of a permit set out in this Regulation, except the condition in paragraph (1) of section 22.

24. The Bureau of the Order may, in accordance with section 37 of the Charter of the French language, issue a temporary permit to a person from outside Québec who:

(1) is a graduate eligible by equivalence; and

(2) meets all the terms and conditions for the issue of a permit set out in this Regulation, except the condition in paragraph (1) of section 22.

25. The Bureau of the Order may, in accordance with section 40 of the Charter of the French language,

issue a restricted permit to a person who is already authorized to practise nursing under the laws of another province or country and who:

(1) is a graduate eligible by equivalence;

(2) has the official depository of the documents in question forward to the secretary an attestation to the effect that the person is legally authorized to practise nursing under the laws of another province or country with which the person must comply at the time of her permit application; and

(3) meets all the terms and conditions for the issue of a permit set out in section 22, except the condition mentioned in paragraph (1).

DIVISION VI TERMS AND CONDITIONS FOR THE ISSUE OF A SPECIAL AUTHORIZATION

26. The president of the Order may, in accordance with section 33 of the Professional Code, empower a person legally authorized to practise nursing outside Québec to do so in Québec where the person

(1) submits a written application for special authorization to the president of the Order;

(2) has the official depository of the documents in question forward to the president of the Order an attestation to the effect that the person is legally authorized to practise nursing outside Québec under the laws with which the person must comply at the time of her permit application;

(3) where the official documents are drafted in a language other than French or English, provides an authenticated French translation of the documents; and

(4) pays the fees required by the Bureau of the Order.

27. A person who, in accordance with section 33 of the Professional Code, is empowered to practise nursing in Québec for the purpose of completing a professional training period may practise only in accordance with the following terms and conditions:

(1) she shall practise under the supervision of a nurse or a group of nurses;

(2) she shall practise in the area of nursing required for the training period and required by the person or the group of persons indicated in the special authorization; and

(3) she shall practise during the hours required for the training period, for the account of the person or the group of persons and for the period indicated in the special authorization.

DIVISION VII TRANSITIONAL AND FINAL

28. Candidates for the profession of nursing and graduates eligible by equivalence referred to in section 34 of the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations, approved by decree 644-93 on May 5, 1993 and which ceased to have effect on May 19, 1996, may not make use of this regulation.

29. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec* and shall remain in force for a period of 1 year from that date.

9903

Gouvernement du Québec

O.C. 923-96, 17 July 1996

Nurses Act
(R.S.Q., c. I-8)

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

Nurses

— Professional acts which may be performed by persons other than nurses

Regulation respecting the professional acts contemplated in section 36 of the Nurses Act which, under certain terms and conditions, may be performed by persons other than nurses

WHEREAS under section 3 of the Nurses Act (R.S.Q., c. I-8), the Ordre des infirmières et infirmiers du Québec, hereinafter designated as “the Order”, and its members, subject to that Act, shall be governed by the Professional Code (R.S.Q., c. C-26);

WHEREAS paragraph *h* of section 94 of the Professional Code, amended by section 81 of Chapter 40 of the Statutes of 1994, empowers the Bureau of the Order to determine, by regulation, among the professional acts that may be engaged in by members of the Order, those that may be engaged in by the persons or categories of

persons indicated in the regulation, in particular persons serving a period of professional training determined pursuant to paragraph *i* of that same section, and the terms and conditions on which such persons may engage in such acts;

WHEREAS the Bureau of the Order made the Regulation respecting the professional acts contemplated in section 36 of the Nurses Act which, under certain terms and conditions, may be performed by persons other than nurses, in its French version, at its meeting held on 8 and 9 February 1996 and, in its English version, at its meeting held on 18 and 19 April 1996;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published as a draft regulation in Part 2 of the *Gazette officielle du Québec* of 15 May 1996, with a notice indicating that it could be submitted to the Government, which could approve it with or without amendment, upon the expiry of 45 days following that publication and inviting any interested person to submit his comments within that period;

WHEREAS under section 95 of the Professional Code, amended by section 83 of Chapter 40 of the Statutes of 1994, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or the Act constituting the professional order shall be transmitted to the Office des professions du Québec for examination and it shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment;

WHEREAS the Regulation has been transmitted to the Office, which has examined it and made its recommendation;

WHEREAS under the first paragraph of section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority approving it is of the opinion, in particular, that the urgency of the situation so requires;

WHEREAS according to the second paragraph of section 18 of that Act, the reason justifying the coming into force of the regulation on the date of its publication in the *Gazette officielle du Québec* shall be published with the regulation;

WHEREAS it is expedient that the Regulation come into force on the date of its publication in the *Gazette officielle du Québec* for the following reason:

— the situation is urgent, in that the Regulation allows persons who acquire the status of “candidate for the profession of nursing” to engage in nursing acts in certain conditions, those persons being already governed by the 1996-1998 collective agreement entered into by the Comité patronal de négociation du secteur de la santé et des services sociaux and the Sous-comité patronal de négociation des centres hospitaliers publics on the one hand and the Fédération des infirmières et infirmiers du Québec on the other hand;

WHEREAS it is expedient to approve the Regulation made by the Bureau of the Order, but with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the professional acts contemplated in section 36 of the Nurses Act which, under certain terms and conditions, may be performed by persons other than nurses, the text of which is attached hereto, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the professional acts contemplated in section 36 of the Nurses Act which, under certain terms and conditions, may be performed by persons other than nurses

Nurses Act
(R.S.Q., c. I-8, s. 3)

Professional Code
(R.S.Q., c. C-26, s. 94, subpar. *h* ; 1994, c. 40, s. 81)

1. This Regulation applies to both a candidate for the profession of nursing and a graduate eligible by equivalence.

Unless otherwise indicated by the context, the following expression shall mean:

(1) “candidate for the profession of nursing”: means a person who holds a diploma meeting the permit requirements of the “Ordre des infirmières et infirmiers du Québec”, a person recognized by the Bureau of the Order as having successfully completed a program in nursing or a person whose training received in Québec has been recognized as equivalent by the Bureau of the Order, and who has completed an application for the issue of a permit in accordance with the Regulation

respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations, approved by Order in Council 922-96 dated July 17, 1996;

(2) “graduate eligible by equivalence”: means a person who holds a diploma issued by an educational establishment outside Québec and recognized as equivalent by the Bureau of the Order or a person whose training acquired outside Québec has been recognized as equivalent by the Bureau of the Order, and who has completed an application for the issue of a permit in accordance with the regulation mentioned in subparagraph (1);

(3) “nurse”: means any person entered on the roll of the Order;

(4) “program in nursing”: means courses in theory and the clinical practice, as a whole, that lead to a diploma meeting the permit requirements of the Order.

2. A candidate for the profession of nursing may, while awaiting the issue of her permit and her entry on the roll of the Order, carry out an act provided for in section 36 of the Nurses Act (R.S.Q., c. I-8), but only under the close supervision of a nurse available in the building where the act is carried out in a center operated by an establishment within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the meaning of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

Her status shall be that of “candidate for the profession of nursing” and shall take effect on the day on which the Bureau of the Order recognizes her diploma meeting the permit requirements of the Order, or recognizes that she has successfully completed a program in nursing or that the training received in Québec is recognized as equivalent.

3. A graduate eligible by equivalence may also, while awaiting the issue of her permit and her entry on the roll of the Order, carry out an act provided for in section 36 of the same Act, but only under the close supervision of a nurse available in the building where the act is carried out in a center operated by an establishment within the meaning of the Act respecting health services and social services or the meaning of the Act respecting health services and social services for Cree Native persons.

Her status shall also be that of “candidate for the profession of nursing” and shall take effect on the day on which the Bureau of the Order recognizes as equivalent either a diploma issued to her by an educational establishment outside Québec or her training acquired outside Québec.

4. The status of “candidate for the profession of nursing” shall end either on the day on which the permit is issued by the Order or upon the expiration of a two year period beginning upon the first registration of the candidate for the professional examination referred to in the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations.

5. The Secretary of the Order shall, in an official or regular publication sent by the Order to every nurse, publish the names of all persons having lost the status of “candidate for the profession of nursing”.

6. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec* and shall remain in force for a period of 1 year from that date.

9904

Gouvernement du Québec

O.C. 926-96, 17 July 1996

An Act respecting income security
(R.S.Q., c. S-3.1.1)

Income security — Amendments

Regulation to amend the Regulation respecting income security

WHEREAS in accordance with section 91 of the Act respecting income security (R.S.Q., c. S-3.1.1), the Government, by Order in Council 922-89 dated 14 June 1989, made the Regulation respecting income security;

WHEREAS it is expedient to further amend that Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* dated 29 May 1996 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Employment and Solidarity and Minister of Income Security:

THAT the Regulation to amend the Regulation respecting income security, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting income security

An Act respecting income security
(R.S.Q., c. S-3.1.1, s. 91, 1st par., subpars. 4 and 33 and 2nd par.)

1. The Regulation respecting income security, made by Order in Council 922-89 dated 14 June 1989 and amended by the Regulations made by Orders in Council 1917-89 dated 13 December 1989, 1051-90 dated 18 July 1990, 1733-90 and 1734-90 dated 12 December 1990, 1793-90 dated 19 December 1990, 567-91 dated 24 April 1991, 1721-91 dated 11 December 1991, 285-92 dated 26 February 1992, 379-92 and 380-92 dated 18 March 1992, 868-92 dated 10 June 1992, 1155-92 dated 5 August 1992, 1798-92 and 1799-92 dated 9 December 1992, 123-93 dated 3 February 1993, 825-93 dated 9 June 1993, 1287-93 dated 8 September 1993, 1780-93 dated 8 December 1993, 159-94 dated 19 January 1994, 249-94 dated 9 February 1994, 827-94 dated 8 June 1994, 1160-94 dated 20 July 1994, 260-95 dated 1 March 1995, 1354-95 dated 11 October 1995, 202-96 dated 14 February 1996, 266-96 dated 28 February 1996 and 761-96 dated 19 June 1996, is further amended in section 7 by striking out the second paragraph.

2. Section 9.1 is amended by striking out “, 8.1”.

3. Section 45 is amended

(1) by substituting “50 %” for “75 %” in the second paragraph;

(2) by substituting the following for the table in the second paragraph:

“**Number of people Minimum cost Maximum cost
in the family**

2	\$398	\$518
3	\$434	\$554
4	\$460	\$580
5 or more	\$486	\$606”.

4. Section 99 is amended

(1) by substituting “50 %” for “75 %” in the first paragraph; and

(2) by substituting the following for the table in the first paragraph:

“Number of people in the family Minimum cost Maximum cost

2	\$398	\$518
3	\$434	\$554
4	\$460	\$580
5 or more	\$486	\$606”.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 3 and 4 which will come into force on 1 September 1996.

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