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NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 50
(1996, chapter 61)

An Act respecting the Régie de l'énergie

Introduced 22 October 1996
Passage in principle 19 November 1996
Passage 19 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill establishes the Régie de l'énergie, a board which will have jurisdiction to fix, after holding public hearings, the rates and conditions governing the supply and transmission of electric power by Hydro-Québec, except under such special contracts for the supply of electric power as the Government may determine, and the rates and conditions governing the transmission, delivery and supply of natural gas by natural gas distributors, and gas storage. Further duties of the Régie as regards Hydro-Québec and natural gas distributors include monitoring their operations to ensure that consumers are adequately supplied and are charged fair and reasonable rates, approving their resource plans, determining their rates of return and authorizing their investment projects. The criteria to be considered by the Régie in fulfilling such duties are specified in the bill.

Exportation of electric power by Hydro-Québec is to come under the purview of the Régie, to the extent determined by the Régie. The authorization of the Government will continue to be required, in the cases determined by the Government, in respect of contracts for the exportation of electric power by private producers and in respect of power and energy contracts under which Hydro-Québec cannot interrupt delivery unilaterally.

Hydro-Québec is granted exclusive rights for the distribution of electric power throughout Québec, excluding the territories served by distributors operating a municipal or private system. Municipal systems are also granted exclusive electric power distribution rights within the territory they serve.

It is to be within the exclusive jurisdiction of the new Régie to examine complaints from consumers who are dissatisfied with a decision made by an electric power or natural gas distributor concerning rates or service conditions. Every distributor is to be required to establish an in-house procedure for the examination of consumer complaints. Moreover, the Régie will be responsible for monitoring the prices of steam and petroleum products so as to be able to provide information to consumers.

As regards the sale of gasoline and diesel fuel, the Régie will have the power to fix, for the purposes of the presumption concerning

sale price introduced into the Act respecting the use of petroleum products by the bill, an amount representing the operating costs of a retailer.

In addition, the Régie is given advisory functions and powers of inspection and inquiry.

Financial measures providing for the funding of the Régie are also included in the bill as are a number of technical and transitional provisions, notably concerning the determination of Hydro-Québec power rates until the coming into force of Chapter IV of the Act, as well as amendments for concordance allowing for the establishment of the new regulatory body.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the exportation of electric power (R.S.Q., chapter E-23);

– Hydro-Québec Act (R.S.Q., chapter H-5);

– Consumer Protection Act (R.S.Q., chapter P-40.1);

– 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 the Civil Service Superannuation Plan (R.S.Q., chapter R-12);

– Act respecting municipal and private electric power systems (R.S.Q., chapter S-41);

– Act respecting the use of petroleum products (R.S.Q., chapter U-1.1);

– Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

– Act respecting the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville and repealing the Act to promote rural electrification by means of electricity cooperatives (1986, chapter 21).

LEGISLATION REPEALED BY THIS BILL:

– Act respecting the examination of complaints from customers of electricity distributors (R.S.Q., chapter E-17.1);

– Act respecting the Régie du gaz naturel (R.S.Q., chapter R-8.02).

Bill 50

AN ACT RESPECTING THE RÉGIE DE L'ÉNERGIE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

APPLICATION

1. This Act applies to the production, transmission, distribution and supply of electric power and to the transmission, distribution, supply and storage of natural gas delivered or intended for delivery by pipeline to a consumer.

This Act also applies to any other energy matter to the extent provided for herein.

2. In this Act, unless the context indicates otherwise,

"electric power distributor" means Hydro-Québec or a distributor operating a municipal or private electric power system governed by the Act respecting municipal and private electric power systems (R.S.Q., chapter S-41), including the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville governed by the Act respecting the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville and repealing the Act to promote rural electrification by means of electricity cooperatives (1986, chapter 21);

"electric power distribution system" means a network of installations for the supply of electric power from distribution substations, including medium-voltage and low-voltage distribution lines, any equipment located between such lines and consumption meters, as well as consumption meters;

"electric power production equipment" means all works, machinery and equipment used in the production of electric power;

"electric power transmission system" means a network of installations for the conveyance of electric power, including high-voltage transmission lines and secondary-transmission substations and transmission substations and excluding the production equipment and the electric power distribution system;

"energy" means electric power, natural gas, steam, petroleum products and any other form of energy, hydraulic, thermic or other;

"natural gas" means methane in gaseous or liquid form;

"natural gas distribution system" means a network of conduits, equipment, apparatus, structures, gas meters, meters and other devices and accessories for the supply, transmission or delivery of natural gas in a given territory, excluding any gas pipe or line installed in, under or on the outer surface of a house, plant, building or other structure of a consumer;

"natural gas distributor" means a person or partnership holding exclusive natural gas distribution rights or exercising such rights as lessee, trustee, liquidator or trustee in bankruptcy or in any other capacity;

"petroleum products" means a mixture of hydrocarbons used as motor fuel, heating oil or lubricant, except liquefied gas;

"petroleum products distributor" means anyone who supplies a retailer of petroleum products;

"steam distributor" means anyone who distributes or supplies steam for heating purposes by means of pipes to a consumer;

"storage" means any accumulation of natural gas in an underground or overground reservoir.

3. This Act is binding on the Government, government departments and bodies that are mandataries of the Government.

CHAPTER II

ORGANIZATION AND OPERATION OF THE RÉGIE

DIVISION I

ESTABLISHMENT

4. A board to be known as the "Régie de l'énergie" is hereby established.

5. In the exercise of its functions, the Régie shall promote the satisfaction of energy needs through sustainable development. To that end, the Régie shall have due regard for economic, social and environmental concerns and for equity both on the individual and collective planes. The Régie shall also foster the conciliation of the public interest, consumer protection and the fair treatment of distributors.

6. The head office of the Régie shall be situated at the place determined by the Government; a notice of the address of the head office shall be published in the *Gazette officielle du Québec*. The Régie may have offices at any other place in Québec.

The Régie may sit anywhere in Québec.

DIVISION II

COMPOSITION

7. The Régie shall be composed of seven commissioners appointed by the Government, including a chairman and a vice-chairman. The commissioners shall exercise their functions on a full-time basis.

The Government may, where required for the proper dispatch of business, appoint full-time or part-time supernumerary commissioners.

8. The Government may establish a selection procedure applicable to commissioners and, among other things, provide for the creation of a selection committee.

The selection procedure established under this section need not be followed to reappoint a commissioner.

9. A commissioner may not, on pain of forfeiture of office, have a direct or indirect interest in any enterprise that could cause a conflict between his personal interest and his duties of office, unless the interest devolves to him by succession or gift and he renounces it or disposes of it with dispatch.

10. The term of office of a commissioner is five years.

However, the term of office of a supernumerary member shall either be determined in the instrument of appointment and not exceed two years, or be determined by reference to a special mandate specified in the instrument of appointment.

11. The chairman of the Régie may authorize a commissioner to continue the examination of an application and make a decision notwithstanding the expiry of his term. He shall be considered a supernumerary member for the time required.

12. The Government shall fix the remuneration, employment benefits and other conditions of office of the chairman, the vice-chairman and the other commissioners.

13. The secretary and the other members of the personnel of the Régie shall be appointed according to the staffing plan and standards established by regulation of the Régie. The regulation of the Régie shall also determine the standards and scales of remuneration, the employment benefits and other conditions of employment of those employees.

The regulation shall be submitted to the Government for approval.

DIVISION III

OPERATION

14. The chairman shall coordinate and distribute the work of the commissioners. He is responsible for the administration of the Régie and supervises its personnel.

15. The vice-chairman or the commissioner designated by the Government shall exercise the powers of the chairman if he is absent or unable to act.

16. Applications filed with the Régie, other than applications referred to in section 96, shall be examined and decided by three commissioners.

However, the chairman may designate a commissioner who shall act alone to examine and decide an application filed under subparagraph 2 of the first paragraph of section 73, the first paragraph of section 74, the first paragraph of section 78, section 81 or the first paragraph of section 84, under section 30 of the Hydro-Québec Act (R.S.Q., chapter H-5) or under section 2 of the Act respecting the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville and repealing the Act to promote rural electrification by means of electricity cooperatives.

17. If a commissioner becomes unable to act or dies before a decision is made, the two remaining commissioners may, if unanimous, make the decision.

If a commissioner designated to decide an application becomes unable to act or dies before making a decision, the chairman may, if all participants agree, designate another commissioner who shall examine the record in its entirety, continue processing the case and make a decision. Failing agreement, the matter shall be referred to the chairman for examination in accordance with section 16.

18. Every decision of the Régie shall be given with diligence and include the reasons therefor; it forms part of the records of the Régie and a certified copy shall be forwarded by the Régie without delay to the participants and the Minister. The Régie shall also send to the Minister a copy of any related document he may request.

Moreover, every decision made by the Régie under section 59 shall be published in the *Gazette officielle du Québec*.

19. Any document of the Régie signed by the chairman or by any person designated by the chairman is authentic. Any copy of a document of the Régie certified true by the chairman or any person so designated is also authentic.

20. The Régie may adopt internal management rules for the conduct of its business. Such rules require the approval of the Government. They shall come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date determined by the Government.

21. The secretary shall carry out the duties assigned to him by the chairman. The secretary shall have custody of the records of the Régie.

22. No judicial proceedings may be brought against the Régie, the commissioners, the secretary or the other members of the personnel of the Régie by reason of an official act done in good faith in the exercise of their functions.

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

24. Not later than 30 June each year, the Régie shall submit a report to the Minister concerning its operations in the preceding fiscal year. The report shall include a statement of the applications filed with the Régie, the decisions of the Régie and the number, nature and results of the inquiries made in the year. The report shall also contain any other information requested by the Minister concerning the operations of the Régie.

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

DIVISION IV

PUBLIC HEARINGS

25. The Régie shall hold a public hearing

(1) when examining an application under section 48, 65, 78 or 80;

(2) when determining the elements making up operating costs and determining an amount pursuant to section 59;

(3) when so required by the Minister, on any energy matter.

The Régie may call a public hearing on any matter within its jurisdiction.

26. Before holding a public hearing, the Régie shall issue written instructions in which it shall fix the date for the filing of all documents and information relevant to the submissions the participants intend to make and the place and date of the hearing and shall provide any other information it considers necessary.

The Régie may direct that participants present their observations and arguments in writing.

The Régie may order a participant to publish the instructions as determined by the Régie.

27. The chairman of the Régie or any commissioner designated by the chairman may call the participants to a pre-hearing conference if he considers it useful and the circumstances allow it.

28. The purpose of a pre-hearing conference is to

(1) define and clarify the issues to be dealt with at the public hearing;

(2) assess the advisability of better defining the positions of the participants as well as the solutions proposed;

(3) ensure that all relevant documents and information are exchanged by the participants;

(4) plan the conduct of the public hearing;

(5) examine the possibility for the participants of recognizing certain facts or of proving them by means of sworn statements; and

(6) examine any other matter that may simplify or accelerate the conduct of the public hearing.

29. Minutes of the pre-hearing conference shall be drawn up and signed by the participants and by the chairman or the commissioner who called the participants to the conference.

Agreements and decisions recorded in the minutes shall, as far as they may apply, govern the conduct of the public hearing unless the Régie, when hearing the participants, permits a derogation therefrom to prevent an injustice.

30. The Régie may ban or restrict the disclosure, publication or release of any information or documents it indicates, if the confidentiality thereof or the public interest so requires.

CHAPTER III

FUNCTIONS AND POWERS

DIVISION I

JURISDICTION

31. It is within the exclusive jurisdiction of the Régie to

(1) fix or modify the rates and conditions for the transmission or supply of electric power by Hydro-Québec or the rates and conditions for the transmission, delivery or supply of natural gas by a natural gas distributor or for the storage of natural gas;

(2) monitor the operations of Hydro-Québec or of natural gas distributors to ascertain that consumers are adequately supplied and are charged fair and reasonable rates;

(3) approve the resource plan of Hydro-Québec and of every natural gas distributor;

(4) examine any complaint filed by a consumer concerning the application of a rate or a condition governing the supply or transmission of electric power by an electric power distributor or of a rate or a condition governing the transmission, supply or storage of natural gas by a natural gas distributor and see to it that the consumer is charged the rate applicable to him and is subject to the conditions applicable to him; and

(5) decide any other application filed under this Act.

It is also within the exclusive jurisdiction of the Régie to decide applications under section 30 of the Hydro-Québec Act, paragraph 3 of section 12 and sections 13 and 16 of the Act respecting municipal and private electric power systems, and sections 2 and 10 of the Act respecting the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville and repealing the Act to promote rural electrification by means of electricity cooperatives.

32. The Régie, on its own initiative or on the application of any interested person, may

(1) determine the rate of return of Hydro-Québec or of a natural gas distributor;

(2) determine the cost of service allocation method applicable to Hydro-Québec or to a natural gas distributor;

(3) formulate general principles for the determination and application of rates fixed by the Régie; or

(4) formulate general principles applicable to electric power transactions of Hydro-Québec or of natural gas transactions of natural gas distributors.

33. Before making a decision which may modify the use of an immovable situated in a reserved area or in an agricultural zone established in accordance with the Act to preserve agricultural land (R.S.Q., chapter P-41.1), the Régie must obtain the advice of the Commission de protection du territoire agricole du Québec.

34. The Régie may decide an application in part only.

It may make any decision or issue any order it considers appropriate to safeguard the rights of the persons concerned.

35. The Régie may make such inquiries as are necessary for the exercise of its functions and, to that end, the commissioners are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

The commissioners are also vested with all powers necessary for the exercise of their functions.

36. The Régie may order any electric power or natural gas distributor to pay all or part of the cost incurred to examine any matter submitted to the Régie or to implement the decisions or orders of the Régie.

The Régie may order any electric power or natural gas distributor to pay all or part of the expenses, including expert fees, of any person whose participation in Régie proceedings is considered useful by the Régie.

Where it is warranted by the public interest, the Régie may pay the expenses of groups formed to take part in its public hearings.

37. The Régie, on its own initiative or on application, may revise or revoke any decision it has made

(1) where a new fact is discovered which, had it been known in time, could have justified a different decision;

(2) where an interested person was unable, for sufficient cause, to present observations; or

(3) where a substantive or procedural defect is likely to invalidate the decision.

Before revising or revoking a decision, the Régie must give the persons concerned an opportunity to present observations.

In the case set out in subparagraph 3 of the first paragraph, the decision may not be revised or revoked by the commissioners having made the decision.

38. A decision containing an error in writing or in calculation or any other clerical error may be rectified by the Régie.

39. The Régie or any interested person may deposit a certified copy of a decision or order made under this Act at the office of the clerk of the Superior Court of the district in which the head office or a place of business of the distributor is situated.

A decision or order deposited as in the first paragraph has the same force and effect as a judgment emanating from the Superior Court.

40. No appeal lies from a decision of the Régie.

41. Except on a question of jurisdiction, no remedy under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised and no injunction may be granted against the Régie or against any of its commissioners acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by a summary proceeding any proceeding brought or decision made contrary to the first paragraph.

42. The Régie shall advise the Minister on any energy matter submitted to the Régie by the Minister and may, on its own initiative, advise the Minister on any matter within its jurisdiction.

DIVISION II

INSPECTION AND INQUIRIES

43. The chairman of the Régie may, for the purposes of this Act, designate any person in writing, generally or specially, to make an inquiry or an inspection.

44. A person designated to make an inspection may

(1) enter the establishment or upon the property of a distributor at any reasonable time;

(2) examine and make copies of books, records, accounts, files and other documents relating to the production, transmission, distribution, supply, purchase, sale or consumption of energy or to the storage of natural gas; and

(3) require any information pertaining to the application of this Act, and the production of any related document.

Every person having custody, possession or control of such books, records, accounts, files or other documents shall, on request, give access to them to the designated person and facilitate his examination of them.

A designated person exercising powers under the first paragraph shall, on request, identify himself and show a document attesting his capacity.

45. No judicial proceedings may be brought against a person designated to make an inquiry or an inspection by reason of an official act done in good faith in the performance of his duties.

46. No person may hinder the work of a person designated to make an inquiry or an inspection in the performance of his duties.

47. No person may make, concur in or authorize a false or misleading statement in the course of an inspection or in response to an order or request of the Régie.

CHAPTER IV

RATE DETERMINATION

48. The Régie shall, on the application of an interested person or on its own initiative, fix or modify the rates and conditions for the transmission or supply of electric power by Hydro-Québec or for the transmission, delivery or supply of natural gas by a natural gas distributor or for the storage of natural gas. The Régie may ask Hydro-Québec or a natural gas distributor to file a modification proposal.

Applications must be filed with the documents and fees prescribed by regulation.

49. When fixing or modifying rates, the Régie shall, in particular,

(1) determine the rate base of the distributor after giving due consideration to the fair value of the assets it considers prudently acquired and useful for the operation of electric power production equipment, of a transmission system or of a distribution system, as well as to the undepreciated research and development and marketing expenditures, commercial programs, preliminary expenses and the working capital required for the operation of such equipment and systems;

(2) determine the overall amounts of expenditure it considers necessary to cover the cost to the distributor of providing the service, including the cost of acquisition;

(3) allow a reasonable return on the rate base of the distributor;

(4) determine measures and incentives for improved distributor performance and increased satisfaction of consumer needs;

(5) ensure that the distributor's financial ratios are maintained;

(6) consider the distributor's cost of service, the varying risks according to classes of consumers, the competition between the various forms of energy and the maintenance of equity between rate classes;

(7) ascertain that the rates and other conditions for the provision of the service are fair and reasonable;

(8) consider the distributor's sales forecasts;

(9) consider service quality;

(10) consider such economic, social and environmental concerns as have been identified by the Government.

The Régie may, in respect of a consumer or class of consumers, fix a rate to compensate for energy savings which are not beneficial for the distributor but are beneficial for the consumer or class of consumers.

The Régie may use any other method it considers appropriate.

50. The fair value of a distributor's assets shall be determined on the basis of the original cost, less depreciation.

51. No tariff may impose higher rates or more onerous conditions than are necessary to cover capital and operating costs, to maintain the stability of the enterprise and the normal development of the electric power production equipment and of transmission and distribution systems or to provide the distributor a reasonable return on the rate base.

The same applies to the storage of natural gas by the operator of a natural gas storage facility insofar as it is warranted by the rate determination method employed by the Régie.

52. In any tariff for the supply of electric power or natural gas, the rates and other conditions applicable to a consumer or class of consumers must reflect the actual cost of acquisition to the distributor or any other terms granted to the distributor by producers of electric power or natural gas or their representatives in consideration of the consumption of that consumer or class of consumers.

A tariff may also reflect any other acquisition-related cost of the electric power or natural gas to the distributor.

53. Hydro-Québec or a natural gas distributor may not, in respect of a consumer, impose or agree to a rate or to conditions other than those fixed by the Régie or the Government.

Nor may Hydro-Québec or a natural gas distributor discontinue or interrupt service to a consumer because of his refusal to pay an amount other than the amount resulting from the application of a rate or condition fixed by the Régie or the Government.

54. Any stipulation of an agreement which is at variance with a tariff fixed by the Régie or the Government is null.

CHAPTER V

MONITORING OF STEAM AND PETROLEUM PRODUCT PRICES

55. The Régie shall monitor, in the various regions of Québec, the prices charged for petroleum products and those charged for steam supplied or distributed by means of pipes for heating purposes.

To that end, the Régie may exercise powers of supervision, inspection and inquiry in respect of the sale or distribution of steam or petroleum products and the prices, taxes and duties charged and paid.

56. The Régie may, at any time, order any person to furnish any information concerning the person's sales or distribution of petroleum products or steam or concerning the prices, taxes and duties charged and paid.

The person concerned must comply with the order issued by the Régie.

57. The Régie shall, on its own initiative or at the Minister's request, advise the Government or the Minister concerning steam or petroleum product prices.

58. The Régie may, on request, provide information to consumers on the prices charged by a steam or petroleum products distributor.

The Régie may promote awareness of consumer needs and demands among steam and petroleum products distributors.

59. For the purposes of section 45.1 of the Act respecting the use of petroleum products (R.S.Q., chapter U-1.1),

(1) the Régie shall determine annually an amount per litre representing the operating costs borne by a gasoline or diesel fuel retailer; different amounts may be determined according to regions determined by the Régie;

(2) the Régie shall assess the expediency of excluding the amount from or including the amount in the operating costs borne by a retailer; the Régie shall specify the period and the zone to which its decision applies;

(3) the Régie may determine zones.

For the purposes of subparagraph 1 of the first paragraph, the operating costs are the reasonable and necessary costs involved in retailing gasoline or diesel fuel efficiently.

In exercising its powers, the Régie must ensure that the interests of consumers are protected.

CHAPTER VI

EXCLUSIVE ELECTRIC POWER OR
NATURAL GAS DISTRIBUTION RIGHTS

DIVISION I

GRANT OF EXCLUSIVE DISTRIBUTION RIGHTS

§1. — *Distribution of electric power*

60. Exclusive electric power distribution rights confer on the holder, within the territory where they obtain and to the exclusion of anyone else, the right to operate an electric power distribution system.

Such rights do not prevent anyone from producing and distributing via their own system the electric power they consume.

61. No one may operate an electric power distribution system within the territory of the holder of exclusive electric power distribution rights.

62. Hydro-Québec is the holder of exclusive electric power distribution rights throughout the territory of Québec, excluding the territories served by a distributor operating a municipal or private electric power system or by the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville on (*insert here the date of coming into force of this section*).

All distributors operating a municipal electric power system as well as the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville are also the holders of exclusive distribution rights within the territory served on that date by their distribution system.

Notwithstanding sections 60 and 61, holders of exclusive electric power distribution rights may agree on terms and conditions for the provision of service to a customer in each other's territories.

This Act does not operate to prevent a holder of exclusive electric power distribution rights to continue to operate his installations for the supply of electric power which, on (*insert here the date of coming into force of this section*) are situated within the territory served on that date by another holder of exclusive electric power distribution rights.

§2. — *Distribution of natural gas*

63. Exclusive natural gas distribution rights confer on the holder, within the territory where they obtain and to the exclusion of anyone else, the right to operate a natural gas distribution system and to transmit and deliver by pipeline natural gas intended for consumption.

Exclusive natural gas distribution rights do not confer the exclusive right to purchase, sell or store natural gas.

64. After obtaining the advice of the Régie, the Government may grant to a person or partnership, subject to the conditions it determines, exclusive natural gas distribution rights within the territory it determines.

65. An application for exclusive natural gas distribution rights must be made in writing to the Régie and filed with the documents and fees prescribed by regulation.

Upon receipt of an application, the Régie shall inform the Minister.

66. The Régie shall publish a notice of the application in the *Gazette officielle du Québec* and in a daily newspaper distributed in the territory for which the application is made. The notice shall state

(1) that an application for exclusive natural gas distribution rights has been filed with the Régie;

(2) that a public hearing will be held to examine the application;

(3) that interested persons will be given the opportunity to present observations; and

(4) the place, date and time of the public hearing.

The public hearing may not be held before the expiry of 30 days after the later of the publications.

67. After the public hearing is held, the Régie shall advise the Government concerning the application for exclusive natural gas distribution rights.

68. Exclusive natural gas distribution rights may be granted for not more than 30 years. They may be renewed subject to the conditions determined by the Government.

69. Whenever the public interest so requires, the Government may, after obtaining the advice of the Régie, modify or revoke exclusive natural gas distribution rights.

70. The Minister shall give notice in the *Gazette officielle du Québec* of every grant, renewal, modification or revocation of exclusive natural gas distribution rights.

71. No one, except the holder of exclusive natural gas distribution rights, may operate a natural gas distribution system.

DIVISION II

OBLIGATIONS OF DISTRIBUTORS

72. Hydro-Québec and every natural gas distributor shall submit to the Régie for approval, at the intervals fixed by regulation of the Régie, a resource plan, the form and tenor of which are determined by regulation of the Régie, proposing strategies for achieving a balance between the supply of and the demand for the energy distributed by the distributor, through means which operate on both supply and demand, in keeping with economic, social and environmental concerns and having due regard for the risks inherent in the chosen sources of supply.

73. Hydro-Québec and every natural gas distributor must obtain the authorization of the Régie, subject to the conditions and in the cases the Régie determines by regulation, to

(1) acquire, construct or dispose of immovables or assets intended for the production, transmission or distribution of electric power or natural gas;

(2) extend or modify their distribution system;

(3) cease or suspend operations;

(4) alter the use of their distribution system;

(5) restructure their operations so as to exclude part thereof from the application of this Act; or

(6) export electric power from Québec, subject to the Act respecting the exportation of electric power (R.S.Q., chapter E-23).

In examining an application under subparagraph 1 of the first paragraph, the Régie shall give due consideration to the justification of energy needs.

In examining any application under this section, the Régie shall give due consideration to such economic, social and environmental concerns as have been identified by the Government.

An authorization under this section does not dispense Hydro-Québec or a natural gas distributor from seeking any other authorization required by law.

74. Hydro-Québec may not enter into any contract for the purchase or exchange of electric power without obtaining the approval of the Régie in the cases determined by the Régie.

The commercial programs of Hydro-Québec and of natural gas distributors also require the approval of the Régie.

In a territory served by an independent electric power distribution system, Hydro-Québec may also submit to the Régie, for approval, commercial programs relating to other forms of energy in order to ensure that consumers in that territory are treated equitably in terms of energy supply in relation to any other consumer of electric power supplied by Hydro-Québec for residential and water heating.

In examining an application under this section, the Régie shall give due consideration to changes in commercial practices.

75. Each year at the time determined by the Régie, Hydro-Québec and every natural gas distributor shall submit a report to the Régie containing the following information:

(1) its name;

(2) in the case of a company carrying on an enterprise, its capital stock, the various issues of securities made since the establishment of the enterprise or since the last report, and the names of its directors;

(3) its assets, liabilities, revenues and expenditures for the year;

(4) the prices and rates charged during the year; and

(5) any other information required by the Régie.

76. Hydro-Québec, every distributor operating a municipal electric power system and the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville are required to supply electric power to every person who so requests within the territory where their exclusive rights obtain.

The Régie may, at the request of a consumer or of an electric power distributor, dispense the distributor from complying with a request under this section only if the service may be provided in an equivalent manner and under equivalent conditions by another source of energy and if the Régie is of the opinion that the cost of the service requested would not be borne by the consumer.

77. A natural gas distributor is required to supply and deliver natural gas to every person who so requests within the territory served by the distributor's distribution system.

Within that territory, the distributor shall also, at the request of a consumer or at the request of a natural gas broker acting in his own name or in the name of a producer or a consumer, receive, transmit and deliver to the consumer natural gas purchased from a third person by the consumer for his own consumption.

78. Any interested person not served by a natural gas distribution system may apply to the Régie for an order directing a natural gas distributor to expand its distribution system within the territory where the distributor's exclusive rights obtain.

Such interested person may also request the Régie to recommend to the Government that it extend the territory where the exclusive rights of a natural gas distributor obtain and to order the distributor to expand its distribution system.

79. The Régie may, at the request of a consumer or a natural gas distributor, dispense the distributor from complying with a request under section 77 or 78 if the Régie is of the opinion that the public interest so requires or that the cost of the service would not be borne by the consumer.

The Régie may also dispense a natural gas distributor from complying with such request where it would be detrimental to the profitability or efficient operation of the distributor's enterprise or where the security of supply of another consumer is likely to be endangered.

Where natural gas is used mainly for space heating or domestic purposes, the Régie may also dispense a distributor from complying with a request under the second paragraph of section 77 if the Régie is of the opinion that, in view of the particular needs of the consumer and of the availability of natural gas, the security of supply under the conditions of supply agreed upon between the consumer and a third person is not comparable to that offered by a distributor.

80. The alienation or other transfer of an enterprise operating under exclusive natural gas distribution rights or the amalgamation of a legal person holding such rights may not be effected without the authorization of the Government.

The authorization of the Government is also required to transfer, assign, exchange or allot securities of a legal person holding exclusive distribution rights or to make any other transaction in respect of such securities if such a transaction directly or indirectly entails putting into the same hands or into the hands of a group of related persons within the meaning of the Taxation Act (R.S.Q., chapter I-3) securities or rights to acquire securities

(1) allowing the election of a majority of the directors of the legal person, in the case of securities exempt from the application of the Securities Act (R.S.Q., chapter V-1.1);

(2) representing more than 20% of the voting securities of the legal person, in the case of securities not exempt from the application of the Securities Act.

Where a partnership holds exclusive rights, every transaction in respect of the shares of the partnership must be authorized by the Government if it entails putting into the same hands or into the hands of a group of related persons within the meaning of the Taxation Act, shares or rights to acquire

shares of the partnership representing more than 50% of the partnership capital or, in the case of a limited partnership, shares allowing a person to act as a general partner.

Before deciding an application under this section, the Government shall obtain the advice of the Régie.

Any interested person may apply to a court of competent jurisdiction to have any act done in contravention of this section declared null.

This section also applies to distributors operating a municipal electric power system as well as to the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville.

81. Where a natural gas distributor is supplied natural gas by a supplier having a direct or indirect interest in the enterprise of the distributor, the distributor shall submit the supply contract to the Régie for approval.

The same applies where the natural gas distributor has a direct or indirect interest in the enterprise of the supplier.

82. A natural gas distributor is authorized to exercise as regards natural gas, within the territory where the distributor's exclusive distribution rights obtain, such powers relating to the sale and rental of apparatus and meters, work in the streets, on highways and in public places and interruptions of service and such power to enter upon private property as are provided for in sections 63 to 71 and 73 to 76 of the Gas, Water and Electricity Companies Act (R.S.Q., chapter C-44), subject to the restrictions, conditions and obligations specified in those sections.

The distributor may exercise the same powers, subject to the same restrictions, conditions and obligations, with respect to the construction of pipelines for the supply, transmission and delivery of natural gas to the distributor's customers in the territory for which exclusive distribution rights have been granted to the distributor, whether the pipelines are built wholly or partly within or outside that territory.

83. A natural gas distributor may acquire by agreement or expropriation any right of way, servitude or immovable required for the supply, transmission, delivery or overground storage of natural gas as well as for the installation of a pipeline leading to the storage site of a third person in the territory for which exclusive distribution rights have been granted to the distributor.

84. The installation of pipes, conduits, dependencies, apparatus or other works by a natural gas distributor under or along any public road, watercourse, street, lane or other public place in a municipality shall be effected pursuant to the conditions agreed upon between the parties or, failing agreement, pursuant to the conditions determined by the Régie.

Any agent of the natural gas distributor may, at any reasonable time, enter upon any immovable to effect such installation or to repair such works and to do any work required for such purpose, subject to paying any damage which may be caused.

85. Sections 87, 89 and 94 of the Gas, Water and Electric Companies Act (R.S.Q., chapter C-44), which pertain to illegal connections, damage to meters and apparatus exempt from seizure, apply in favour of a natural gas distributor.

CHAPTER VII

EXAMINATION OF CONSUMER COMPLAINTS

DIVISION I

SCOPE

86. This chapter applies to complaints addressed by consumers to an electric power or natural gas distributor concerning the application of a rate or condition for the supply or transmission of electric power or of a rate or condition for the transmission, supply or storage of natural gas.

DIVISION II

EXAMINATION BY DISTRIBUTOR

87. A complaint examination procedure shall be established by every distributor.

The procedure must be submitted to the Régie for approval.

88. Every distributor shall, within the time fixed by the Régie, publish the procedure in at least two newspapers distributed in the territory served by the distributor, specifying the place where complaints may be filed.

89. Once a year, every distributor shall send to its customers a pamphlet describing the procedure and indicating that a proceeding may be brought before the Régie as provided in Division III.

90. The distributor shall assist complainants who so request in formulating their complaint. The distributor shall give complainants an opportunity to present observations.

The distributor shall dismiss, on summary examination, any clearly unfounded or vexatious complaint.

91. The decision must be in writing and be notified to the complainant within 60 days or within any other period of time approved by the Régie. It must include the reasons therefor and indicate that a proceeding may be brought before the Régie as provided in Division III.

92. The distributor may review its decision.

93. If the distributor fails to forward the decision within the allotted time, the distributor is deemed to have forwarded a negative decision to the complainant on the day of expiry of that time.

DIVISION III

PROCEEDING BEFORE THE RÉGIE

94. Within 30 days of the date on which the distributor's decision is forwarded or deemed to have been forwarded, the complainant, if he disagrees with the decision, may apply to the Régie for the examination of the complaint.

95. The complaint, including the reasons therefor, must be submitted to the Régie in writing, together with the distributor's decision, if any.

The secretary of the Régie shall forward a copy of the complaint to the distributor.

96. Applications under this division shall be examined by a commissioner acting alone. However, the chairman, if he considers it necessary, may designate three commissioners to hear an application.

97. Within 15 days of receiving a copy of the complaint, the distributor shall forward to the secretary of the Régie the in-house examination file concerning the complaint.

The complainant may consult the file at the office of the distributor where he filed the complaint or at the office of the Régie. The complainant may, on payment of the reproduction costs, obtain a copy of the file.

98. In examining a complaint, the Régie shall ascertain whether the rates and conditions for the transmission or supply of electric power or the rates and conditions for the transmission, supply or storage of natural gas fixed by the Régie have been complied with by the distributor.

99. The Régie may refuse or cease to examine a complaint

(1) if the Régie has reasonable grounds to believe that the complaint is unfounded, vexatious or in bad faith or that an intervention on its part would serve no useful purpose;

(2) if more than one year has elapsed since the complainant became aware of the facts on which his complaint is based, unless the delay is justified by exceptional circumstances.

If the Régie refuses or ceases to examine a complaint, it shall inform the complainant and the distributor in writing of the reasons for such decision.

100. A person must furnish to the Régie any information required by the Régie for the examination of a complaint and must attend any meeting to which he is called.

101. If the Régie determines that a complaint is valid, it shall order the distributor to implement, within the time fixed by the Régie, measures determined by the Régie concerning the application of the rates or conditions; the Régie may also determine the date on which such measures are to be implemented.

CHAPTER VIII

FINANCIAL PROVISIONS

102. Every distributor shall pay to the Régie an annual duty at the rate and according to the terms and conditions prescribed by regulation of the Government.

This section applies to Hydro-Québec notwithstanding section 16 of the Hydro-Québec Act (R.S.Q., chapter H-5).

103. The Régie shall collect from distributors the fees prescribed by regulation of the Government for the examination of applications according to the prescribed terms and conditions.

104. The duties paid to the Régie and the fees collected by the Régie under this Act form part of its revenues.

105. The duties and fees shall be deposited, as they are collected, in a bank or with a savings and credit union governed by the Savings and Credit Unions Act (R.S.Q., chapter C-4.1).

106. Each year at the time determined by the Government, the chairman of the Régie shall submit to the Minister the budget estimates of the Régie for the following fiscal year, the form and tenor of which are determined by the Government.

The estimates require the approval of the Government.

107. No operating deficit may be incurred in any fiscal year.

Any amount by which revenues exceed expenditures in a fiscal year shall be carried over to the subsequent annual budget.

108. The Régie shall keep separate accounts for each distributor.

109. The books and accounts of the Régie shall be audited by the Auditor General annually and whenever so ordered by the Government.

CHAPTER IX

DIRECTIVES AND REGULATIONS

DIVISION I

DIRECTIVES

110. The Minister may issue directives concerning the general policy and objectives to be pursued by the Régie.

111. The directives of the Minister must be approved by the Government and shall come into force on the day of their approval. Once approved, the directives are binding upon the Régie which shall comply therewith.

Every directive shall be tabled in the National Assembly within 15 days of its approval by the Government or, if the Assembly is not in session, within 15 days of resumption.

DIVISION II

REGULATIONS

112. The Government may make regulations determining

(1) the rate and terms and conditions of payment of the annual duty payable to the Régie by a distributor;

(2) the fees payable for the examination of an application submitted to the Régie;

(3) the provisions of a regulation under section 114 the contravention of which constitutes an offence.

The rates, terms and conditions and fees referred to in subparagraphs 1 and 2 of the first paragraph may vary according to the distributor or class of distributors. A regulation hereunder may also exclude a distributor or class of distributors.

113. The Régie may adopt rules of procedure applicable to the examination of applications or to public hearings.

114. The Régie may make regulations determining

(1) operating standards and technical requirements to be met by Hydro-Québec or by natural gas distributors;

(2) standards concerning the continuation of an electric power or natural gas distribution system;

(3) standards concerning rate-related methods and practices;

(4) standards concerning accounting methods and practices and administrative and financial practices to be applied by Hydro-Québec or by natural gas distributors;

(5) the documents required for the examination of an application;

(6) the cases in which an operation referred to in section 73 requires an authorization and the applicable conditions;

(7) the form and tenor of a resource plan, and the intervals at which such a plan is to be submitted.

115. The rules of procedure and regulations made by the Régie must be submitted to the Government for approval.

CHAPTER X

PENAL PROVISIONS

116. Whoever contravenes any of the provisions of the second paragraph of section 56 and sections 61, 71 and 80 or any decision of the Régie is liable to a fine of $2,000 to $4,000 for the first offence and of $5,000 to $50,000 for every subsequent offence.

Moreover,

(1) Hydro-Québec or any natural gas distributor, if it contravenes any of the provisions of the first paragraph of section 53, sections 72 and 73 and the second paragraph of section 74,

(2) Hydro-Québec, if it contravenes the first paragraph of section 74,

(3) any natural gas distributor, if it contravenes section 81, or

(4) any electric power or natural gas distributor, if it contravenes section 87, is liable to the penalties prescribed in the first paragraph.

117. Hydro-Québec or any natural gas distributor, if it contravenes a regulatory provision determined under subparagraph 3 of the first paragraph of section 112 or whoever contravenes any of the provisions of sections 46 and 47 is liable to a fine of $1,000 to $2,000 for the first offence and of $2,000 to $5,000 for every subsequent offence.

Hydro-Québec or any natural gas distributor, if it fails to submit the report referred to in section 75 or produces false information in that report, is liable to the penalties prescribed in the first paragraph.

CHAPTER XI

AMENDING PROVISIONS

ACT RESPECTING THE EXAMINATION OF COMPLAINTS FROM CUSTOMERS OF ELECTRICITY DISTRIBUTORS

118. The Act respecting the examination of complaints from customers of electricity distributors (R.S.Q., chapter E-17.1) is repealed.

ACT RESPECTING THE EXPORTATION OF ELECTRIC POWER

119. Section 6 of the Act respecting the exportation of electric power (R.S.Q., chapter E-23) is amended by replacing the words "such conditions as it may determine" in the first and second lines by the words "the conditions and in the cases it determines".

120. Section 6.1 of the said Act is replaced by the following section :

"**6.1.** Every contract for the exportation of power and energy by Hydro-Québec under which Hydro-Québec cannot interrupt delivery unilaterally must be submitted to the Government for authorization, which authorization may be given in the cases and subject to the conditions determined by the Government.

Without such authorization, Hydro-Québec may not submit an application under subparagraph 6 of the first paragraph of section 73 of the Act respecting the Régie de l'énergie (1996, chapter 61)."

HYDRO-QUÉBEC ACT

121. Section 1 of the Hydro-Québec Act (R.S.Q., chapter H-5) is amended by replacing paragraph 2 by the following paragraph :

"(2) "Régie" means the Régie de l'énergie ;".

122. Section 21.3 of the said Act is amended by replacing the word "development" in the first line of the first paragraph and in the second paragraph by the word "strategic".

123. Section 22.0.1 of the said Act is replaced by the following section :

"**22.0.1.** The rates and the conditions for the supply of power shall be fixed by the Régie.

However, notwithstanding subparagraph 1 of the first paragraph of section 31 of the Act respecting the Régie de l'énergie (1996, chapter 61), the Government shall, in respect of a special contract determined by it for the supply of new or additional power to be billed of 10 MW or more, fix the rates

and conditions upon which electric power is supplied by the Corporation to an industrial customer."

124. Section 21.4 of the said Act, enacted by section 1 of chapter 46 of the statutes of 1996, is repealed.

125. Section 26 of the said Act is amended by replacing the words "established by the Corporation or against any obligation contracted in its favour" in the third and fourth lines by the words "fixed by the Régie or by the Government or against any obligation contracted in favour of the Corporation".

126. Section 29 of the said Act is amended by striking out the seventh paragraph.

127. Section 30 of the said Act is amended

(1) by striking out the words "des télécommunications" in the fourth and fifth lines of the first paragraph;

(2) by inserting the words ", at any reasonable time," after the word "may" in the first line of the second paragraph.

CONSUMER PROTECTION ACT

128. Section 5 of the Consumer Protection Act (R.S.Q., chapter P-40.1), amended by section 791 of chapter 2 of the statutes of 1996, is again amended by replacing the words "Act respecting the Régie du gaz naturel (chapter R-8.02)" in the second line of paragraph *b* by the words "Act respecting the Régie de l'énergie (1996, chapter 61)".

ACT RESPECTING THE RÉGIE DU GAZ NATUREL

129. The Act respecting the Régie du gaz naturel (R.S.Q., chapter R-8.02) is repealed.

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

130. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2), amended by section 19 of chapter 27 of the statutes of 1995, is again amended by inserting, alphabetically, the words "The Régie de l'énergie".

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

131. Schedule I to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by inserting, alphabetically, in paragraph 1, the words "the Régie de l'énergie, in respect of the employees

referred to in section 150 of the Act respecting the Régie de l'énergie (1996, chapter 61)".

ACT RESPECTING MUNICIPAL AND
PRIVATE ELECTRIC POWER SYSTEMS

132. Section 2 of the Act respecting municipal and private electric power systems (R.S.Q., chapter S-41), amended by section 946 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words "du gaz naturel" in paragraph 1 by the words "de l'énergie";

(2) by inserting the words "other than Hydro-Québec," after the word "receivers," in the third line of paragraph 3.

133. Section 8 of the said Act, amended by section 951 of chapter 2 of the statutes of 1996, is again amended by replacing the word "established" in the third line of the second paragraph by the words "fixed by the Board for electricity supplied".

134. Section 16 of the said Act, amended by section 951 of chapter 2 of the statutes of 1996, is replaced by the following section:

"**16.** If a municipality cannot come to an agreement with Hydro-Québec to obtain electricity, the municipality may apply to the Board and the Board may order Hydro-Québec to supply electricity to the municipality on the terms and conditions determined by the Board.

A municipality may, with the authorization of and subject to the conditions determined by the Government, purchase electricity from any other public service."

135. Section 17 of the said Act, replaced by section 950 of chapter 2 of the statutes of 1996, is repealed.

136. Section 17.1 of the said Act is amended by replacing the word "established" in the fifth line of the first paragraph by the words "fixed by the Board for electricity supplied".

ACT RESPECTING THE USE OF PETROLEUM PRODUCTS

137. Section 1 of the Act respecting the use of petroleum products (R.S.Q., chapter U-1.1) is amended by striking out paragraph 3.

138. Chapter IV of the said Act is repealed.

139. The said Act is amended by inserting, before Chapter V, the following chapter:

“CHAPTER IV.1

“ABUSIVE PRACTICES IN GASOLINE AND DIESEL FUEL SALES

“**45.1.** Where, in a given zone, an enterprise sells gasoline or diesel fuel at retail for a price that is lower than the cost to a retailer in that zone of purchasing and reselling that product, the enterprise is presumed to be exercising its rights in an abusive and unreasonable manner, contrary to the requirements of good faith, and to have committed a fault against the retailer.

The court may condemn the enterprise having committed the fault to pay punitive damages.

For the purposes of the first paragraph,

(1) the cost to the retailer is the sum of

(*a*) the minimum price at the loading ramp published in the periodical designated by the Minister in a notice in the *Gazette officielle du Québec*;

(*b*) the minimum transportation cost, that is, the cost to the retailer of conveying the product from the refinery to the service station by the most economical means of transportation;

(*c*) the federal and provincial taxes;

(*d*) the amount representing operating costs determined by the Régie de l’énergie under section 59 of the Act respecting the Régie de l’énergie (1996, chapter 61), unless the Régie decides otherwise;

(2) a zone is the territory of a local municipality or a sale zone determined by the Régie de l’énergie, where that is the case.”

140. Section 65 of the said Act is amended by striking out the figures “43, 44,” in the second line.

141. Section 77 of the said Act is amended by striking out the figure “42,” in the second line.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

142. Section 190 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), amended by section 1105 of chapter 2 of the statutes of 1996, is again amended by replacing the words “du gaz naturel” in the fourth and fifth lines by the words “de l’énergie”.

ACT RESPECTING THE COOPÉRATIVE RÉGIONALE D'ÉLECTRICITÉ DE SAINT-JEAN-BAPTISTE DE ROUVILLE AND REPEALING THE ACT TO PROMOTE RURAL ELECTRIFICATION BY MEANS OF ELECTRICITY COOPERATIVES

143. Section 2 of the Act respecting the Coopérative régionale d'électricité de Saint-Jean-Baptiste de Rouville and repealing the Act to promote rural electrification by means of electricity cooperatives (1986, chapter 21) is amended by replacing the words "des services publics" in the fifth line by the words "de l'énergie".

144. Section 3 of the said Act is amended by inserting the words ", at any reasonable time," after the word "may" in the first line.

145. Section 9 of the said Act is amended by replacing the word "established" in the third line of the second paragraph by the words "fixed by the Régie for electricity supplied".

146. Section 10 of the said Act is amended by replacing the words "des services publics" in the second line by the words "de l'énergie".

CHAPTER XII

TRANSITIONAL AND FINAL PROVISIONS

147. The term of office of the commissioners of the Régie du gaz naturel shall end on (*insert here the date of coming into force of section 129*). The term of office of the Commissioner appointed under the Act respecting the examination of complaints from customers of electricity distributors shall end on (*insert here the date of coming into force of section 118*).

However, the commissioners of the Régie may, notwithstanding the expiry of their term, continue to examine and decide applications having been referred to them. They shall, in that case, be remunerated at an hourly rate determined on the basis of their annual salary.

148. Notwithstanding the first paragraph of section 10, the term of office of the first commissioners of the Régie appointed by the Government is three years as regards two of them, four years as regards two others and five years as regards the remaining three.

149. The employees of the Régie du gaz naturel and those placed at the disposal of the Commissioner appointed under the Act respecting the examination of complaints from customers of electricity distributors shall become employees of the Régie de l'énergie to the extent determined by the Government.

Such employees shall hold the positions and exercise the functions assigned to them by the Régie.

150. Any person in the employ of the Régie may apply for a transfer to a position in the civil service or enter a competition for promotion in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) if, on (*insert here the date of coming into force of this section*), the person was an employee with permanent tenure governed by the Public Service Act or if the person's transfer or appointment to the Régie occurred within the 12 months following that date.

151. Section 35 of the Public Service Act applies to any employee of the Régie referred to in section 150 who enters a competition for promotion to a position in the public service.

152. Where an employee of the Régie referred to in section 150 applies for a transfer or enters a competition for promotion, the employee may require the chairman of the Conseil du trésor to give him an assessment of the classification that would be assigned to him in the public service. The assessment must take account of the classification that the employee had in the public service on the date on which he ceased to be a public servant, as well as the years of experience and the formal training acquired in the course of his employment with the Régie.

Where an employee of the Régie is transferred pursuant to the first paragraph, the deputy minister or chief executive officer shall assign to him a classification compatible with the assessment obtained under the first paragraph.

Where an employee of the Régie is promoted pursuant to section 151, his classification must take account of the criteria set out in the first paragraph.

153. If some or all of the activities of the Régie are discontinued or if there is a shortage of work, any employee of the Régie referred to in section 150 is entitled to be placed on reserve in the public service with the classification he had on the date on which he ceased to be a public servant.

In such a case, the chairman of the Conseil du trésor shall, where applicable, establish his classification on the basis of the criteria set out in the first paragraph of section 152.

154. An employee placed on reserve pursuant to section 153 shall remain in the employ of the Régie until the chairman of the Conseil du trésor can assign him a position.

155. Subject to the remedies available under a collective agreement, any employee of the Régie referred to in section 150 who is removed from office or dismissed may bring an appeal under section 33 of the Public Service Act.

156. The associations of employees certified in accordance with the provisions of Chapter IV of the Public Service Act which represented groups of employees on the date of the transfer or appointment of employees referred to in section 150 shall continue to represent those employees at the Régie de

l'énergie until the expiry of the collective agreements in force at the time of the transfer or appointment.

Such associations of employees shall also represent the other employees of the Régie, according to the group to which they belong, until the expiry of the collective agreements referred to in the first paragraph.

The provisions of such collective agreements shall continue to apply to the employees of the Régie to the extent that they are applicable to them, until their date of expiry.

However, the provisions of such collective agreements concerning job security shall not apply to the employees referred to in the second paragraph.

157. Unless the context indicates otherwise, the term "Régie du gaz naturel" wherever it appears in any Act, regulation, order in council, contract or other legal instrument is replaced by the term "Régie de l'énergie".

158. In all Acts and statutory instruments, every reference to a provision of the Act respecting the Régie du gaz naturel shall be a reference to the corresponding provision of this Act.

159. Every decision, order, regulation and resolution of the Régie du gaz naturel in any matter governed by this Act shall retain their effect until they are repealed, amended or replaced by a decision, order, regulation or resolution under this Act.

160. Proceedings instituted before the Commissioner appointed under the Act respecting the examination of complaints from customers of electricity distributors in any matter governed by Chapter VII shall be continued before the Régie de l'énergie, without further formality and according to the provisions of this Act.

161. The Régie shall become, without continuance of suit, a party to any proceeding instituted by or against the Régie du gaz naturel.

162. Proceedings instituted before the Régie du gaz naturel in any matter governed by this Act shall be continued before the Régie de l'énergie, without further formality and according to the provisions of this Act.

163. A commissioner appointed under this Act may, if the Government provides therefor, hold that office concurrently with the office of controller appointed under the Act respecting the Régie des télécommunications (R.S.Q., chapter R-8.01), including the office of chairman or vice-chairman.

164. Regulations and contracts made under section 22.0.1 of the Hydro-Québec Act before the coming into force of section 123 of this Act shall retain their effect until they are repealed, amended or replaced by a regulation, contract, decision or order under this Act.

165. The Government may, until the coming into force of Chapter IV insofar as it applies to Hydro-Québec, fix or modify a rate for the supply of electric power by Hydro-Québec by adjusting the rates then in effect by not more than the average variation in the annual Consumer Price Index for Canada for the 12 months of the preceding year in relation to such Index for the 12 months of the year preceding that year.

The Consumer Price Index for Canada is that published by Statistics Canada under the Statistics Act (Revised Statutes of Canada, 1985, chapter S-19).

166. The records and documents of the Régie du gaz naturel shall become, without further formality, the records and documents of the Régie de l'énergie.

167. On the proposal of Hydro-Québec, the Régie shall, within six months of the coming into force of this section, advise the Government on a procedure for the determination and implementation of rates for the supply of electric power in respect of a consumer or class of consumers referred to in section 52.

The Government shall determine, by order, for the purposes of sections 1 and 52 particularly, a procedure for the determination and implementation of the rates referred to in the preceding paragraph.

The Régie shall also, within the time determined by the Government, advise the Government on the advisability of and the terms and conditions applicable to the liberalization of electric power markets.

168. Three years after the coming into force of this Act, the Minister shall report to the Government on the effects and impact of this Act on the energy sector.

The report shall be tabled in the National Assembly within the 15 following days or, if the Assembly is not sitting, within 15 days of resumption.

169. Within one year following the determination of an amount under section 59, the Régie shall report to the Minister on the impact of the measures introduced by sections 59 and 139 on prices and commercial practices in the gasoline and diesel fuel retail business.

The report shall be tabled in the National Assembly if it is sitting or, if it is not in session, within 30 days of resumption.

170. The appropriations granted to the Régie du gaz naturel shall be transferred to the Régie de l'énergie to the extent determined by the Government.

171. The Minister of Natural Resources is responsible for the administration of this Act.

172. The Government may provide that a provision of this Act or the regulations comes into force on different dates according as it applies to electric power, to natural gas, to steam or to petroleum products.

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

However, section 139, with the exception of paragraph *d* of subparagraph 1 of the third paragraph of section 45.1 of the Act respecting the use of energy products, comes into force on 23 December 1996.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 62
(1996, chapter 65)

An Act to amend the Professional Code with regard to the committees on discipline of the professional orders

Introduced 12 November 1996
Passage in principle 9 December 1996
Passage 20 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTE

The effect of this bill is to confirm that the members of the committee on discipline of a professional order may, even though they have been replaced, continue to hear and decide the complaints before them.

Bill 62

AN ACT TO AMEND THE PROFESSIONAL CODE WITH REGARD TO THE COMMITTEES ON DISCIPLINE OF THE PROFESSIONAL ORDERS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Professional Code (R.S.Q., chapter C-26) is amended by inserting, after section 118.2, the following section:

"**118.3.** The members of the committee may, even though they have been replaced, continue to hear a complaint of which they have been seized and render a decision regarding the complaint. A member of a committee on discipline or a committee on discipline is deemed to be seized of a complaint from the date on which the complaint is served upon the professional pursuant to section 132 or, where the committee is composed of more than three members, from the date on which the two members other than the chairman or substitute chairman are chosen pursuant to section 138."

2. This Act has effect from 1 February 1974.

3. This Act comes into force on 23 December 1996.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 66

(1996, chapter 66)

An Act to establish a departure incentive management fund

Introduced 13 November 1996
Passage in principle 6 December 1996
Passage 20 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill establishes a departure incentive management fund for the financing of the cost of the departure incentive program in effect in the public service.

The bill also contains the rules governing the operation of the fund.

Bill 66

AN ACT TO ESTABLISH A DEPARTURE INCENTIVE MANAGEMENT FUND

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. A departure incentive management fund is hereby established at the Conseil du trésor for the financing of the cost of the departure incentive program in effect in the public service.

2. The fund shall be made up of the following sums, except interest:

(1) the sums paid into the fund by the Minister of Finance pursuant to the first paragraph of section 6 or section 7;

(2) the sums paid into the fund by the Minister and taken out of the appropriations granted for that purpose by Parliament.

3. The sums required for the following purposes shall be taken out of the fund:

(1) the payment of departure incentives to public servants pursuant to the Cadre de gestion de la mesure de départ assisté dans la fonction publique, adopted by the Conseil du trésor;

(2) the payment, to the extent determined by the Government, of the remuneration of and expenditures relating to the employment benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), to the operations of the fund.

4. The Government shall determine the nature of the costs that may be charged to the fund. It shall also determine the fund's expense averaging period, which may not extend beyond 1 April 2001 or beyond any later date fixed by the Government under section 12.

5. The management of the sums making up 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 designated by him.

Notwithstanding section 13 of the Financial Administration Act (R.S.Q., chapter A-6), the Minister shall keep the books of account of the fund and record the financial commitments chargeable to the fund. In addition, the Minister shall certify that such commitments and the payments arising therefrom do not exceed and are consistent with the available balances.

6. The Minister of Finance may, with the authorization of and subject to the conditions determined by the Government, advance to the fund sums taken out of the consolidated revenue fund.

Conversely, the Minister of Finance may, subject to the conditions he determines, advance to the consolidated revenue fund on a short-term basis any part of the sums making up the fund that is not required for its operation.

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

7. The Minister may, as manager of the fund, borrow from the Minister of Finance sums taken out of the financing fund of the Ministère des Finances.

8. 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.

9. The fiscal year of the fund shall end on 31 March.

10. 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 fund the sums required for the execution of a judgment against the Crown that has become *res judicata*.

11. The Government shall designate the Minister who shall be responsible for the administration of this Act.

12. This Act shall have effect from 1 July 1996. It shall cease to have effect on 1 April 2001 or on any later date determined by the Government.

Any surpluses of the fund as of the date this Act ceases to have effect shall be paid into the consolidated revenue fund.

13. This Act comes into force on 23 December 1996.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 67
(1996, chapter 67)

An Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions

Introduced 14 November 1996
Passage in principle 11 December 1996
Passage 20 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill amends the Act respecting municipal taxation to establish a new procedure for administrative review of real estate assessments. It is proposed that proceedings before the Bureau de révision de l'évaluation foncière be preceded by an application for review to be processed by the assessor of the municipal body responsible for assessment. The framework of the proposed review process will allow the parties to come to an agreement on alterations to be made to the assessment roll and the roll of rental values without having to involve the assessment review board. In addition, the current procedure for correcting the roll is to be simplified so that the assessment review board will no longer have to intervene in cases where the alteration proposed by the assessor is not contested.

The bill also proposes a 60-day time limit following the deposit of the roll within which a local municipality must send an assessment notice to an owner of an immovable valued on the roll at more than $1,000,000 and to an occupant of a place of business having a rental value that exceeds $100,000. It introduces new cases in which an assessor may alter the roll in force to reflect various changes in circumstances. In addition, the tax regime for certain immovables belonging to an urban community, a regional county municipality, one of their mandataries or a transit corporation is modified by increasing the maximum amount of the municipal services compensation applicable to them.

The bill adds a regulatory power enabling the Government to prescribe an assessment method intended specifically for single-use immovables of an industrial or institutional nature. Also, occupants of an immovable or part of an immovable belonging to a municipality are exempted from all municipal taxes if its real estate value is less than $50,000. It is further proposed that the penalty imposed for unpaid municipal taxes be extended to real estate transfer duties.

Lastly, the bill empowers the municipalities to waive, by an agreement approved by the Government, their power to levy taxes and to enforce by-laws on an Indian reserve, and changes the deposit schedule for the assessment rolls of the municipalities within the Communauté urbaine de Montréal and, in certain cases, the length of time the rolls are to remain in force.

LEGISLATION AMENDED BY THIS BILL:

– 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 Montréal (R.S.Q., chapter C-37.2);

– Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);

– Act respecting municipal taxation (R.S.Q., chapter F-2.1).

Bill 67

AN ACT TO ESTABLISH AN ADMINISTRATIVE REVIEW PROCEDURE FOR REAL ESTATE ASSESSMENT AND TO AMEND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 46 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by inserting the figure "12.1," after the figure "12," in the first line of the second paragraph.

2. Section 69.6 of the said Act is amended by inserting the figure "12.1," after the figure "12," in the first line of paragraph 11.

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

"**74.** The notice provided for in section 73 must also mention the period during which an application for review under Division I of Chapter X may be filed in respect of the roll, the place where the application must be filed and the manner for filing."

4. Section 74.1 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**74.1.** During the three months preceding the beginning of each of the second and third fiscal years to which a roll applies, the clerk of the local municipality shall give a notice that mentions the period during which an application for review under Division I of Chapter X, on the ground that the assessor did not make an alteration to the roll that he ought to have made pursuant to section 174 or 174.2, may be filed in respect of the roll, the place where the application must be filed and the manner for filing."

5. Section 76 of the said Act is amended by replacing the words "object of a complaint, a request for a correction *ex officio*" in the second line of the second paragraph by the words "subject of an application for review, a complaint, a proposal for a correction".

6. Section 79 of the said Act is amended by replacing the second sentence of the second paragraph by the following sentence: "The same applies to a person having filed an application for review or to a complainant with respect to the immovable or place of business in respect of which the application for review or the complaint has been made."

7. Section 80.1 of the said Act is amended by replacing the words "occupant or" in the first line of the second paragraph by the words "an occupant, a person having filed an application for review or a".

8. Section 81 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following: "However, the clerk shall mail the notice of assessment within 60 days after the deposit of the roll in the case of a notice sent for the fiscal year during which the roll comes into force and that relates to a unit or place whose value entered on the roll is equal to or greater than $1,000,000 or $100,000, respectively.";

(2) by replacing the words "He shall, before the same date" in the first line of the second paragraph by the words "The clerk shall, before 1 March each year";

(3) by adding, at the end of the fourth paragraph, the following sentence: "They may be contained in a single document.";

(4) by striking out the fifth paragraph.

9. Section 85 of the said Act is amended by replacing the words "and requests for correction *ex officio* under Chapter XI" in the second line by the words ", in addition to what is provided for in section 156".

10. The heading of Chapter X of the said Act is replaced by the following:

"CHAPTER X

"ADMINISTRATIVE REVIEW AND COMPLAINTS

"DIVISION I

"ADMINISTRATIVE REVIEW".

11. Section 124 of the said Act is amended

(1) by replacing the words "submit a written complaint in that regard and refer it to the board" in the third and fourth lines of the first paragraph by the words "file an application for review in that regard with the municipal body responsible for assessment";

(2) by striking out the words "by means of a complaint," in the first line of the second paragraph;

(3) by replacing the words "complaint may be submitted" in the first line of the fourth paragraph by the words "application for review may be filed";

(4) by adding, after the fourth paragraph, the following paragraph:

"During the time that an agreement entered into under section 196.1 is effective, all applications for review in respect of property situated in the territory of a local municipality with which the agreement was entered into must be filed with that municipality."

12. Section 125 of the said Act is amended

(1) by replacing the words "submit a complaint" in the second line by the words "file an application for review";

(2) by replacing the word "complaint" in the third line by the word "application".

13. Section 126 of the said Act, amended by section 29 of chapter 30 of the statutes of 1994, is again amended by replacing the words "submit a complaint" in the first line of the first paragraph and the words "file a complaint" in the first line of the second paragraph by the words "file an application for review".

14. Section 128 of the said Act is amended by replacing the word "complaint" in the first line by the words "application for review".

15. Section 129 of the said Act is amended

(1) by replacing the words "On pain of being dismissed, complaints must be made on a complaint" in the first line by the words "The application for review must be made on the";

(2) by inserting the words ", otherwise it is deemed not to have been filed" after the figure "263" in the second line.

16. Section 130 of the said Act is amended by replacing the word "complaint" in the first line by the words "application for review".

17. Section 131 of the said Act, amended by section 77 of chapter 34 of the statutes of 1995, is again amended

(1) by replacing the word "complaint" in the third line by the words "application for review";

(2) by replacing the word "sixty" in the fourth line by the figure "60".

18. Section 131.1 of the said Act, amended by section 30 of chapter 30 of the statutes of 1994 and by section 12 of chapter 64 of the statutes of 1995, is again amended

(1) by replacing the words "a complaint" in the sixth line of the first paragraph and in the ninth and tenth lines of the second paragraph by the words "an application for review";

(2) by inserting the words “for a reimbursement” after the words “subject of the application” in the eleventh line of the second paragraph.

19. Section 131.2 of the said Act is amended by replacing the words “A complaint” in the first line by the words “An application for review”.

20. Section 132 of the said Act, amended by section 31 of chapter 30 of the statutes of 1994, is again amended

(1) by replacing the word “complaint” in the first line by the words “application for review”;

(2) by replacing the words “a complaint” in the sixth line by the words “an application”.

21. Section 133 of the said Act, amended by section 32 of chapter 30 of the statutes of 1994, is again amended

(1) by replacing the words “a complaint” in the second line by the words “an application for review”;

(2) by replacing the words “a complaint” in the fifth line by the words “an application”.

22. Sections 134 to 137 of the said Act are replaced by the following sections:

“**134.** Where the clerk sends the notice of assessment tardily for the fiscal year during which the roll comes into force, an application for review relating to the unit of assessment or the place of business indicated in the notice may be filed after the expiry of the time prescribed in section 130 or 131, as the case may be, provided that the application is filed before the expiry of 60 days following the sending or of 120 days if the notice relates to a unit or place whose value entered on the roll is equal to or greater than $1,000,000 or $100,000, respectively.

“**134.1.** Where, by reason of circumstances of irresistible force, an application for review could not be filed within the time applicable under sections 130 to 134, the application may be filed within 60 days after those circumstances cease to exist.

“**135.** The filing of an application for review is effected by the filing of the form referred to in section 129, duly filled out, at the office of the municipal body responsible for assessment or of the local municipality, as the case may be, or at any other location determined by the body or municipality. The filing of the application may also be effected by the sending of the form, duly filled out, by registered mail to the body or municipality; in such a case, the application is deemed to have been filed on the day of its sending.

The sum of money determined by the by-law passed by the body under section 263.2 must be included with the form, otherwise the application is deemed not to have been filed.

If an application for review concerns two or more units of assessment or places of business, one application per unit of assessment or place of business is deemed to have been filed.

The personnel on duty at a location at which an application for review is filed must assist a person who requires it in filling out the form and in computing the sum of money that must accompany the application.

"**135.1.** If an application for review is filed pursuant to an agreement entered into under section 196.1 with a local municipality that does not have jurisdiction over assessment, the clerk shall send the form, any sum of money included therewith and any other accompanying documents to the municipal body responsible for assessment.

"**136.** The clerk of the municipal body responsible for assessment with whom an application for review has been filed or to whom the form has been sent pursuant to section 135.1, shall as soon as possible send the form and other accompanying documents, if any, to the assessor.

Other than in the case where the application was filed with the local municipality or where the local municipality is the applicant, the clerk of the municipal body shall send a copy of the form and accompanying documents, if any, to the municipality.

"**137.** If the applicant is not the person in whose name the unit of assessment or place of business concerned in the application for review is entered on the roll, the clerk of the municipal body responsible for assessment shall send a copy of the form to that person as soon as possible."

23. Section 138 of the said Act is repealed.

24. Section 138.1 of the said Act, amended by section 36 of chapter 30 of the statutes of 1994, is replaced by the following section:

"**138.1.** The clerk of the municipal body responsible for assessment shall inform the Minister of Municipal Affairs of every application for review which, in the event of an alteration to the roll in favour of the applicant, would have the effect of requiring the Government to pay an amount under section 210, 254 or 257 in respect of the property concerned in the application.

The clerk shall inform the Minister of Agriculture, Fisheries and Food of any application for review which, in the event of an alteration to the roll in favour of the applicant, would cause a unit of assessment to become subject to the second paragraph of section 80.2 or would cause a change in the proportion of the taxable value of the unit represented by the taxable value of the agricultural operation described in that paragraph."

25. The said Act is amended by inserting, after section 138.1, the following:

"**138.2.** The clerk of the municipal body responsible for assesment shall, where an application for review seeks to have a third person entered on the roll as an occupant, inform that third person of the application.

"**138.3.** The assessor seized of an application for review shall assess the merits of the contestation. He shall, before the expiry of the time limit prescribed in section 138.4, make to the applicant a written proposal to alter the roll or inform the applicant in writing that no alteration will be proposed.

In the latter case, the assessor's decision must contain reasons.

"**138.4.** Where an application for review must be filed before 1 May following the coming into force of the roll, the applicant and the assessor may enter into an agreement on an alteration to the roll on or before 1 September of the same year.

In every other case, such an agreement may be entered into on or before the later of 1 September following the coming into force of the roll and the date occurring four months after the date of the filing of the application for review.

The agreement must be in writing and specify the date from which the alteration to the roll resulting from the agreement is to have effect.

A municipal body responsible for assessment may, before 15 August of the year following the coming into force of the roll, extend until 1 November of the same year the time limit for entering into an agreement under the first paragraph.

The clerk of the body must, as soon as possible, give notice of the extension to the board and to the persons having filed an application for review referred to in the first paragraph who have not entered into an agreement under that paragraph.

"DIVISION II

"COMPLAINTS

"**138.5.** The person having filed the application for review may file with the board a complaint having the same object as the application

(1) where the assessor made to the person a proposal to alter the roll;

(2) where the assessor informed the person in writing that no alteration would be proposed;

(3) where the time limit for entering into an agreement under section 138.4 expired without such an agreement being entered into.

If such an agreement is entered into, the following persons other than the person having made the application for review may, in the circumstances mentioned, if applicable, file a complaint before the board to contest the alteration arising from the agreement:

(1) the person in whose name the unit of assessment or place of business concerned by the alteration is entered on the roll or was entered thereon immediately before the alteration;

(2) the person who, as a result of the alteration, was entered on the roll as occupant of the unit of assessment;

(3) the local municipality, the school board or the municipal body responsible for assessment concerned, if the alteration concerns a unit of assessment or a place of business that is not entered on the roll in its name and if the complaint is based on a question of law;

(4) the Minister of Municipal Affairs, if the alteration concerns an entry used in calculating a sum payable by the Government under section 210, 254 or 257;

(5) the Minister of Agriculture, Fisheries and Food, if the alteration concerns an entry relating to a unit of assessment referred to in the second paragraph of section 80.2.

A complaint under the first paragraph must be filed on or before the thirtieth day after the time limit for entering into an agreement under section 138.4.

A complaint under the second paragraph must be filed before the later of 1 May following the coming into force of the roll and the sixty-first day following

(1) the sending to the complainant of the notice provided for in section 180, in the case described in subparagraph 1 of that second paragraph;

(2) the sending to the complainant of a copy of the notice provided for in section 180, in the case described in subparagraph 2 of that second paragraph or in the case where the school board or the municipal body responsible for assessment is the complainant under subparagraph 3 of that second paragraph;

(3) the sending to the clerk of the local municipality of the certificate of alteration, in the case where the municipality is the complainant under subparagraph 3 of that second paragraph;

(4) receipt by the complainant of a copy of the notice provided for in section 180, in a case described in subparagraph 4 or 5 of that second paragraph.

Where, by reason of circumstances of irresistible force, a complaint could not be filed within the time applicable under this section, the complaint may be filed within 60 days after those circumstances cease to exist.

"**138.6.** The complaint must state briefly the grounds invoked and the conclusions sought.

"**138.7.** The complaint must be made on the form prescribed by regulation under paragraph 2 of section 263, otherwise it is deemed not to have been filed.

"**138.8.** The filing of a complaint is effected by the filing of the form, duly filled out, at any place where an application for the recovery of a small claim may be filed in accordance with Book VIII of the Code of Civil Procedure (chapter C-25).

The sum of money determined by the regulation of the Government under paragraph 8 of section 262 must be included with the form, otherwise the complaint is deemed not to have been filed.

If a complaint concerns two or more units of assessment or places of business, one complaint per unit of assessment or place of business is deemed to have been filed.

The personnel on duty at a location at which a complaint is filed must assist a person who requires it in filling out the form and in calculating the sum of money that must be included with the form.

A member of the personnel shall, as soon as possible, send the form and accompanying documents, if any, to the board.

"**138.9.** In addition to the complainant, the following persons are parties to the dispute before the board by the sole fact of the filing of the complaint:

(1) the local municipality;

(2) the municipal body responsible for assessment;

(3) the person in whose name the unit of assessment or place of business concerned in the complaint is entered on the roll;

(4) the Minister of Municipal Affairs in a case described in the first paragraph of section 138.1;

(5) the Minister of Agriculture, Fisheries and Food in a case described in the second paragraph of section 138.1;

(6) the person that the complaint seeks to have entered on the roll as occupant of the unit of assessment.

"**138.10.** The secretary of the board shall send a copy of the form and of the accompanying documents, if any, to the assessor and to the parties to the dispute other than the complainant."

26. Section 141 of the said Act is amended by replacing the third paragraph by the following paragraph:

"Where such is the case, the council of the municipal body responsible for assessment or of the local municipality may delegate to the executive or administrative committee the authority to express such agreement or disagreement."

27. Section 142 of the said Act is amended by striking out the words ", without previously advising the board," in the second and third lines of the first paragraph.

28. Section 151 of the said Act is amended

(1) by replacing the words "submit a substantiated request to the board to alter, add or strike out an entry on the roll" in the second and third lines of the first paragraph by the words "propose to the person in whose name the unit of assessment or place of business concerned is entered on the roll that an entry on the roll be altered or struck out or that an entry be added to the roll";

(2) by replacing the words "request may be submitted" in the first line of the second paragraph by the words "proposal may be made".

29. Section 152 of the said Act is repealed.

30. Section 153 of the said Act, amended by section 41 of chapter 30 of the statutes of 1994, is replaced by the following section:

"**153.** A proposal for a correction shall be made by the sending of a notice in writing that sets forth the proposed correction, the right provided in section 154, the manner in which the right may be exercised and how the time in which it may be exercised is established.

A copy of the notice shall be sent to any person who, under section 179 or 180, would be entitled to receive the certificate of alteration or a copy of the notice of alteration if the proposed alteration were made."

31. Section 154 of the said Act, amended by section 42 of chapter 30 of the statutes of 1994, is again amended

(1) by replacing the words "Any person referred to in sections 124 to 126 may file a complaint against the correction requested" in the first and second lines by the words "Every person referred to in any of sections 124 to 126 may file an application for review in respect of the proposal";

(2) by replacing the words “a complaint” in the second line of paragraph 2 by the words “an application”.

32. Section 155 of the said Act is amended

(1) by replacing the word “complaint” in the first line by the words “application for review”;

(2) by replacing the word “request” in the third line by the word “proposal”.

33. Section 156 of the said Act is amended by replacing the third paragraph by the following paragraph:

“Within the same time, the assessor may, on the basis of his report, make a proposal under section 151, in which case sections 153 to 155 apply.”

34. Section 157 of the said Act is amended

(1) by replacing the words “submit a request for a correction *ex officio*” in the first line of the first paragraph by the words “propose a correction”;

(2) by inserting the words “of an application for review or” after the word “subject” in the second line of the first paragraph;

(3) by replacing the words “submit a request for a correction *ex officio*” in the third line of the second paragraph by the words “propose a correction”.

35. Section 157.1 of the said Act is amended

(1) by replacing the words “submit a request for a correction *ex officio*” in the first line by the words “propose a correction”;

(2) by inserting the words “or of section 174.2” after the figure “174” in the third line.

36. Section 174 of the said Act, amended by section 13 of chapter 64 of the statutes of 1995, is again amended

(1) by replacing the words “request for a correction *ex officio*” in the first line of paragraph 1 by the words “proposal for a correction”;

(2) by inserting, after paragraph 12, the following paragraph:

“(12.1) to reflect a change in situation that, under section 34, warrants the combining of several units of assessment into a single unit, the division of a unit of assessment into two or more units, the adding or elimination of a whole unit, the subtraction of a part of a unit or the addition of one part of a unit to another unit;”.

37. Section 174.2 of the said Act is amended

(1) by replacing the words "request for a correction *ex officio*" in the first line of paragraph 1 by the words "proposal for a correction";

(2) by inserting the figure "12.1," after the figure "12," in the second line of paragraph 6.

38. Section 175 of the said Act is amended by replacing the words "request for a correction *ex officio*" in the fifth and sixth lines of the first paragraph by the words "proposal for a correction".

39. Section 180 of the said Act, amended by section 55 of chapter 30 of the statutes of 1994, is again amended

(1) by replacing the words "of complaint, specify the manner in which it" in the third line of the second paragraph by the words "to file an application for review, specify the manner in which the right";

(2) by adding, at the end of the third paragraph, the following sentence: "He shall send a copy of the notice to the person who, as a result of the alteration, has been entered on the roll as occupant of the unit of assessment."

40. Section 181 of the said Act is amended

(1) by replacing the words "A complaint" in the first line of the first paragraph by the words "An application for review";

(2) by replacing the word "complaint" in the first and second lines of the second paragraph by the words "application for review".

41. Section 182 of the said Act is amended

(1) by inserting the words "agreement entered into under section 138.4, as soon as possible after the agreement is entered into, or to make it comply with any" after the word "any" in the first line of the first paragraph;

(2) by replacing the words "a complaint has effect from the date fixed" in the first line of the third paragraph by the words "an agreement or a complaint has effect from the date fixed in the agreement or";

(3) by adding, at the end of the fourth paragraph, the following: "If the alteration results from an agreement entered into under section 138.4, the notice of alteration referred to in section 180 shall set forth the right to make a complaint under the second paragraph of section 138.5 and shall indicate the manner in which the right may be exercised and how the time in which it may be exercised is established."

42. Section 183 of the said Act, amended by section 57 of chapter 30 of the statutes of 1994, is again amended

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

(2) by replacing the word "complaint" in the first line of subparagraph 4 of the third paragraph by the words "application for review", and by replacing the words "a complaint referred to in" in the third and fourth lines of the said subparagraph by the words "an application for review under";

(3) by replacing the words "request for a correction *ex officio*" in the second and third lines of subparagraph 4 of the third paragraph by the words "proposal for a correction".

43. The said Act is amended by inserting, after section 196, the following section:

"**196.1.** A municipal body responsible for assessment may enter into an agreement with a local municipality in respect of which the body has jurisdiction in matters of assessment providing that every application for review under Division I of Chapter X that relates to property situated in the territory of the municipality is to be filed with the municipality."

44. Section 197 of the said Act is amended by replacing the words "section 195 or 196" in the first line of the first paragraph by the words "any of sections 195 to 196.1".

45. Section 198.1 of the said Act is amended by replacing the words "section 195 or 196" in the first line of the first paragraph by the words "any of sections 195 to 196.1".

46. Section 199 of the said Act is amended by replacing the words "section 195 or 196" in the third line by the words "any of sections 195 to 196.1".

47. Section 200 of the said Act is amended by replacing the words "section 195 or 196" in the second line of the first paragraph by the words "any of sections 195 to 196.1".

48. Section 201 of the said Act is amended by replacing the words "section 195 or 196" in the second line of the first paragraph by the words "any of sections 195 to 196.1".

49. Section 205 of the said Act is amended

(1) by inserting the words ", in the case of an immovable referred to in paragraph 4, 10 or 11 of section 204," after the word "unless" in the third line of the first paragraph;

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

"The compensation is imposed according to the value of the immovable, at a rate fixed by the council that may vary according to the classes of immovables.

In the case of an immovable referred to in paragraph 4, 10 or 11 of section 204, the rate shall not be higher than that of the general real estate tax nor exceed $0.50 per $100 of assessment.

In the case of an immovable referred to in paragraph 5 of section 204, the application of the rate shall not result in a compensation that exceeds the total amount of sums that result from taxes, compensations or modes of tariffing that would be payable were the immovable not exempt therefrom and were the sixth paragraph not applicable, other than the business tax and the surtax or the tax on non-residential immovables. However, in the case of a structure intended for lodging persons, sheltering animals or storing things that is serviced by a waterworks or sewer system or that is part of a plant or equipment for water or garbage treatment, or in the case of land that is the site of such a structure, the application of the rate shall not result in a compensation that exceeds the total amount of the sums resulting from the modes of tariffing that would be payable in respect of the immovable, were it not exempt therefrom and were the sixth paragraph not applicable, for the municipal services from which the immovable, its owner or its occupant derives the benefit within the meaning of section 244.3.";

(3) by replacing the word "four" in the first line of the fifth paragraph by the word "six".

50. Section 208 of the said Act is amended by inserting, after the fourth paragraph, the following paragraph:

"Where the value of an immovable referred to in paragraph 3 of section 204 and occupied by a person other than a person mentioned in that section is less than $50,000, the second and third paragraphs of this section do not apply to that immovable. The same applies, notwithstanding section 2, where the value of the part so occupied of an immovable referred to in that paragraph is less than that amount."

51. Section 248 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: "However, if the alteration results from a complaint before the board, the supplement does not bear interest for such time as the board indicates in its decision as the period, if any, during which the hearing of the complaint was unduly delayed and for which the debtor of the supplement, or the party to the dispute as the debtor's successor, is not responsible."

52. Section 249 of the said Act is amended

(1) by adding the following at the end of the second paragraph: "However, if the alteration of the roll gives rise to a refund as a result of a complaint before the board, the amount of the refund does not bear interest for such time as the board indicates in its decision as the period, if any, during which the

hearing of the complaint was unduly delayed and for which the debtor of the amount of the refund, or the party to the dispute as the debtor's successor, is not responsible." ;

(2) by replacing the words "A decision" in the first line of the third paragraph by the words "An agreement entered into under section 138.4 or a decision".

53. Section 252.1 of the said Act is amended by replacing the words "a complaint has been filed or proceedings to quash or set aside have been introduced" in the fifth and sixth lines by the words "an application for review or a complaint has been filed or an action or motion to quash or set aside has been brought".

54. Section 253.49 of the said Act, enacted by section 5 of chapter 7 of the statutes of 1995, is amended by replacing the word "third" in the fourth line of the first paragraph, in the second line of subparagraphs 1, 2 and 4 of the second paragraph and in the second line of the third paragraph by the word "fifth".

55. Section 261.2 of the said Act is amended by striking out the second paragraph.

56. Section 261.5 of the said Act is amended by striking out the third paragraph.

57. Section 261.7 of the said Act is amended by striking out the second paragraph.

58. Section 262 of the said Act, amended by section 2 of chapter 41 of the statutes of 1996, is again amended

(1) by striking out the words "provide exceptions to that requirement;" in the second line of paragraph 8;

(2) by adding, after paragraph 9, the following paragraph:

"(10) prescribe, for the single-use immovables of an industrial or institutional nature that it defines, a method of assessment consistent with the provisions of section 44; the method may vary according to the classes of immovables it determines."

59. Section 263 of the said Act, amended by section 6 of chapter 7 of the statutes of 1995, is again amended

(1) by replacing the words "notices or forms" in the first and second lines of paragraph 2 by the word "documents";

(2) by striking out the words ", including accounts in lieu of notices of assessment" in subparagraph *b* of paragraph 2;

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

"(*d*) forms for applications for review and complaints, including a single form for cases in which the applicant becomes a complainant;";

(4) by striking out paragraph 2.1.

60. The said Act is amended by inserting, after section 263.1, the following section:

"**263.2.** Any municipal body responsible for assessment may pass a by-law to require the payment of a sum at the same time as the filing of an application for review with the body or with a local municipality in respect of which the body has jurisdiction, and to prescribe a tariff determining the amount of the sum; the tariff may provide for classes of applications.

A sum to be paid for a unit of assessment or a place of business pursuant to a by-law under the first paragraph shall not exceed the sum that would, in respect of the same unit or place, be payable upon the filing of a complaint with the board pursuant to a regulation under paragraph 8 of section 262.

The power provided for in the first paragraph replaces, in such matters, the general power of the body to finance all or part of its goods, services or activities by means of a mode of tariffing."

61. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting, after section 29.10, the following section:

"**29.10.1.** A municipality may enter into an agreement with the council of a band within the meaning of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5) in relation to the exercise of its powers on the reserve over which the council of the band has authority and which is included within the territory of the municipality.

Such an ageement must be approved by the Government. It shall prevail over any inconsistent provision of a general law or special Act or of any regulation thereunder. In particular, it may provide that

(1) the municipality is to renounce its power to impose any tax, compensation or mode of tariffing on the immovables situated on the reserve or in respect of them;

(2) the Act respecting duties on transfers of immovables (chapter D-15.1) is not to apply to transfers of immovables situated on the reserve;

(3) the tax base of the school tax is, on the reserve, to be different from the tax base established in section 310 of the Education Act (chapter I-13.3);

(4) all or part of the by-laws of the municipality are not to apply on the reserve.

Such an agreement may have retroactive effect to the date fixed by the order of the Government approving the agreement.

The order may approve the agreement and fix the date from which it has effect, and may, to provide for the impact of the agreement, create a municipal rule of law or derogate from any provision of an Act for which the Minister of Municipal Affairs is responsible, of a special Act governing a municipality, or of an instrument under such an Act."

62. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting, after article 14.8, the following article:

"**14.8.1.** A municipality may enter into an agreement with the council of a band within the meaning of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5) in relation to the exercise of its powers on the reserve over which the council of the band has authority and which is included within the territory of the municipality.

Such an agreement must be approved by the Government. It shall prevail over any inconsistent provision of a general law or special Act or of any regulation thereunder. In particular, it may provide that

(1) the municipality is to renounce its power to impose any tax, compensation or mode of tariffing on the immovables situated on the reserve or in respect of them;

(2) the Act respecting duties on transfers of immovables (chapter D-15.1) is not to apply to transfers of immovables situated on the reserve;

(3) the tax base of the school tax is, on the reserve, to be different from the tax base established in section 310 of the Education Act (chapter I-13.3);

(4) all or part of the by-laws of the municipality are not to apply on the reserve.

Such an agreement may have retroactive effect to the date fixed by the order of the Government approving the agreement.

The order may approve the agreement and fix the date from which it has effect, and may, to provide for the impact of the agreement, create a municipal rule of law or derogate from any provision of an Act for which the Minister of Municipal Affairs is responsible, of a special Act governing a municipality, or of an instrument under such an Act."

63. Section 212.1 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the second sentence by the following sentence: "However, for the purposes of the apportionment,

the data that was used to determine the basis of the apportionment of the expenditures provided for in the annual budget of the same fiscal year shall be used for each municipality."

64. Section 220 of the said Act is amended

(1) by striking out the words ", taking into account the third and fourth paragraphs" in the fifth line of the second paragraph;

(2) by replacing the third and fourth paragraphs by the following paragraph:

"However, the Community may, by by-law, provide that all or part of its expenditures are to be apportioned on the basis of a criterion other than that of non-adjusted fiscal potential."

65. Section 306.2 of the said Act, amended by section 57 of chapter 71 of the statutes of 1995, is again amended by replacing the second paragraph by the following paragraph:

"However, the Community may, by by-law, provide that all or part of its deficit is to be apportioned on the basis of a criterion other than that of non-adjusted fiscal potential."

66. Section 306.3 of the said Act, amended by section 58 of chapter 71 of the statutes of 1995, is again amended by replacing the words "its fiscal potential" in the third paragraph by the words "the basis of apportionment".

67. Section 27 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended by replacing the words "section 196" in the second line by the words "sections 196 and 250.1".

68. For the application of section 69.2 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) to Ville de Montréal for the purposes of its fiscal year 1997, all the parking spaces that a person makes available for rental for pecuniary gain taken as a whole shall constitute a place of business.

The person is deemed to carry on, in that place, an activity referred to in section 232 of that Act, unless an activity referred to in that section is carried on by another person, for more than one year, in a part of the unit of assessment that constitutes the place of business, in which case that part constitutes a separate place of business.

The person referred to in the first paragraph is required to notify the city that an activity referred to in section 232 of the Act respecting municipal taxation is being carried on, for more than one year, in a part of the unit that constitutes a place of business entered in the person's name.

69. The real estate assessment rolls and the rolls of rental values of the municipalities mentioned in Schedule A, that are to replace the rolls in force

since 1 January 1995, are to apply for the municipal fiscal years 1998 and 1999. The fiscal year 1999 is considered, with regard to those biennial rolls, to be the third fiscal year in which a roll applies.

The real estate assessment rolls and the rolls of rental values of Ville de Montréal and of the municipalities mentioned in Schedule B, in force since 1 January 1995, are to remain in force until the end of 1998.

The real estate assessment rolls and the rolls of rental values of the municipalities mentioned in Schedule B, that are to replace the rolls in force since 1 January 1995, are to apply for the municipal fiscal years 1999 and 2000. The fiscal year 2000 is considered, with regard to those biennial rolls, to be the third fiscal year in which a roll applies.

For the purpose of determining for which municipal fiscal years future rolls of a municipality must be drawn up, in accordance with sections 14 and 14.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the biennial rolls referred to in the first paragraph of this section are deemed to have been drawn up for the fiscal years 1997, 1998 and 1999, the rolls referred to in the second paragraph are deemed to have been drawn up for the fiscal years 1996, 1997 and 1998 and the biennial rolls referred to in the third paragraph are deemed to have been drawn up for the fiscal years 1998, 1999 and 2000.

70. Sections 5 and 9, sections 10 to 16, paragraph 1 of section 17, sections 18 to 25, sections 28 to 34, paragraph 1 of sections 35 to 37, sections 38 to 41, paragraphs 2 and 3 of section 42 and section 53 have effect from 1 January 1998. However, such provisions have effect before that date for the purposes of contestation of the accuracy, existence or absence of an entry on a real estate assessment roll or roll of rental values coming into force on that date and for the purposes of a proposal for a correction relating to a roll coming into force on that date.

The same applies in respect of any agreement entered into under section 196.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 43 of this Act, of any regulation made under subparagraph *d* of paragraph 2 of section 263 of the Act respecting municipal taxation, enacted by section 59 of this Act, and of any by-law passed under section 263.2 of the Act respecting municipal taxation, enacted by section 60 of this Act.

71. Section 8 and paragraph 2 of section 17 have effect in respect of any municipal assessment notice or tax account for any municipal fiscal year beginning from the fiscal year 1998.

72. Sections 49 and 54 have effect for the purposes of any municipal fiscal year beginning from the fiscal year 1998.

73. Section 50 has effect for the purposes of any municipal fiscal year beginning from the fiscal year 1997.

74. Sections 55 to 57 and 63 to 66 have effect for the purposes of the apportionment of the expenditures of the Communauté urbaine de Montréal and the operating deficit of the Société de transport de la Communauté urbaine de Montréal for municipal fiscal years beginning from the fiscal year 1999.

For the purposes of the apportionment of those expenditures or that deficit for the fiscal year 1998, the fiscal potential within the meaning of section 261.5 or 261.7 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), whichever applies, shall be used, as established having regard to the real estate assessment roll of each municipality participating in the apportionment that was drawn up for the fiscal years 1995, 1996 and 1997, as the roll stood on the date fixed for that purpose under subparagraph 1 of the second paragraph of section 220.1 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2).

75. Section 29.10.1 of the Cities and Towns Act, introduced by section 61 of this Act, applies to the agreement entered into on 27 May 1996 between Ville de Sept-Îles and the Uashat Mak Mani-Utenam Band Council, which will be deemed, after it has been approved by the Government, to have had effect since 1 January 1996.

76. This Act comes into force on 23 December 1996.

SCHEDULE A

Ville de Beaconsfield
Ville de Dollard-des-Ormeaux
Ville de Hampstead
Ville de Kirkland
Ville de L'Île-Bizard
Ville de L'Île-Dorval
Ville de Montréal-Ouest
Ville de Pierrefonds
Ville de Roxboro
Ville de Sainte-Geneviève

SCHEDULE B

Ville d'Anjou
Ville de Baie-d'Urfé
Cité de Côte-Saint-Luc
Cité de Dorval
Ville de Lachine
Ville de LaSalle
Ville de Montréal-Est
Ville de Montréal-Nord
Ville de Mont-Royal
Ville d'Outremont
Ville de Pointe-Claire
Ville de Sainte-Anne-de-Bellevue
Ville de Saint-Laurent
Ville de Saint-Léonard
Ville de Saint-Pierre
Village de Senneville
Ville de Verdun
Ville de Westmount

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 68

(1996, chapter 68)

An Act to amend the Civil Code of Québec and the Code of Civil Procedure as regards the determination of child support payments

Introduced 14 November 1996
Passage in principle 26 November 1996
Passage 20 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill introduces in the Civil Code of Québec and the Code of Civil Procedure measures designed to facilitate the determination of child support payments.

The bill provides for the use of a table to determine, on the basis of both parents' disposable income and the number of children, their joint basic parental contribution in respect of their child. Also provided for is the use of a form which together with the table will serve to determine the annual amount of child support normally payable by a parent, taking into account certain expenses incurred in respect of the child and the nature of the custodial arrangement in his regard. The particulars of the form and the table will be prescribed by government regulation.

Moreover, no application concerning child support will be admissible unless both parents have filed the prescribed form and documents, either jointly or separately.

In addition, the bill establishes a presumption that the basic parental contribution meets the needs and is in proportion to the means of the parents and the child, and further provides that a parent's share of the basic parental contribution, increased if need be in light of certain expenses relating to the child, will be the standard by which to determine the child support payable by that parent. The court will have the discretion, however, to grant, by a decision giving explicit reasons, a level of child support that is different from that which would otherwise be applicable in order to spare either parent undue hardship or in order to confirm a private agreement between the parents which adequately provides for the child's needs.

Finally, the bill contains, in addition to transitional provisions, a provision requiring the tabling in the National Assembly of a report on the implementation of the new legal provisions three years after their coming into force.

Bill 68

AN ACT TO AMEND THE CIVIL CODE OF QUÉBEC AND THE CODE OF CIVIL PROCEDURE AS REGARDS THE DETERMINATION OF CHILD SUPPORT PAYMENTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Civil Code of Québec (S.Q. 1991, chapter 64) is amended by inserting, after article 587, the following articles:

"**587.1.** As regards the support owed to a child by his parents, the basic parental contribution, as determined pursuant to the rules for the determination of child support payments adopted under the Code of Civil Procedure, is presumed to meet the needs of the child and to be in proportion to the means of the parents.

The basic parental contribution may be increased having regard to certain expenses relating to the child which are specified in the rules, to the extent that such expenses are reasonable considering the needs and means of the parents and child.

"**587.2.** The support to be provided by a parent for his child is equal to that parent's share of the basic parental contribution, increased, where applicable, having regard to specified expenses relating to the child.

The court may, however, increase or reduce the level of support if it is of the opinion that, in the special circumstances of the case, not doing so would entail undue hardship for one of the parents. Such hardship may be caused by, among other things, the costs involved in exercising visiting rights in respect of the child, obligations of support toward persons other than the child or reasonable debts incurred to meet family needs. The court may also increase or reduce the level of support if it is warranted by the value of either parent's assets or the extent of the resources available to the child.

"**587.3.** Parents may make a private agreement stipulating a level of child support that departs from the level which would be required to be provided under the rules for the determination of child support payments, subject to the court being satisfied that the needs of the child are adequately provided for."

2. The Code of Civil Procedure (R.S.Q., chapter C-25) is amended by inserting, after article 825.7, the following chapter:

“CHAPTER VI.1

“APPLICATIONS RELATING TO CHILD SUPPORT

“**825.8.** The Government, by regulation, shall establish standards for the determination of the child support payments to be made by a parent, on the basis of the basic parental contribution determined in respect of the child, of the child care expenses, post-secondary education expenses and special expenses relating to the child and of the parents’ custodial arrangement in respect of the child. The Government shall prescribe the use of a form and of a related table determining, on the basis of the parents’ disposable income and the number of children, the basic parental contribution, as well as the production of evidentiary documents.

“**825.9.** No application relating to child support may be heard unless it is accompanied by the form prescribed for the determination of child support payments, duly completed by the plaintiff, and by the prescribed documents.

Likewise, no contestation of the application may be heard unless the prescribed form has been produced with the prescribed documents by the defendant. The court may, however, relieve the defendant from his default on the conditions it determines.

The rules provided in this article do not apply to a plaintiff or defendant who is not a parent of the child.

“**825.10.** The plaintiff parent must serve a copy of the prescribed form and prescribed documents with the application. Not less than one clear day before the presentation of the application, the defendant parent must serve a copy of the prescribed form and prescribed documents on the plaintiff parent.

“**825.11.** The parents may produce the prescribed form and prescribed documents jointly. If they do, they are exempted from service requirements.

“**825.12.** If the information stated in the prescribed form or prescribed documents is contested or incomplete or if the court considers it necessary, it may make good the deficiency and, for instance, establish the income of a parent. In establishing the income of a parent, the court may have regard, among other things, to the assets held by the parent and attribute to those assets the production of such income as it sees fit.

“**825.13.** The support to be provided to a child is determined without regard to support claimed by a parent of the child for himself.

A judgment granting support to a child and to a parent of the child must state separately the amount of support to be provided to each.

"**825.14.** Parents who make a private agreement stipulating a level of child support that departs from the level of support which would be required to be provided under the rules for the determination of child support payments must state precisely, in their agreement, the reasons for such departure.

Likewise, any judgment granting a level of child support which is at variance with a private agreement between the parents or, in the case of a contested application, with the information stated in a form filed by the parents, must state precisely the reasons for such variance and include references to the relevant items of the prescribed form."

3. With the exception of the second paragraph of article 825.13 of the Code of Civil Procedure enacted by section 2, the provisions enacted by this Act are not applicable to proceedings in progress.

4. The Minister of Justice shall, on or before (*insert here the date occurring three years after the coming into force of this Act*), report to the Government on the implementation of, and advisability of amending, the provisions of this Act.

The report shall be tabled by the Minister in the National Assembly within the ensuing 15 days or, if the Assembly is not in session, within 15 days of resumption.

5. This Act comes into force on the date to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 69
(1996, chapter 69)

An Act to amend the Savings and Credit Unions Act

Introduced 13 November 1996
Passage in principle 17 December 1996
Passage 20 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

The object of this bill is to modify the administrative structures of credit unions and of federations of credit unions. It abolishes the credit committees of credit unions and renames their boards of supervision as "boards of audit and ethics". Such boards are also assigned additional functions. At the federation level, boards of supervision and ethics committees are to be merged to form boards of audit and ethics.

A further object of this bill is to enhance the responsibilities of a credit union as regards compliance with the management standards and rules of ethics adopted by a federation or a confederation. Confederations become authorized to adopt standards concerning any financial matter or any matter related to sound and prudent management, whenever the interests of affiliated federations and their affiliated credit unions so require. Moreover, the procedure for adopting such standards is simplified. Federations and confederations will be required to ensure that the standards they adopt are complied with.

In addition, federations and confederations are given increased powers of intervention in the affairs of credit unions, particularly as regards the issuance of instructions to, and the temporary administration of, a credit union.

This bill also facilitates the joint marketing of products and services within a network by authorizing a confederation to act as a mandatary of affiliated credit unions and by permitting two or more entities belonging to such a network to invest in the same enterprise.

Finally, the bill contains amendments for harmonization with the Civil Code of Québec and amendments for concordance.

LEGISLATION AMENDED BY THIS BILL:

– Savings and Credit Unions Act (R.S.Q., chapter C-4.1);

– Act to replace the Act respecting La Confédération des caisses populaires et d'économie Desjardins du Québec (1989, chapter 113).

Bill 69

AN ACT TO AMEND THE SAVINGS AND CREDIT UNIONS ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Chapter I of Title II of the Savings and Credit Unions Act (R.S.Q., chapter C-4.1), comprising sections 9 and 10, is repealed.

2. Section 14 of the said Act is amended by replacing the words "establishes to his satisfaction that it has fulfilled all its obligations toward the federation" in the fourth and fifth lines by the words "has fulfilled all its obligations toward the federation or has made an agreement with the federation establishing the terms and conditions of performance of those obligations".

3. Section 19 of the said Act is replaced by the following section:

"**19.** The Inspector General shall not accept a change of affiliation of a credit union unless the credit union has fulfilled all its obligations toward the federation with which it is affiliated or has made an agreement with that federation establishing the terms and conditions of performance of those obligations."

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

"**20.** The name of a credit union shall not

(1) contravene the Charter of the French language (chapter C-11);

(2) include an expression which the law or the regulations reserve for another person or prohibit credit unions from using;

(3) include an expression that evokes an immoral, obscene or offensive notion;

(4) incorrectly indicate the credit union's juridical form or fail to indicate such form where so required by law;

(5) falsely suggest that the credit union is a non-profit group;

(6) falsely suggest that the credit union is, or is related to, a public authority mentioned in the regulations;

(7) falsely suggest that the credit union is related to another person, partnership or group, in particular having regard to the cases and criteria determined by regulation;

(8) lead to confusion with a name used by another person, partnership or group in Québec, in particular having regard to the criteria determined by regulation; or

(9) be liable, in whatever manner, to mislead third persons.

The name of a credit union shall not contain the term "association" or "partnership"."

5. Section 22.1 of the said Act is replaced by the following section:

"**22.1.** The Inspector General shall refuse to deposit in the register articles containing a name which is not in conformity with subparagraphs 1 to 6 of the first paragraph and the second paragraph of section 20 and with sections 21 and 22."

6. Section 25.1 of the said Act is replaced by the following sections:

"**25.1.** Any interested party may, on payment of the fee prescribed by regulation, apply to the Inspector General for the issue of an order directing a credit union to change its name if it is inconsistent with any provision of this Act.

"**25.2.** Before making a decision, the Inspector General shall give all interested parties an opportunity to present observations.

"**25.3.** The decision of the Inspector General must be in writing and signed, must give reasons and shall be deposited in the register. A duplicate of the decision shall be sent without delay to each party.

The decision is executory on the expiry of the time for appeal provided for in section 123.146 of the Companies Act (chapter C-38).

"**25.4.** On the expiry of the time for appeal, the Inspector General may, on the application of an interested party, change the name of the credit union if the credit union has not complied with the order.

The Inspector General may also, of his own motion, change the name of the credit union if the credit union has not complied with the order, on the grounds that the name of the credit union is inconsistent with any of subparagraphs 1 to 6 of the first paragraph of section 20, the second paragraph of section 20 or section 21 or 22.

"**25.5.** Where the Inspector General assigns a name to a credit union, he shall issue, in duplicate, a certificate attesting the change of name and deposit one duplicate in the register.

The Inspector General shall send the other duplicate to the credit union and a copy to the federation with which the credit union is affiliated.

The change of name becomes effective on the date appearing on the certificate.

"**25.6.** The Inspector General may delegate his powers under this chapter regarding the name of a credit union to a member of his personnel.

"**25.7.** Any person who considers himself aggrieved by a decision of the Inspector General under section 25.3 may bring an appeal in accordance with sections 123.145 to 123.157 of the Companies Act."

7. Section 26 of the said Act is amended by replacing the words "corporate name" in the second line by the words "name as stated in its articles".

8. Section 33 of the said Act is amended

(1) by replacing the words "a place of business" in the first line by the words "an establishment";

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

"(2) a person of full age under protective supervision or a person totally or partially deprived of the exercise of his civil rights;";

(3) by adding, after paragraph 3, the following paragraph:

"(4) a person convicted, in the past five years, of an offence or an indictable offence involving fraud or dishonesty, unless he has obtained a pardon."

9. Section 36 of the said Act is amended by replacing the words "has given its consent to the use of the proposed corporate name" in the third line of subparagraph 6 of the first paragraph by the words "consents to the undertaking by the federation affiliated with it to admit the credit union as a member and to the use of the proposed name".

10. Section 40 of the said Act is amended by striking out the words "within the meaning of the Civil Code of Québec" in the third line.

11. Section 43 of the said Act is amended by replacing the words "person, including a partnership, who or which" in the first line by the words "natural person who" and by striking out the words "or which" in the third line.

12. Section 44 of the said Act is amended by replacing the words ", of the board of supervision and of the credit committee" in the first and second lines of subparagraph 4 of the first paragraph by the words "and of the board of audit and ethics".

13. Section 45 of the said Act is amended by replacing the words ", of the board of supervision and of the credit committee" in the second and third lines of paragraph 1 by the words "and of the board of audit and ethics".

14. Section 46 of the said Act is amended

(1) by replacing the words "one of the directors who will be" in the first line of the second paragraph by the words "the person";

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

"The by-law shall also be submitted for approval to La Confédération des caisses populaires et d'économie Desjardins du Québec where the federation with which the credit union is affiliated is affiliated with that confederation."

15. Section 47 of the said Act is amended by replacing the word "director" in the second line by the word "person".

16. Section 48 of the said Act is amended

(1) by replacing the word "director" in the first line of paragraph 1 by the word "person";

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

"(3.1) where applicable, a certified copy of the resolution of La Confédération des caisses populaires et d'économie Desjardins du Québec approving the articles of amendment;".

17. Section 55 of the said Act is amended

(1) by replacing the words ", of the board of supervision and of the credit committee" in paragraphs 2 and 3 by the words "and of the board of audit and ethics";

(2) by inserting, after paragraph 6, the following paragraph:

"(6.1) the consent to the amalgamation given by La Confédération des caisses populaires et d'économie Desjardins du Québec where the federation that has undertaken to admit the amalgamated credit union as a member is affiliated with that confederation, and, where section 22 applies, the confederation's consent to the proposed name;";

(3) by replacing paragraph 7 by the following paragraph:

"The agreement may also set out any other provision relating to the organization and management of the amalgamated credit union."

18. Section 56 of the said Act is amended by replacing the words "a director who will be" in the second line by the words "the person".

19. Section 59 of the said Act is amended by replacing the words “director of each of the amalgamating credit unions who is authorized for that purpose” in the second and third lines by the words “person authorized for that purpose by each of the amalgamating credit unions”.

20. Section 60 of the said Act is amended

(1) by replacing the word “directors” in the second line of subparagraph 1 of the first paragraph by the word “persons”;

(2) by inserting, after subparagraph 7 of the first paragraph, the following subparagraph:

“(7.1) where applicable, a certified copy of the resolution of La Confédération des caisses populaires et d’économie Desjardins du Québec stating that it consents to the amalgamation and to the use of the proposed name;”.

21. Section 90 of the said Act is amended by replacing the words “a place of business” in the first line of paragraph 1 by the words “an establishment”.

22. Section 92 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following sentence: “A group may only be admitted as an auxiliary member.”;

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

“However, the rights and obligations of a member who ceases to meet the conditions set out in paragraph 1 of section 90 following an amalgamation of credit unions or following a change in the territory or in the group described in the articles of the credit union are maintained.”

23. Section 103 of the said Act is replaced by the following section:

“**103.** A natural person who is a member of a credit union may not be represented.

A legal person, including a partnership, or a group may be represented only by a natural person.

No representative may act for more than one member.”

24. Section 109 of the said Act is amended by replacing the words “, or of a member of the board of supervision or of the credit committee,” in the third and fourth lines by the words “or of a member of the board of audit and ethics”.

25. Section 111 of the said Act is amended by inserting the words "entitled to vote on such resolutions" after the word "members" in the first line of the first paragraph.

26. Section 112 of the said Act is amended by replacing the words ", credit committee and board of supervision" in the first and second lines of paragraph 3 by the words "and of the board of audit and ethics".

27. Section 113 of the said Act is amended by replacing the words "board of supervision" in the first line by the words "board of audit and ethics".

28. Section 114 of the said Act is amended

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

"The requisition must specify the matters in respect of which a special meeting is required.";

(2) by replacing the words "board of supervision" in the second line of the second paragraph by the words "board of audit and ethics".

29. Section 117 of the said Act is amended by replacing the words "or decided at a special meeting" in the second line by the words "at a special meeting. The matters specified in the requisition must also be stated in the notice, with an indication of those which may be decided by the meeting".

30. The heading of Division I of Chapter XIII of Title II of the said Act is replaced by the following heading:

"PROVISIONS COMMON TO THE BOARD OF DIRECTORS AND THE BOARD OF AUDIT AND ETHICS".

31. Section 118 of the said Act is amended by replacing the words ", the credit committee and the board of supervision" in the second line by the words "and the board of audit and ethics".

32. Section 119 of the said Act is amended

(1) by replacing the words ", of the credit committee and of the board of supervision" in the first and second lines of the first paragraph by the words "and of the board of audit and ethics";

(2) by replacing the words "the members elected at the organization meeting or elected following an increase in the number of members of those organs" in the second and third lines of the third paragraph by the words "elected members".

33. Section 123 of the said Act is amended by replacing the word "special" in the first line of the first paragraph by the word "general".

34. Section 124 of the said Act is amended by replacing the words ", the credit committee or the board of supervision" in the third and fourth lines by the words "and of the board of audit and ethics".

35. Section 133 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: "The management of routine business cannot, however, be made subject to such authorization."

36. Section 134 of the said Act is amended

(1) by inserting the words "rules of ethics, standards," before the word "orders" in the fourth line of paragraph 1;

(2) by replacing the words "credit committee and the board of supervision" in the first line of paragraph 2 by the words "board of audit and ethics" and by replacing the words "they require to carry out their functions" in the second line of that paragraph by the words "it requires to carry out its functions";

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

"(5) determine the rate of interest on savings and preferred shares and the rate applicable to any extension of credit;";

(4) by replacing the words "civil and employer's liabilities" in the second line of paragraph 7 by the words "provide the credit union with civil liability insurance and directors' and officers' liability insurance".

37. Section 135 of the said Act is amended by adding the words "or more than fifteen" after the word "five" in the second line.

38. Section 137 of the said Act is amended

(1) by striking out the words "or who represents a legal person, including a partnership, that is a member of the credit union," in the second and third lines;

(2) by replacing the words "credit committee or board of supervision" in the first line of paragraph 3 by the words "board of audit and ethics";

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

"(5) a person of full age under protective supervision or a person totally or partially deprived of the exercise of his civil rights;";

(4) by adding, after paragraph 6, the following paragraph:

"(7) a person convicted, in the past five years, of an offence or an indictable offence involving fraud or dishonesty, unless he has obtained a pardon."

39. Section 139 of the said Act is amended

(1) by replacing the words “board of supervision” in the third line of the first paragraph by the words “board of audit and ethics”;

(2) by inserting the words “a standard established under this Act and approved by the Government,” after the word “thereunder,” in the second line of paragraph 1.

40. Section 140 of the said Act is amended by replacing the words “board of supervision” in the second and third lines of the first paragraph by the words “board of audit and ethics”.

41. Section 144 of the said Act is amended by inserting the words “absent or is” after the word “is” in the fourth line.

42. Section 149 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Moreover, the director general, whether or not he is a member of the board of directors, must withdraw from any meeting at which his conditions of employment are being discussed.”

43. The heading of Division III of Chapter XIII of Title II of the said Act and sections 154 to 167, which that division comprises, are replaced by the following:

“EXECUTIVE COMMITTEE AND AD HOC COMMITTEES

“**154.** If so authorized by by-law of the credit union, the board of directors may form an executive committee composed of not fewer than three directors, including the president, vice-president or secretary of the credit union.

The number of members of the executive committee must not exceed half the number of directors.

“**155.** The executive committee shall exercise the powers of the board of directors to the extent determined by by-law of the credit union.

“**156.** In the event of a vacancy on the executive committee, the directors may appoint a substitute for the remainder of the term of office.

“**157.** Sections 128 to 132 and 150 to 153, adapted as required, apply to the executive committee.

“**158.** The board of directors may form ad hoc committees to examine particular matters.

An ad hoc committee shall be composed of not fewer than three members. It may comprise officers, employees and members of the credit union.

"**159.** The board of directors shall determine the functions and powers of ad hoc committees. In addition, it may authorize committees to use any information relevant to the fulfilment of their mandate.

The members of ad hoc committees are bound by the same rules of ethics as those applicable to the officers.

"**160.** Ad hoc committees shall exercise their powers and functions under the direction of the board of directors and shall report their findings and submit their recommendations to the board."

44. The heading of Division IV of Chapter XIII of Title II of the said Act is replaced by the following heading:

"BOARD OF AUDIT AND ETHICS".

45. Section 168 of the said Act is amended

(1) by replacing the words "board of supervision" in the first line of the first paragraph by the words "board of audit and ethics";

(2) by inserting the word "standards," before the word "orders" in the first line of subparagraph 4 of the second paragraph;

(3) by replacing the words "ethics committee which are applicable to the credit union" in the first and second lines of subparagraph 5 of the second paragraph by the words "board of audit and ethics of the federation or credit union, as the case may be,".

46. Section 169 of the said Act is amended by replacing the words "board of supervision" in the first line of the first paragraph by the words "board of audit and ethics".

47. Section 170 of the said Act is amended

(1) by replacing the words "board of supervision" in the first lines of the first and second paragraphs by the words "board of audit and ethics";

(2) by replacing the words "of the ethics committee set out in sections 355 and 357" in the second line of the first paragraph by the words "provided for in sections 360.1 and 360.3".

48. Section 171 of the said Act is replaced by the following section:

"**171.** The board of audit and ethics shall consist of three or five members, as determined by by-law of the credit union."

49. Section 172 of the said Act is amended

(1) by striking out the words "or who represents a legal person, including a partnership, that is a member of the credit union" in the first three lines;

(2) by striking out the words "or a member of the credit committee" in paragraph 3;

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

"(5) a person of full age under protective supervision or a person totally or partially deprived of the exercise of his civil rights;";

(4) by adding, after paragraph 6, the following paragraph:

"(7) a person convicted, in the past five years, of an offence or an indictable offence involving fraud or dishonesty, unless he has obtained a pardon."

50. Section 174 of the said Act is replaced by the following section:

"**174.** Every member of the board of audit and ethics who resigns for reasons relating to the conduct of the affairs of the credit union shall declare his reasons in writing to the credit union, sending a copy of his declaration to the federation with which the credit union is affiliated or, if it is not affiliated, to the Inspector General,

(1) where he has grounds to believe that such course of action is in contravention of a provision of this Act, a government regulation thereunder, a standard established under this Act and approved by the Government, a provision of any other Act or an order or written instruction of the Inspector General;

(2) where he has grounds to believe that such course of action may have an adverse effect on the financial position of the credit union.

A board member who in good faith makes such a declaration shall not thereby incur any civil liability."

51. Section 176 of the said Act is amended by replacing the words "Two members" by the words "The majority of the members".

52. Section 178 of the said Act is amended by adding the following paragraph:

"In such a case, the board may ask the federation with which the credit union is affiliated for written instructions."

53. Section 179 of the said Act is amended

(1) by replacing the words "of the credit union or any member of the credit committee" in the first and second lines of the first paragraph by the words "or officer of the credit union or request that the federation with which the credit union is affiliated intervene to that effect";

(2) by replacing the words "be heard" in the eighth and ninth lines of the first paragraph by the words "present observations";

(3) by adding, after the word "case" in the fourth line of the second paragraph, the following words: "as well as the Inspector General in the case of the suspension of an officer".

54. The said Act is amended by inserting, after section 179, the following section:

"**179.1.** An officer who is suspended loses the right to be convened to, attend and vote at meetings of any board of which he is a member.

The officer also loses, for as long as the suspension is in effect, the right to act in the capacity of officer of the credit union, of the federation with which the credit union is affiliated, of the confederation with which the federation is affiliated or of any legal person belonging to the same group.

The suspension of an officer does not affect the date of termination of his term of office."

55. Section 180 of the said Act is replaced by the following section:

"**180.** The board of audit and ethics shall report its observations to the board of directors and may, if it considers it appropriate, make recommendations to the board of directors.

The board shall also report its observations to the board of audit and ethics of the federation with which the credit union is affiliated. The observations may pertain to the measures taken by the credit union to ensure that the standards applicable to it are complied with.

The board of audit and ethics of the federation must also be notified, as soon as practicable, of any cases where the rules of ethics were not observed. In the case of an unaffiliated credit union, the Inspector General must be notified."

56. The said Act is amended by inserting, after section 180, the following section:

"**180.1.** If the board of directors of a credit union fails to resolve a conflict of interest or to apply a rule of ethics, the board of audit and ethics may act in its stead or request that the federation with which the credit union is affiliated intervene to that effect, in accordance with the intervention procedure provided for in the rules of ethics applicable to it."

57. Section 181 of the said Act is amended

(1) by replacing the word “administrative” in subparagraph 2 of the first paragraph by the word “management”;

(2) by inserting the word “standards,” before the word “orders” in subparagraph 3 of the first paragraph.

58. Section 183 of the said Act is amended by adding, at the end, the following paragraph:

“The report shall make particular mention of the measures taken by the credit union to prevent or resolve conflicts of interest.”

59. Section 187 of the said Act is amended by replacing the words “, of the credit committee and of the board of supervision” in the first and second lines of the second paragraph by the words “and of the board of audit and ethics”.

60. Section 188 of the said Act is replaced by the following section:

“**188.** Every employee authorized by virtue of his position to extend credit is bound by the same rules of ethics as is an officer.”

61. Section 189 of the said Act is amended by replacing the word “deemed” by the word “presumed”.

62. Section 191 of the said Act is amended by inserting the words “rules of ethics, standards,” before the word “orders” in the fifth line of the second paragraph.

63. Section 196 of the said Act is amended by replacing the words “ethics committee or, as the case may be, by the board of supervision” in the third line by the words “board of audit and ethics of the credit union or federation, as the case may be”.

64. Section 200 of the said Act is amended by replacing the words “jointly and severally” in the second line by the word “solidarily”.

65. Section 201 of the said Act is replaced by the following section:

“**201.** Officers of a credit union who permit an investment or an extension of credit in contravention of this Act, of the regulations or by-laws or of the standards applicable to it under this Act are solidarily liable for any resulting losses to the credit union.”

66. Section 203 of the said Act is amended by replacing the words “board of supervision” in the second line by the words “board of audit and ethics”.

67. Section 205 of the said Act is amended by replacing the words "shares issued by a legal person or less than 10% of the voting rights attached to such shares" in the second and third lines of the third paragraph by the words "securities issued by an enterprise or of the voting rights attached to such securities".

68. Section 206 of the said Act is amended by adding, at the end, the following sentence: "The disclosure of interest by the officer must be mentioned in the minutes of the meeting."

69. Section 210 of the said Act is amended by replacing the words ", of the credit committee and of the board of supervision" in the second and third lines by the words "and of the board of audit and ethics".

70. Section 214 of the said Act is amended by inserting the words "of Transport" after the word "Minister" in the first line of paragraph 2.

71. Section 219 of the said Act is amended by replacing the words "ethics committee or the board of supervision" in the third line by the words "board of audit and ethics of the credit union or federation".

72. Section 220 of the said Act is amended by replacing the words "board of supervision" in the fourth line of the first paragraph by the words "board of audit and ethics".

73. Section 221 of the said Act is amended by replacing the words "board of supervision" in the second line of the second paragraph by the words "board of audit and ethics".

74. Section 239 of the said Act is amended

(1) by replacing the word "by-laws" in the first line by the word "standards";

(2) by replacing the word "by-law" in the second line by the word "standards".

75. Section 248 of the said Act is amended by replacing the word "by-laws" in the second line by the word "standards".

76. Section 251 of the said Act is repealed.

77. Section 252 of the said Act is replaced by the following section:

"**252.** No credit union may extend credit to any of its officers or to any person who is an associate of any of its officers except to the extent determined by the rules of ethics and in accordance with the credit standards applicable to the credit union."

78. Section 253 of the said Act is repealed.

79. Section 254 of the said Act is amended by replacing the reference to sections "251 to 253" by a reference to section "252".

80. Section 255 of the said Act is amended by adding, at the end, the following sentence: "In addition, every credit union shall comply with the standards adopted under this Act."

81. Section 257 of the said Act is amended

(1) by replacing the words "prescribed by by-law of the federation with which it is affiliated. The by-law" in the fifth and sixth lines of the first paragraph by the words "established in the standards of the federation with which it is affiliated. The standards";

(2) by striking out the second paragraph.

82. Section 258 of the said Act is amended by striking out the third paragraph.

83. Section 259 of the said Act is repealed.

84. Section 260 of the said Act is amended by inserting the words "the assets or of" after the words "30% of" in the third line of the second paragraph.

85. Section 262 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**262.** No affiliated credit union may make any investment under paragraph 5 of section 256 or section 257 except in compliance with the standards of the federation concerning the adequacy of its capital base. Nor may any affiliated credit union make deposits into the investment fund of the federation with which it is affiliated if the capital base of that federation is not consistent with the requirements set out in section 389."

86. Section 265 of the said Act is amended by replacing the word "by-laws" in the third and in the fifth lines by the word "standards".

87. Section 266 of the said Act is amended by replacing the word "by-laws" in the second line of the third paragraph by the word "standards".

88. Section 270 of the said Act is amended by inserting the words "the standards" after the word "and" in the first line.

89. Section 271 of the said Act is amended by replacing the words "by the by-laws" in the third line of the first paragraph by the words "the standards".

90. Section 272 of the said Act is amended by replacing the words "by the by-laws" in the third line of the second paragraph by the words "in the standards".

91. Section 274 of the said Act is amended by replacing the words "credit committee, of the board of supervision" in the second line of paragraph 3 by the words "executive committee, of the board of audit and ethics, of ad hoc committees".

92. Section 277 of the said Act is amended by replacing the word "by-laws" in the second line of the second paragraph by the word "standards" and by inserting, after the word "and" in the third line of that paragraph, the words "with the standards".

93. Section 293 of the said Act is amended by replacing the words "board of supervision" in the second line of the second paragraph by the words "board of audit and ethics".

94. Section 303 of the said Act is amended by replacing paragraph 8 by the following paragraph:

"(8) the report of activities of the board of audit and ethics and, where applicable, the report of a special committee formed at the request of the general meeting."

95. Section 314 of the said Act is amended by replacing the words "and the costs of winding-up" in the first and second lines of the first paragraph by the words ", the costs of winding-up and the shares referred to in section 581".

96. Section 328 of the said Act is amended by replacing the words "the third paragraph of section 46" in the second line of the second paragraph by the words "the third and fourth paragraphs of section 46".

97. Section 337 of the said Act is amended by inserting the words "any group and any natural person recommended by a credit union with which it is affiliated," after the word "partnership," in the first line of the second paragraph.

98. Section 338 of the said Act is amended by inserting the words "and standards" after the word "by-laws" in paragraph 2.

99. Section 341 of the said Act is amended by replacing the words "registered or certified" in the second line of the first paragraph by the word "priority".

100. The heading of Division I of Chapter VI of Title III of the said Act is amended by replacing the words ", EXECUTIVE COMMITTEE AND ETHICS COMMITTEE" by the words "AND EXECUTIVE COMMITTEE".

101. Section 345 of the said Act is amended

(1) by replacing the words "credit committee or of the board of supervision" in the first line of subparagraph 4 of the second paragraph by the words "board of audit and ethics";

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

"(6) a person of full age under protective supervision or a person totally or partially deprived of the exercise of his civil rights;";

(3) by adding, after subparagraph 7 of the second paragraph, the following subparagraph:

"(8) a person convicted, in the past five years, of an offence or an indictable offence involving fraud or dishonesty, unless he has obtained a pardon.";

(4) by inserting, after the second paragraph, the following paragraph:

"The federation shall determine by by-law the number of directors, which shall not be less than five."

102. Section 350 of the said Act is amended by adding, at the end, the following sentence: "However, such a by-law cannot apply to the adoption of standards as provided for in this Act."

103. Section 352 of the said Act is amended by replacing the reference to section "152" by a reference to section "153".

104. Sections 353 to 357 of the said Act are replaced by the following sections:

"**353.** The board of directors of a federation may, at the request of the board of audit and ethics of a credit union affiliated with it, suspend any employee or officer of the credit union, pursuant to the provisions of section 179. It may, on its own initiative and in accordance with the same procedure, suspend an officer who does not fulfil his obligations.

Where the suspended officer holds the office of general manager, the federation may designate a replacement for the duration of the suspension.

"**354.** The board of directors of a federation may in addition, at the request of the board of audit and ethics of a credit union affiliated with it, intervene in respect of that credit union to resolve a conflict of interest or to apply a rule of ethics, in accordance with the intervention procedure established in the rules of ethics."

105. The heading of Division II of Chapter VI of Title III of the said Act and sections 358 to 360, comprised in that division, are replaced by the following:

"AD HOC COMMITTEES

"**358.** The board of directors of a federation may form ad hoc committees to examine particular matters.

An ad hoc committee shall be composed of not fewer than three members. It may comprise officers and employees of the federation and of the credit unions affiliated with it.

The members of ad hoc committees are bound by the same rules of ethics as those applicable to officers.

"**359.** The board of directors shall determine the functions and powers of ad hoc committees. In addition, it may authorize committees to use any information relevant to the fulfilment of their mandate.

"**360.** Ad hoc committees shall exercise their powers and functions under the direction of the board of directors and shall report their findings and recommendations to the board."

106. The heading of Division III of Chapter VI of Title III of the said Act is replaced by the following heading:

"BOARD OF AUDIT AND ETHICS".

107. The said Act is amended by inserting, after the heading of Division III of Chapter VI of Title III, the following sections:

"**360.1.** The board of audit and ethics of a federation shall, in addition to the functions it exercises under other provisions of this Act, adopt rules relating to the protection of the interests of the federation, the credit unions affiliated with it and their members in accordance with the policies of the confederation with which the federation is affiliated, where that is the case.

The rules shall concern, in particular, the procedure governing contracts with restricted parties, the conditions applicable to the credit extended to them, the disclosure requirements of the federation, credit unions affiliated with it and restricted parties, the protection of confidential information held by the federation and credit unions affiliated with it in respect of their members, and the conduct required of the federation and credit unions affiliated with it in cases where their interest or that of a legal person belonging to the same group as the federation is in conflict with that of the members of the credit unions.

The rules shall also set out the procedure which the board of audit and ethics of a credit union or a federation or the board of directors of a federation must follow when intervening to resolve a conflict of interest or applying rules of ethics in respect of the credit union or the federation, as the case may be. The intervention procedure applicable to a federation must, in addition, be consistent with the policies of the confederation with which it is affiliated, where that is the case.

"**360.2.** The rules of ethics adopted by the board of audit and ethics must be submitted for approval to the board of directors of the federation, which may not amend them.

Within 30 days of the approval of such rules, the federation shall transmit a copy to the Inspector General and, where applicable, to the confederation with which it is affiliated.

"**360.3.** The board of audit and ethics shall each year transmit to the Inspector General, within two months of the closing date of the fiscal year of the federation, a report of its activities in matters of ethics up to that date.

The report shall indicate the cases where the rules of ethics were not observed by the federation and the credit unions affiliated with it.

"**360.4.** The board of audit and ethics shall also report to the confederation with which the federation is affiliated on the measures taken by the federation and the credit unions affiliated with it to ensure that the standards applicable to them are complied with.

"**360.5.** The board of audit and ethics may make observations and recommendations respecting the application of the rules of ethics to the federation and the credit unions affiliated with it.

It shall also give its opinion on any question submitted to it by an officer, the board of directors or the board of audit and ethics of a credit union and by an officer or the board of directors of the federation and, where applicable, the confederation with which it is affiliated."

108. Section 361 of the said Act is amended

(1) by replacing the words "board of supervision" in the first line by the words "board of audit and ethics";

(2) by striking out the words ", unless he is the general manager," in the first line of paragraph 2;

(3) by striking out the words "or a member of the credit committee" in paragraph 3;

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

"(5) a person of full age under protective supervision or a person totally or partially deprived of the exercise of his civil rights;";

(5) by adding, after paragraph 6, the following paragraph:

"(7) a person convicted, in the past five years, of an offence or an indictable offence involving fraud or dishonesty, unless he has obtained a pardon.";

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

"The directors, officers or employees of a legal person referred to in the first paragraph of section 469.1, a holding company controlled by the confederation with which the federation is affiliated, where that is the case, the legal persons controlled by that company and, if the federation is affiliated with La Confédération des caisses populaires et d'économie Desjardins du Québec, La Caisse centrale Desjardins du Québec, and the shareholders holding 10% or more of the voting rights attached to the shares of the legal persons belonging to the same group as the federation may not be members of the board of audit and ethics."

109. Section 362 of the said Act is repealed.

110. Section 363 of the said Act is amended by replacing the words "board of supervision" in the first line by the words "board of audit and ethics".

111. Section 364 of the said Act is amended

(1) by adding the words "and practise sound and prudent management" after the word "objects" at the end of paragraph 1;

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

"(3) enter into an agreement with the board of directors of a credit union affiliated with it entrusting the federation with the supervision, direction or administration of the affairs of the credit union for a specified period;";

(3) by replacing the words "provisional administrator or" in the first line of paragraph 6 by the words "temporary or provisional administrator or as the";

(4) by replacing the words "jointly and severally" in the fourth line of paragraph 14 by the word "solidarily".

112. Section 365 of the said Act is amended

(1) by replacing the word "by-law" in the first line of the first paragraph by the words "the adoption of standards";

(2) by replacing the word "by-laws" in the first line of the second paragraph by the word "standards".

113. Section 366 of the said Act is amended

(1) by replacing the words "pass by-laws" in the first line by the words "adopt standards";

(2) by replacing the words "or administrative matter" in subparagraph 2 of the first paragraph by the words "matter or matter relating to sound and prudent management";

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

"A federation must adopt standards applicable to the credit unions affiliated with it concerning any subject referred to in subparagraph 2 of the first paragraph where the interest of the federation and the credit unions affiliated with it so requires."

114. Section 367 of the said Act is amended by replacing the word "by-laws" in the first line by the word "standards".

115. Section 368 of the said Act is replaced by the following section:

"**368.** A federation not affiliated with a confederation may adopt standards applicable to the credit unions affiliated with it concerning the adequacy of their liquid assets.

An affiliated federation or an unaffiliated federation may, in addition, adopt standards applicable to the credit unions affiliated with it concerning the adequacy of their general reserve."

116. Section 369 of the said Act is replaced by the following section:

"**369.** A federation may, in adopting by-laws or standards under this Act, establish various classes of credit unions or transactions and prescribe terms and conditions applicable to each class.

Such by-laws and standards may in addition determine, according to the provisions contained therein, the measures that may be taken or the consequences that may result from failure to apply them."

117. Section 370 of the said Act is amended by inserting the words "and standards" after the word "by-laws" in the first line.

118. Section 371 of the said Act is amended

(1) by replacing the words "the financial position of a credit union affiliated with it" in the first and second lines of the first paragraph by the words "a credit union affiliated with it does not practise sound and prudent management, that it contravenes the rules of ethics, that it failed to resolve a conflict of interest, that its financial position";

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

"The federation may in addition give written instructions to a credit union at the request of the board of audit and ethics of the credit union.";

(3) by replacing the words "the first paragraph" in the third line of the second paragraph by the words "this section".

119. Section 373 of the said Act is amended by replacing the words "regarded as" in the first line of the second paragraph by the words "deemed to be".

120. The said Act is amended by inserting, after section 375, the following section:

"**375.1.** A federation shall engage in such examinations and investigations into the internal affairs and activities of the credit unions affiliated with it as are necessary to assess the quality of their management and ensure that the standards applicable to them are complied with."

121. Section 377 of the said Act is amended by adding, at the end, the following paragraph:

"The federation shall also carry out such an inspection at the request of the board of audit and ethics of a credit union."

122. Section 378 of the said Act is amended by inserting the words "and with the standards" after the word "regulations" in the fourth line.

123. Section 379 of the said Act is amended

(1) by inserting the words "or examinations and investigations" after the word "inspection" in the first line of the first paragraph;

(2) in the French text, by adding the words "ou des examens et recherches" after the word "inspection" in the second line of subparagraph 1 of the first paragraph;

(3) by adding the words "or conflicts of interest involving its officers" after the word "union" in the second line of subparagraph 2 of the first paragraph;

(4) by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) seek or require any information or document relating to the application of this Act or concerning the credit union, conflicts of interest involving its officers or legal persons belonging to the same group as the federation with which the credit union is affiliated.";

(5) by inserting the words "or the examinations and investigations" after the word "inspection" in the third line of the second paragraph.

124. Sections 380 and 381 of the said Act are amended by inserting the words ", an examination or an investigation" after the word "inspection".

125. Section 382 of the said Act is amended by replacing the words ", credit committee and board of supervision" in the second and third lines by the words "and board of audit and ethics".

126. Section 383 of the said Act is amended by replacing the words ", the credit committee and the board of supervision" in the second line by the words "and the board of audit and ethics".

127. Section 384 of the said Act is amended by inserting the words ", examination or investigation" after the word "inspection".

128. The said Act is amended by inserting, after section 385, the following sections :

"**385.1.** A federation may, with the authorization of the Inspector General, suspend the powers of the board of directors or the board of audit and ethics of a credit union affiliated with it for a maximum period of 30 days and appoint an administrator to temporarily exercise the responsibilities of the board, where the federation has reason to believe

(1) that property has been misappropriated or there is an inexplicable deficiency in the property ;

(2) that there has been a grievous offence or serious lapse in the performance of obligations on the part of an officer of the credit union or its board of directors ;

(3) that control over the property of the credit union is insufficient to adequately protect the rights of its members.

The Inspector General may designate the director and, on request, may extend the period specified in the first paragraph.

"**385.2.** Before exercising its powers under section 385.1, the federation shall give the members of the board of directors or board of audit and ethics whose powers are to be suspended an opportunity to present observations, unless the urgency of the situation warrants that the suspension be applied without delay.

"**385.3.** The administrator cannot be prosecuted by reason of any act done in good faith in the performance of his duties.

"**385.4.** The administrator shall, as soon as practicable, submit to the federation and to the Inspector General, a detailed report of his findings together with his recommendations.

"**385.5.** The costs, fees and expenses of the temporary administration are chargeable to the administered credit union."

129. Section 388 of the said Act is amended by replacing the words "by-laws to fix the amount of the" in the second line by the words "standards to determine the amount of".

130. Section 389 of the said Act is amended by striking out the words ", by by-law," in the first line of the third paragraph.

131. Section 398 of the said Act is amended by striking out the words "with respect to the powers exercised by their credit committees" in the third and fourth lines of the second paragraph.

132. Section 403 of the said Act is amended

(1) by replacing the word "shares" in the second line of the first paragraph by the word "assets";

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

"A federation is deemed to hold the voting rights attached to the shares issued by a legal person and any portion of the assets of a legal person where such shares or such assets are held by a legal person belonging to the same group as the federation and by the credit unions affiliated with it. However, the federation is not deemed to hold any interest held by the confederation with which it is affiliated in a legal person referred to in the first paragraph of section 469.1 or in a holding company controlled by that confederation or any interest held by the holding company.";

(3) by replacing the words "shares of a legal person or shares in any number that permits" in the third and fourth lines of the third paragraph by the words "assets of a legal person or shares in any number that permit" and by replacing the word "shares" in the ninth line of that paragraph by the word "assets";

(4) by replacing the words "shares of a legal person or shares that permits" in the third line of the fourth paragraph by the words "assets of a legal person or shares that permit".

133. Sections 406 and 407 of the said Act are repealed.

134. Section 411 of the said Act is amended by replacing the words "board of supervision" in the fourth line by the words "board of audit and ethics".

135. Section 414 of the said Act is amended by replacing the word "by-laws" in the second line of the second paragraph by the word "standards".

136. Section 419 of the said Act is amended by replacing the word "regulations" in the third line by the word "standards".

137. Section 425 of the said Act is amended by replacing the word "by-laws" in the third line of the second paragraph by the word "standards".

138. Section 426 of the said Act is amended by inserting the words "and standards" after the word "by-laws" in the third line.

139. Section 428 of the said Act is amended by replacing the word "by-laws" in the third and fourth lines by the word "standards".

140. Section 442 of the said Act is amended

(1) by replacing the reference to sections "154 to 183" in the second line of the second paragraph by a reference to sections "168 to 178, 182, 183";

(2) by replacing the reference to sections "353, 354, 356 to 363" in the fourth line of the second paragraph by a reference to sections "360.1 to 363".

141. Section 448 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

"The confederation, by by-law, shall determine the number of directors, which shall not be less than five."

142. Section 449 of the said Act is amended by adding, at the end, the following:

"(4) may develop and provide any service for the benefit of the members of a credit union affiliated with a federation that is affiliated with it.

A federation and a credit union are presumed to be parties to an agreement in order to benefit from the advantages resulting from a service referred to in the first paragraph if notice of a resolution of the confederation to that effect, passed by a two-thirds majority of the votes cast by the members of its board of directors, has been sent to the federation and the credit union. However, a federation or a credit union may withdraw from the agreement by forwarding to the confederation a copy of the resolution to that effect passed by its board of directors."

143. The said Act is amended by inserting, after section 449, the following section:

"**449.1.** Where the members of a federation or of a credit union benefit from a service referred to in section 449, the confederation may act as a mandatary of the federation or credit union and, as mandatary, the confederation shall have all the powers that may be exercised by a federation or a credit union, as the case may be.

A confederation shall have the same powers for the purpose of executing any mandate entrusted to it by a federation or a credit union."

144. Section 450 of the said Act is amended by replacing the fourth and fifth paragraphs by the following paragraphs:

"A confederation may adopt standards applicable to the federations affiliated with it and to the credit unions affiliated with the federations concerning the adequacy of their liquid assets.

A confederation may also adopt standards applicable to the federations affiliated with it concerning the adequacy of their capital stock and general reserve."

145. Section 451 of the said Act is amended by replacing the word "by-laws" in the first line by the word "standards".

146. Section 452 of the said Act is amended by striking out subparagraphs 2, 3, 5 and 6 of the second paragraph.

147. Section 456 of the said Act is amended by replacing the words "by-laws of a confederation adopted under section 450 or 451 shall be submitted of" in the first and second lines by the words "standards of a confederation adopted under section 450 or 451 shall be submitted to".

148. The said Act is amended by inserting, after section 456, the following sections:

"**456.1.** A confederation shall adopt standards applicable to the federations affiliated with it and to the credit unions affiliated with such federations in respect of any financial matter or matter relating to sound and prudent management where required in the interest of the confederation and of the federations affiliated with it together with the credit unions affiliated with those federations.

"**456.2.** A confederation may make recommendations to the federations affiliated with it and to the credit unions affiliated with such federations to promote and maintain sound and prudent financial and management practices.

The confederation may also establish policies on any matter relating to ethics."

149. Section 457 of the said Act is amended

(1) by replacing the words "a by-law under section 365, exercise the regulatory power under that section" in the second and third lines of the first paragraph by the words "a by-law or, as the case may be, standards under section 365 or the second paragraph of sections 366, 368 and 369, or to amend the by-law or the standards, exercise that power itself";

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

"Any by-law or standard adopted under the first paragraph is deemed to be a by-law or standard of the federation, and the federation may, with the authorization of the confederation, amend, replace or repeal it."

150. The said Act is amended by inserting, after section 457, the following section:

"**457.1.** A confederation may, 30 days after sending a demand notice to a federation affiliated with it requiring that the federation exercise its powers under sections 353 and 354, paragraph 3 of section 364, and sections 371, 375.1 and 385.1, exercise such powers if the federation refuses or neglects to do so. The confederation may, where warranted by urgent necessity and after giving notice to the federation of its intention to intervene in respect of a credit union affiliated with the federation, exercise such powers forthwith."

151. Section 458 of the said Act is amended by replacing the word "by-laws" in the first line by the word "standards".

152. Section 459 of the said Act is amended

(1) by inserting the words "or standards" after the word "by-laws" in the first line;

(2) by replacing the words "standards appropriate" in the fourth line by the words "terms and conditions applicable";

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

"Such by-laws and standards may in addition determine, according to the provisions contained therein, the measures that may be taken or the consequences that may result from failure to apply them."

153. The said Act is amended by inserting, after section 460, the following section:

"**460.1.** A confederation shall engage in such examinations and investigations into the internal affairs and the activities of the federations affiliated with it as are necessary to assess the quality of their management and ensure that the standards applicable to them are complied with."

154. Section 462 of the said Act is amended by adding, at the end, the following paragraph:

"It shall also carry out such an inspection at the request of the board of audit and ethics of the federation or a credit union affiliated with the federation."

155. Section 463 of the said Act is amended by replacing the words "and the regulations" in the fifth line by the words ", the regulations and the standards".

156. Section 464 of the said Act is amended

(1) by inserting the words ", examination or research" after the word "inspection" in the first line of the first paragraph;

(2) by adding the words ", examination or research" after the word "inspection" at the end of subparagraph 1 of the first paragraph;

(3) by replacing the words “or federation” in the second line of subparagraph 2 of the first paragraph by the words “, federation or conflicts of interest involving their officers” ;

(4) by replacing subparagraph 3 of the first paragraph by the following subparagraph :

“(3) seek or require any information or document relating to the application of this Act or concerning the credit union, the federation, conflicts of interest involving their officers or legal persons who are members of the same group.” ;

(5) by inserting the words “carrying out the inspection, examination or research” after the word “person” in the second line of the second paragraph.

157. Section 465 of the said Act is amended by replacing the words “, the credit committee and the board of supervision” in the second and third lines of the first paragraph by the words “and the board of audit and ethics”.

158. Section 466 of the said Act is amended by replacing the words “, the credit committee or the board of supervision” in the second line by the words “or the board of audit and ethics”.

159. Section 467 of the said Act is amended by inserting the words “, examination or investigation” after the word “inspection”.

160. Section 470 of the said Act is amended by inserting the words “, except with the authorization of the Inspector General for the period he determines,” before the word “acquire” in the second line of the third paragraph.

161. Section 471 of the said Act is amended by inserting the words “directly or indirectly” after the word “hold” in the third line.

162. Section 473 of the said Act is amended by replacing the words “Civil Code of Lower Canada” in the fourth and fifth lines by the words “Civil Code of Québec”.

163. Section 475 of the said Act is amended by replacing the words “jointly and severally” in the third and fourth lines by the word “solidarily”.

164. Section 490 of the said Act is amended by replacing the words “and the regulations” in the fifth line by the words “, the regulations and the standards”.

165. Section 492 of the said Act is amended by replacing the words “board of supervision” in the first and second paragraphs by the words “board of audit and ethics”.

166. Section 501 of the said Act is amended

(1) by replacing the words “any delay to allow a hearing” in the third line of the first paragraph by the words “the granting of any time to the person concerned to enable him to present observations”;

(2) by replacing the words “within six days of receipt thereof” in the third line of the second paragraph by the words “upon receiving it, present observations to the Inspector General”.

167. Section 504 of the said Act is amended

(1) by replacing the words “, the credit committee or the board of supervision” in the second and third lines of the first paragraph by the words “or the board of audit and ethics”;

(2) by replacing the word “by-laws” in the second line of subparagraph 1 of the first paragraph by the word “standards”;

(3) by replacing the words “financial or administrative” in subparagraph 4 of the first paragraph by the words “and prudent financial or management”;

(4) by replacing the words “, of the credit committee or of the board of supervision” in the second and third lines of subparagraph 7 of the first paragraph by the words “or the board of audit and ethics”.

168. Section 505 of the said Act is amended

(1) by replacing the figure “501” in the first line of the first paragraph by the figure “504”;

(2) by replacing the words “, of the credit committee or of the board of supervision” in the second and third lines of the first paragraph by the words “or the board of audit and ethics”.

169. Section 511 of the said Act is amended

(1) by replacing the words “, of the credit committee or of the board of supervision”, wherever they appear, by the words “or the board of audit and ethics”;

(2) by replacing the words “or confederation” in the fourth and fifth lines of the second paragraph by the words “, confederation or a legal person belonging to the same group”.

170. Section 516 of the said Act is amended by adding, after paragraph 18, the following paragraphs:

“(19) identify the public authorities referred to in subparagraph 6 of the first paragraph of section 20;

"(20) determine, for the purposes of subparagraph 7 of the first paragraph of section 20, the cases where the name of a credit union may falsely suggest that it is related to another person, partnership or group;

"(21) determine the criteria to be taken into account for the purposes of subparagraphs 7 and 8 of the first paragraph of section 20."

171. Section 518 of the said Act is amended

(1) by replacing the words "by-law under section 365, exercise the regulatory power under that section" in the second and third lines of the first paragraph by the words "by-law or, as the case may be, standards under section 365, the second paragraph of sections 366 and 369 or section 368, or to amend the by-law or the standards, exercise that power itself, by regulation";

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

"Any government regulation hereunder is deemed to be a by-law or, as the case may be, a standard of the federation, and the federation may, with the authorization of the Government, amend, replace or repeal it."

172. Section 519 of the said Act is replaced by the following section:

"**519.** The Government may, 60 days after transmitting a formal notice to a confederation requiring it to adopt by-laws or, as the case may be, standards under section 451, 452, 456.1 or 457, or to amend such by-laws or standards, exercise that power itself, by regulation.

Any government regulation hereunder is deemed to be a by-law or, as the case may be, a standard of the confederation, and the confederation may, with the authorization of the Government, amend, replace or repeal it."

173. Section 527 of the said Act is amended by replacing the words "an investigation or an audit" by the words ", an audit, an examination or an investigation".

174. Section 530 of the said Act is amended by replacing "and 250 to 253" by ", 250 and 252".

175. Section 539 of the said Act is amended by replacing the word "deemed" in the third paragraph by the word "presumed".

176. The said Act is amended by replacing the words "corporate name" by the word "name", adapted as required, in the following provisions:

(1) the heading of Chapter III of Title II;

(2) the first and second paragraphs of section 21;

(3) sections 22, 23, 24, 25 and 27;

(4) subparagraphs 1 and 5 of the first paragraph of section 34;

(5) section 49;

(6) paragraph 1 of section 55;

(7) paragraph 5 of section 274;

(8) paragraph 1 of section 303;

(9) the heading of Chapter II of Title III;

(10) section 333;

(11) the heading of Chapter II of Title IV;

(12) section 445.

In addition, section 21 of the said Act is amended by replacing the words "corporate name or firm name" in the fourth line of the second paragraph by the word "name".

177. The said Act is amended by striking out the word "social" in the expression "siège social" in the French text of the following provisions:

(1) the heading of Chapter IV of Title II;

(2) section 28;

(3) the first paragraph of section 29;

(4) the first and second paragraphs of section 30;

(5) subparagraph 2 of the first paragraph of section 34;

(6) subparagraph 4 of the first paragraph of section 36;

(7) paragraph 1 of section 55;

(8) subparagraph 5 of the first paragraph of section 60;

(9) section 132;

(10) the portion before paragraph 1 and paragraph 1 of section 274;

(11) the portion before paragraph 1 of section 275;

(12) paragraph 1 of section 303;

(13) the first paragraph of section 312;

(14) the third paragraph of section 313;

(15) the first paragraph of section 404.

178. The said Act is amended by replacing the words “surname, given name” and “surname and given name” by the word “name” in the following provisions:

(1) subparagraph 4 of the first paragraph of section 34;

(2) subparagraph 2 of the first paragraph of section 36;

(3) paragraph 1 of section 45;

(4) paragraph 2 of section 55;

(5) section 141;

(6) section 190;

(7) section 247;

(8) paragraph 4 of section 274;

(9) paragraph 2 of section 303;

(10) the second paragraph of section 312.

In addition, section 274 of the said Act is amended by striking out the words “or the surname and given name” in paragraph 5.

179. The said Act is amended by inserting the words “absent or” before the word “unable” in the following provisions:

(1) section 146;

(2) the second paragraph of section 282;

(3) section 434.

180. The said Act is amended by replacing the words “to be heard” and “to make representations” by the words “to present observations”, in the following provisions:

(1) the portion before paragraph 1 of section 97;

(2) the last sentence of the first paragraph of section 179;

(3) the third paragraph of section 204;

(4) the third paragraph of section 218;

(5) the second paragraph of section 227;

(6) the second paragraph of section 231;

(7) the second paragraph of section 238;

(8) the second paragraph of section 264;

(9) the first paragraph of section 323;

(10) the second paragraph of section 389;

(11) the second paragraph of section 395;

(12) the third paragraph of section 398;

(13) the second paragraph of section 429;

(14) the third paragraph of section 450;

(15) the first paragraph of section 485;

(16) the second paragraph of section 500;

(17) the first paragraph of section 505.

In addition, section 505 of the said Act is amended by replacing the words "to be heard" in the second paragraph by the words "to present observations".

181. The said Act is amended, in the English text,

(1) by replacing the words "board of supervision" by the words "board of audit and ethics" in the following provisions:

— section 171;
— the first paragraph of section 173;
— sections 175 and 178;
— the first line of the first paragraph of section 179;
— the first paragraph of section 181;
— sections 182 and 183;

(2) by replacing the words "board of supervision" by the word "board" in the following provisions:

— the second paragraphs of sections 168 and 173;

— the sixth line of the first paragraph and the second paragraph of section 179;

— the second paragraph of section 181.

182. Section 24 of the Act to replace the Act respecting La Confédération des caisses populaires et d'économie Desjardins du Québec (1989, chapter 113) is amended by replacing the words "217 and 251" in the first paragraph of section 8 of the Savings and Credit Unions Act replaced by the said section 24 by the words "137, 172, 179.1, 217, 379, 385.3, 464 and 511".

183. To facilitate the implementation of the provisions of this Act, the annual meeting of a credit union or federation may, notwithstanding the time limit provided in section 112 of the Savings and Credit Unions Act, be held within eight months from the end of its fiscal year if it ends before 1 February 1997.

Where a credit union or federation calls a special meeting to implement the provisions of this Act, the special meeting may exercise the powers provided for in paragraph 3 of the said section 112.

184. The Government may, by order, to facilitate the application of this Act, establish, before (*insert here the date occurring 18 months after the coming into force of this section*), any necessary transitional measures relating to the structure and administration of credit unions, federations and confederations. Such an order shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

185. The provisions of this Act come into force on the date or dates to be fixed by the Government, except section 183, which comes into force on 23 December 1996.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 74
(1996, chapter 70)

An Act to amend the Act respecting industrial accidents and occupational diseases and the Act respecting occupational health and safety

Introduced 14 November 1996
Passage in principle 27 November 1996
Passage 19 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill amends the Act respecting industrial accidents and occupational diseases concerning the financing of the Commission de la santé et de la sécurité du travail in order, in particular,

– to take into account, in the determination of an employer's assessment, the experience associated with the risk insured by the Commission, and to provide special conditions for the application of such principle where the employer is involved in a transaction that is to be defined by regulation of the Commission ;

– to confer on the Commission the power to make an agreement with a group of employers in order to determine the rates applicable to them, and to provide that the agreement is to include a clause providing for dispute arbitration as a replacement for all other remedies available under the Act ;

– to confer also on the Commission the power to relax the procedure for assessing employers, in particular in respect of the statement of wages, the classification of employers, the determination of personalized rates and the determination and payment of the assessment ;

– to clarify certain rules for the imputation of the cost of employment injuries, for instance, by imposing a time limit on an employer who wishes to submit an application for the transfer or sharing of the cost of an employment injury where the accident is attributable to a third party or the worker was already handicapped at the time of the occurrence of the employment injury ;

– to provide for specific powers of inspection as regards employers ;

– to simplify the procedure for the adoption of regulations concerning employers' assessments ;

– to clarify the rules relating to the interest and the modification of the employer's assessment.

This bill also amends the conditions allowing workers to be protected under the Act while working outside Québec for an employer who has an establishment in Québec, and extends the power of the Commission as regards agreements.

The bill also provides that the Commission and the Régie de l'assurance-maladie du Québec are to enter into an agreement fixing the rules for the reimbursement by the Commission to the Régie of the sums paid by the Régie for the purposes of the Act and the administrative expenses. In addition, the bill amends the Act respecting occupational health and safety to strike out the provisions concerning the payment of inspection costs.

Lastly, the bill includes certain transitional and consequential amendments.

Bill 74

AN ACT TO AMEND THE ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES AND THE ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 7 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by striking out the second paragraph.

2. Section 8 of the said Act is replaced by the following section:

"**8.** This Act applies to a worker who is the victim of an industrial accident outside Québec or who suffers from an occupational disease contracted outside Québec if, when the accident occurs or the disease is contracted, the worker has his domicile in Québec and his employer has an establishment in Québec.

However, where the worker's domicile is not in Québec, this Act applies where the worker had his domicile in Québec at the time of his assignment outside Québec, the work outside Québec is for a duration of not over five years when the accident occurs or the disease is contracted, and his employer has an establishment in Québec."

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

"**8.1.** An agreement made under the first paragraph of section 170 of the Act respecting occupational health and safety (chapter S-2.1) may provide for exceptions to sections 7 and 8, on such conditions and to such extent as it determines."

4. Section 38 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

"Where a transaction referred to in section 314.3 has occurred, the employer involved in the transaction shall also have access free of charge to the record kept by the Commission in respect of an employment injury the cost of which is used to determine the employer's assessment following the transaction."

5. Section 160 of the said Act is amended by replacing the words "published each year by the Commission in the *Gazette officielle du Québec*" in the second and third lines by the words "adopted by the Commission by regulation".

6. Section 197 of the said Act is amended by striking out the second paragraph.

7. Section 198 of the said Act is replaced by the following section:

"**198.** The Commission and the Régie de l'assurance-maladie du Québec shall enter into an agreement concerning the rules governing the reimbursement of the sums paid by the Régie for the purposes of this Act and the determination of the administrative expenses incurred for the payment of the services referred to in section 196."

8. Section 283 of the said Act is amended by striking out the words "and each establishment of an employer" in the first and second lines.

9. The said Act is amended by inserting, after section 284, the following sections:

"**284.1.** In determining the employer's assessment, the Commission shall take into account, in accordance with the rules provided for in this chapter, the experience related to the risk of employment injuries insured by the Commission.

"**284.2.** The Commission may make, with a group of employers it considers appropriate, an agreement determining, in particular, the special conditions governing the application to the employers of personalized rates or retrospective adjustment of the assessment as well as procedures for calculating such rates or adjustment. The Commission shall determine, by regulation, the framework within which the agreement is to be made.

Such an agreement may depart from the prescribed conditions and procedures used to fix an employer's assessment and shall provide that disputes resulting from its application are to be submitted to arbitration and are excluded from any other remedy under this Act ."

10. Section 290 of the said Act is amended

(1) by striking out the words ", for each of his establishments," in the second line of the second paragraph;

(2) by replacing the words "his activities" in subparagraph 1 of the second paragraph by the words "the activities carried on in each of his establishments".

11. Section 292 of the said Act is amended by striking out the words "for each of his establishments" in the second and third lines of the first paragraph.

12. The said Act is amended by inserting, after section 294, the following section:

"**294.1.** The Commission may regulate the statements of wages required of the employer under this division."

13. Section 296 of the said Act is amended by striking out the words "in each of his establishments" in the second line of the first paragraph.

14. Section 297 of the said Act is amended by replacing the words "economic activity" in the second line by the word "classification".

15. Section 298 of the said Act is replaced by the following section:

"**298.** For the purposes of assessment, the Commission shall classify each employer under one or more units, in accordance with the rules it determines by regulation."

16. Sections 299 to 302 of the said Act are repealed.

17. Section 303 of the said Act is amended by striking out the words "and that of his establishment" in the second line of the first paragraph.

18. Section 304 of the said Act is amended by replacing the word "activity" in the third line by the word "classification".

19. Section 304.1 of the said Act is amended

(1) by replacing the words "who, with respect to a unit under which he is classified," in the second and third lines of the first paragraph by the words "in respect of each unit under which he is classified if the employer";

(2) by replacing the word "activity" in the second line of the second paragraph by the word "classification".

20. Section 305 of the said Act is amended

(1) by striking out the words ", and indicate to him the amount of his assessment for each of his establishments" in the third and fourth lines of the first paragraph;

(2) by inserting the words "and the contents" after the word "transmission" in the third line of the second paragraph.

21. Section 307 of the said Act is amended

(1) by inserting the words "not more than" before the figure "200" in the third line of the first paragraph and before the figure "250" in the fifth line of the first paragraph;

(2) by replacing the words “If the employer has never transmitted such a statement, the Commission may” in the first line of the second paragraph by the words “The Commission may also, where it considers it appropriate,”;

(3) by inserting the words “to be not more than the result obtained” after the word “estimated” in the third line of the second paragraph.

22. Section 308 of the said Act is amended by striking out the words “and the interest on the amount” in the third line.

23. Section 309 of the said Act is repealed.

24. Section 312 of the said Act is amended by replacing the word “activity” in the second line of paragraph 1 by the word “classification”.

25. Section 313 of the said Act is amended by replacing the words “each of the financial records” in the second line by the words “the records”.

26. Section 314.1 of the said Act is repealed.

27. The said Act is amended by inserting, after section 314.2, the following sections:

“**314.3.** Where an employer is involved in a transaction defined by regulation, the Commission may, in the cases and on the conditions prescribed by the regulation, determine the experience it must take into account in order to reflect the risk to which the workers are exposed following the transaction and assess the employer accordingly in accordance with the special prescribed procedure, if any.

“**314.4.** The employer involved in a transaction referred to in section 314.3 shall inform the Commission in accordance with the standards prescribed by regulation.”

28. Section 315 of the said Act is amended by replacing the second and third paragraphs by the following paragraph:

“However, the Commission may come to an agreement with the employer on special terms and conditions of payment of his assessment.”

29. Section 317 of the said Act is amended by replacing the first two paragraphs by the following paragraph:

“**317.** The Commission may prescribe, by regulation, the circumstances in which, time within which and conditions subject to which it may re-determine the classification, the imputation of the cost of benefits and the assessment, penalty and interest payable by an employer, at a higher or lower level, as well as the standards applicable to the re-determination.”

30. Section 318 of the said Act is amended

(1) by replacing the word "establishment" in the first line of the first paragraph by the word "employer";

(2) by striking out the words "of the establishment" in the third line of the first paragraph.

31. Section 319 of the said Act is amended

(1) by replacing the words "the aggregate of" in the second line by the words "5% of the assessment he should have paid";

(2) by striking out paragraphs 1 and 2.

32. Section 320 of the said Act is repealed.

33. Section 323 of the said Act is replaced by the following section:

"**323.** The employer and the Commission are required to pay the interest fixed by regulation in the cases and subject to the terms and conditions prescribed.

The rates of interest shall be fixed according to the rules established by the regulation which may provide for the capitalization of the interest."

34. Section 326 of the said Act is amended

(1) by replacing the words "and post it to the account of the establishment in which the worker held his employment at the time of the accident" in the second, third and fourth lines of the first paragraph by the words "suffered by a worker while in the employ of the employer";

(2) by inserting the words ", on its own initiative or on the application of an employer," after the word "also" in the first line of the second paragraph;

(3) by adding, after the second paragraph, the following paragraph:

"Any application under the second paragraph must be filed in writing by the employer within the year following the date of the accident, and state the reasons for the application."

35. Section 329 of the said Act is amended

(1) by inserting the words ", on its own initiative or on the application of an employer," after the word "may" in the second line;

(2) by adding the following paragraph:

"Any application under the first paragraph must be filed in writing by the employer before the expiry of the third year following the year of the employment injury, and state the reasons for the application."

36. The said Act is amended by inserting, after section 330, the following section:

"**330.1.** For the purposes of this division, the cost of benefits includes the cost of the services of a health professional designated by the Commission under Division I of Chapter VI."

37. The said Act is amended by inserting, after section 331, the following division:

"DIVISION VII

"INSPECTION

"**331.1.** The Commission or a person it authorizes to carry out an inspection may, for the purposes of Chapter IX or X, enter at any reasonable time any place of work or any establishment of an employer. The Commission or the person may then require, for examination or reproduction of extracts, any relevant book, report, contract, file, account, register, recording, record or document.

A person having custody, possession or control of the documents referred to in the first paragraph shall communicate them to the person carrying out an inspection and facilitate the person's examination of such documents.

"**331.2.** No person may hinder an inspection.

"**331.3.** The person carrying out the inspection shall, on request, identify himself and produce the certificate issued by the Commission attesting his capacity."

38. Section 345 of the said Act is amended by replacing the words "and third paragraphs" in the third line by the word "paragraph".

39. The said Act is amended by inserting, after section 357, the following section:

"**357.1.** A transaction referred to in section 314.3 does not revive rights to review or rights of contestation otherwise extinguished.

No employer who is a member of a group of employers having entered into an agreement under section 284.2 may apply for a review of or contest a decision concerning the worker of another employer of the group."

40. Section 358 of the said Act is amended by adding, after the second paragraph, the following paragraph:

"No person may apply for the review of the Commission's decision to accept or refuse to enter into an agreement under section 284.2."

41. The said Act is amended by inserting, after section 362, the following section:

"**362.1.** The Commission may, however, take into account, for the purpose of establishing the assessment of an employer for a year, any compensation for bodily injury or any amount paid as a death benefit under sections 98 to 100, the second paragraph of section 102 and sections 103 to 108 and 110 even though the decision granting such compensation or benefit is not final."

42. Section 364 of the said Act is amended

(1) by replacing the words ", increases the amount of a benefit or causes the employer to be reimbursed, the Commission shall pay to him the interest accrued" in the third and fourth lines of the first paragraph by the words "or increases the amount of a benefit, the Commission shall pay to the beneficiary the interest accrued from the date of the claim.", and by striking out subparagraphs 1 and 2 of that paragraph;

(2) by striking out the words ", in the case referred to in subparagraph 1 of the first paragraph," in the second and third lines of the second paragraph.

43. Section 365 of the said Act is amended by adding, at the end, the following paragraph:

"This section does not apply to a decision rendered under Chapter IX."

44. Section 454 of the said Act is amended

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

"(2.1) determining, for the purposes of section 160, the standards and tables of personal home assistance and providing for the method of annual reevaluation of the sums of money fixed therein;";

(2) by inserting, after subparagraph 4.1 of the first paragraph, the following subparagraphs:

"(4.2) determining the framework within which section 284.2 is to apply for the purposes of the agreements provided for therein;

"(4.3) prescribing special standards applicable to the statements of wages required of the employer in Division II of Chapter IX. Those standards may vary according to the categories of employers the Commission determines;";

(3) by replacing the words "economic activity" in the first line of subparagraph 5 of the first paragraph by the word "classification";

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

"(5.1) determining, for the purposes of section 298, the rules for classification of employers into units; those rules may vary according to the categories of employers the Commission determines;";

(5) by replacing the word "activity" in the second lines of subparagraphs 6 and 8 of the first paragraph by the word "classification";

(6) by striking out the words ", according to the assessment applicable to an employer under section 305," in the first and second lines of subparagraph 11 of the first paragraph;

(7) by replacing the words "cet employeur" in the second line of subparagraph 11 of the first paragraph of the French text by the words "l'employeur";

(8) by striking out subparagraph 12 of the first paragraph;

(9) by inserting, after subparagraph 12 of the first paragraph, the following subparagraphs:

"(12.1) defining the transactions referred to in section 314.3 and prescribing the cases, terms and conditions for the determination of the experience of the employer involved in such a transaction and prescribing special assessment procedures applicable to the employer;

"(12.2) determining the standards according to which the employer involved in a transaction referred to in section 314.3 is to inform the Commission;

"(12.3) determining the circumstances in which, time within which and conditions subject to which the Commission may re-determine the classification, the imputation of the cost of benefits and the assessment, penalty and interest payable by an employer, at a higher or lower level, as well as the standards applicable to the re-determination;

"(12.4) determining the cases in which and the conditions subject to which two or more employers may apply to form a group for the establishment of personalized rates and prescribing special procedures for calculating their rates. The conditions may vary according to the categories of employers the Commission determines;";

(10) in subparagraph 13 of the first paragraph,

(1) by striking out the words "the personalized rate or" in the third line;

(2) by inserting the words "and prescribing special procedures for the calculation of the adjustment. The conditions may vary according to the categories of employers the Commission determines" after the word "adjustment" in the third line;

(11) by replacing subparagraph 15 of the first paragraph by the following subparagraph:

"(15) determining, for the purposes of section 323, in what cases and subject to what terms and conditions the Commission or the employer is required to pay interest, the rules for the determination of the applicable rates of interest and the terms and conditions of payment of the interest. The regulation may provide for the capitalization of the interest. The standards adopted under this subparagraph may vary according to the categories of employers the Commission determines.";

(12) by replacing the words "and 9" in the first line of the second paragraph by the words ", 9, 12.1, 12.4 and 13";

(13) by replacing the words "or the retrospective adjustment" in the third line of the second paragraph by the words ", the retrospective adjustment or the experience of an employer";

(14) by adding, after the second paragraph, the following paragraph:

"In addition, the Commission may, in exercising the regulatory powers provided for in subparagraphs 7 and 9 of the first paragraph, provide for rules to ensure an equitable apportionment of the assessments among the employers subject to a method for fixing the assessment or among employers subject to the different methods for fixing the assessment."

45. Section 455 of the said Act is replaced by the following section:

"**455.** Draft regulations adopted by the Commission under subparagraphs 1, 2, 3 to 4.2, 12.1 to 12.3 and 14 of the first paragraph of section 454 shall be submitted to the Government for approval.

Notwithstanding section 17 of the Regulations Act (chapter R-18.1), any regulation made under subparagraphs 5 to 13 and 15 of the first paragraph of section 454 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein."

46. Section 464 of the said Act is amended by inserting the words "an inspection," after the word "inquiry," in the third line.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

47. Section 247 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by replacing the words "sections 249 and 250" in the third line of the first paragraph by the words "section 250".

48. Section 249 of the said Act is repealed.

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

49. Sections 308, 309, 314.1, 315, 319, 320, 323 and 364 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) and the regulations under subparagraphs 12, 14 and 15 of the first paragraph of section 454 of the said Act as they read on (*insert here the date preceding the date of coming into force of section 33*) continue to apply for the purpose of determining the interest accrued to that date.

50. The Commission de la santé et de la sécurité du travail shall pay no interest to the employer pursuant to section 364 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) as it read on (*insert here the date preceding the date of coming into force of section 42*) where the reimbursement of assessments results from a modification of the imputation of the cost of benefits, except in the case of the application of section 314.1 of the said Act.

The first paragraph applies to a reimbursement made on or after 14 November 1996.

51. The third paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), as enacted by paragraph 14 of section 44, is declaratory.

52. For the purpose of fixing the personalized rate of an employer and of re-determining the rate pursuant to the Regulation respecting personalized rates, approved by Order in Council 260-90 (1990, G.O. 2, 587), the words "cost of the benefits due by reason of industrial accidents occurring and occupational diseases reported during the year for which the ratio is determined and imputed to the employer during that year and, where applicable, during the other two years before the year preceding the assessment year" mean

(1) benefits due by reason of industrial accidents occurring and occupational diseases reported during the year for which the ratio is determined, paid by the Commission de la santé et de la sécurité du travail during that year and, where applicable, during the other two years preceding the year which precedes the year of assessment, and imputed to the employer during that period;

(2) benefits due by reason of industrial accidents occurring and occupational diseases reported during the year for which the ratio is determined, paid by the Commission during that year and, where applicable, during the other two

years preceding the year which precedes the year of assessment, and imputed to the employer after that period;

(3) corrections made to the benefits due by reason of industrial accidents occurring and occupational diseases reported during the year for which the ratio is determined, paid by the Commission during that year and, where applicable, during the other two years preceding the year which precedes the year of assessment, and imputed to the employer during or after that period, whether those corrections are imputed to the employer during or after that period.

53. For the purpose of making the retrospective adjustment of the employer's annual assessment and of re-determining the adjustment pursuant to the Regulation respecting retrospective adjustment of the assessment, approved by Order in Council 262-90 (1990, G.O. 2, 604), the words "cost of the benefits due by reason of industrial accidents occurring and occupational diseases reported during that year and imputed to the employer during that year and the two following years" mean

(1) benefits due by reason of industrial accidents occurring and occupational diseases reported during the assessment year, paid by the Commission de la santé et de la sécurité du travail during that same year and the following two years, and imputed to the employer during that period;

(2) benefits due by reason of industrial accidents occurring and occupational diseases reported during the assessment year, paid by the Commission during that same year and the following two years, and imputed to the employer after that period;

(3) corrections made to the benefits due by reason of industrial accidents occurring and occupational diseases reported during the assessment year, paid by the Commission during that year and the following two years and imputed to the employer during or after that period, whether those corrections are imputed to the employer during or after that period.

54. For the purpose of computing the abatement or additional assessment and the new computation pursuant to the Regulation respecting the system of merit or demerit rating for assessing an employer, approved by Order in Council 1628-86 (1986, G.O. 2, 2658), the words "sum of disbursements attributed to an employer during the year and during the following two years for employment injuries occurring or declared during that base year" mean

(1) benefits for employment injuries occurring or reported during that reference year, paid by the Commission de la santé et de la sécurité du travail during that year and during the following two years, and imputed to the employer during that period;

(2) benefits for employment injuries occurring or reported during that reference year, paid by the Commission during that year and the following two years, and imputed to the employer after that period;

(3) corrections made to the benefits due for employment injuries of the reference year, paid by the Commission during that year and during the following two years, and imputed to the employer during or after that period, whether the corrections are imputed to the employer during or after that period.

55. Sections 52 to 54 apply to every notice of assessment issued from 14 November 1996.

Notwithstanding the first paragraph, where a final decision of a court rendered following a contestation by the employer of a notice of assessment issued before 14 November 1996 states that a benefit may not be used for the purpose of establishing the assessment of that employer, the Commission de la santé et de la sécurité du travail shall not, in such a case, use that benefit for the purpose of establishing the assessment of that employer.

56. The Commission de la santé et de la sécurité du travail may, from 23 December 1996, require of employers that they make available such information as is necessary for the implementation of the regulations referred to in subparagraphs 4.3 and 5.1 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) as enacted by paragraphs 2 and 4 of section 44.

57. The provisions of paragraph 12 of section 44 apply to subparagraphs 12.1, 12.4 and 13 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), as enacted by paragraphs 9 and 10 of section 44, from the date on which they come into force.

58. The provisions of this Act come into force on the date or dates to be fixed by the Government, except those of sections 1 to 3, 5 to 7, section 9 insofar as it enacts section 284.1 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001), section 21, paragraphs 2 and 3 of section 34, sections 35 to 37, paragraphs 1, 12 and 14 of section 44, sections 45 and 46 and sections 49 to 58, which come into force on 23 December 1996, and sections 47 and 48 which come into force on 31 March 1997.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 75
(1996, chapter 71)

An Act to amend the Act respecting collective agreement decrees

Introduced 14 November 1996
Passage in principle 27 November 1996
Passage 20 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

The object of this bill is to harmonize the Act respecting collective agreement decrees with certain provisions of the Labour Code and of the Act respecting labour standards, in particular as regards definitions and the measures established for the protection of employees.

In addition, the bill specifies the process and criteria for the evaluation of applications for the juridical extension or amendment of collective agreement decrees, and provides for accelerated processing of the applications. It establishes new criteria in order to adjust the collective agreement decree system to the present socioeconomic context, determines the criteria for the definition of the scope of the decrees and provides for an arbitration procedure.

The bill modifies the role and powers of committees and empowers the Minister to monitor the quality of their management. It also provides for a reduction in administrative expenses and enables the Minister to require, by regulation, that persons to whom collective agreement decrees apply pay certain expenses.

The bill provides for the preparation of a report to evaluate the effects of the Act respecting collective agreement decrees and the advisability of maintaining the manufacturing sector within the scope of the Act. Lastly, it amends certain provisions to harmonize them with the Civil Code of Québec and contains a number of transitional provisions.

Bill 75

AN ACT TO AMEND THE ACT RESPECTING COLLECTIVE AGREEMENT DECREES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2), amended by section 43 of chapter 29 of the statutes of 1996, is again amended

(1) by replacing paragraph *b* by the following paragraphs:

"(*b*) "certified association" means the association recognized under the Labour Code (chapter C-27) by decision of the certification agent, the labour commissioner or the Labour Court as the representative of all or some of the employees of an employer;

"(*b*.1) "employers' association" means a group of employers having as its objects the study and safeguarding of the economic interests of its members and, particularly, assistance in the negotiation and application of collective agreements;

"(*b*.2) "association of employees" means a group of employees constituted as a professional syndicate, union, brotherhood or otherwise, having as its objects the study, safeguarding and development of the economic, social and educational interests of its members and, particularly, the negotiation and application of collective agreements;";

(2) by replacing paragraph *d* by the following paragraph:

"(*d*) "collective agreement" or "agreement" means a collective agreement within the meaning of the Labour Code or an agreement in writing respecting conditions of employment, based on one or more collective agreements, and made between one or more certified associations or one or more groups of certified associations and one or more employers or one or more employers' associations;";

(3) by striking out paragraph *e*;

(4) by replacing the words "individual, partnership, firm or corporation" in the first line of paragraph *f* by the words "person, partnership or association";

(5) by replacing paragraph *g* by the following paragraph:

"(*g*) "professional employer" means an employer who has in his employ one or more employees covered by the scope of application of a decree;";

(6) by striking out paragraph *l*.

2. Section 2 of the said Act is amended by inserting the word "professional" before the word "employers" in the third line.

3. Section 4 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**4.** The application must be addressed to the Minister, accompanied by a true copy of the agreement and, where applicable, by a true copy of the collective agreement on which the agreement in writing is based."

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

"**4.1.** The Minister may require that the parties to the agreement or their members provide him with any document or information he considers necessary for his assessment of the application.

"**4.2.** The application is admissible if the Minister considers that the provisions of sections 3, 4 and 4.1 are complied with and that the application, upon inspection, meets the criteria set out in sections 6, 9 and 9.1.

The Minister may not decide that an application is inadmissible without first informing the applicant of his intention and of the reasons therefor and giving him an opportunity to present observations and, where appropriate, to produce documents to complete the application."

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

"**5.** The Minister shall publish in the *Gazette officielle du Québec* a notice of receipt of the application together with the text of the related draft decree. The notice shall also be published in a French language newspaper and in an English language newspaper.

The costs incurred for the publication of the notice in the newspapers and for the translation of the notice and draft decree shall be borne by the applicant.

The notice published in the newspapers shall specify that any objection must be filed within 45 days of publication or within a shorter time if the Minister considers that the urgency of the situation so requires. The notice must set out the reason for the shorter time limit."

6. Section 6 of the said Act is replaced by the following section:

"**6.** At the expiry of the time specified in the notice, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient, if he considers

(1) that the proper field of activity is defined in the application;

(2) that the provisions of the agreement

(*a*) have acquired a preponderant significance and importance for the establishment of conditions of employment;

(*b*) may be extended without any serious inconvenience for enterprises competing with enterprises established outside Québec;

(*c*) do not significantly impair the preservation and development of employment in the defined field of activity; and

(*d*) do not result, where they provide for a classification of operations or for various classes of employees, in unduly burdening the management of the enterprises concerned.

For the purposes of subparagraph 1 of the first paragraph, the Minister shall have regard to the nature of the work, the products and services and the characteristics of the market to which the application applies as well as the fields of activity defined as the scope of other decrees.

The Minister shall, where applicable, give proper consideration to the particular conditions prevailing in the various regions of Québec."

7. The said Act is amended by inserting, after section 6, the following sections:

"**6.1.** Sections 4 to 6 apply to an application for amendment. The publication and translation costs referred to in section 5 shall, however, be borne by the committee.

Sections 4 to 6, except sections 4.1 and 5, do not apply where the amendment applied for is the designation, addition or substitution of a contracting party or the correction of a provision of the decree containing an error in writing or calculation or any other clerical error.

"**6.2.** Where the Minister considers it necessary upon receiving an application for amendment under the first paragraph of section 6.1, he may revise the provisions of the decree not covered by the application on the basis of the criteria provided for in section 6. He may, for such purpose, require any information or document he considers necessary.

After consulting with the contracting parties or the committee, and after publication of a notice as provided for in section 5, the Minister may recommend that the Government issue a decree giving effect to the revised provisions.

"**6.3.** If the Minister does not recommend the granting of the application by the Government, he shall inform the applicant in writing and specify the reasons for his decision."

8. Section 7 of the said Act is replaced by the following section:

"**7.** Notwithstanding section 17 of the Regulations Act (chapter R-18.1), a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein."

9. Section 8 of the said Act is replaced by the following section:

"**8.** The Government may, at any time, extend the term of a decree.

After consulting with the contracting parties or the committee, and after publication of a notice as provided for in section 5, the Government may repeal a decree or amend a decree in conformity with section 6.

Divisions III and IV of the Regulations Act do not apply to a decree extending the term of a decree. Such a decree comes into force on the date of its issue and shall be published in the *Gazette officielle du Québec*."

10. Sections 9 and 10 of the said Act are replaced by the following sections:

"**9.** A decree may include any provision

(1) determining the participation of the committee in the development of industrial strategies in the field of activity defined as the scope of the decree; or

(2) relating to the participation of the committee in the development of manpower training in the field of activity defined as the scope of the decree.

"**9.1.** No decree may impose

(1) a provision of the agreement pertaining to the activities, administration or funding of an association of employees or an employers' association;

(2) a wage increase applicable to an effective wage rate that is higher than the wage rate established in the decree;

(3) the application of a wage rate that is higher than the wage rate established in the decree; or

(4) minimum prices to be charged to the public for certain services.

"**9.2.** Any work carried out in addition to the regular working hours of a day or week shall entail an increase in the hourly wages actually paid to an employee, except for premiums established on an hourly basis.

"**10.** The decree may order that certain persons or associations be treated as contracting parties.

The union party must in all cases be a certified association or a group of certified associations."

11. Section 11 of the said Act is amended by replacing the words "entail a matter of public order and shall govern and rule any work of the same nature or kind as that contemplated by the agreement, within the jurisdiction determined by the decree" in the first, second and third lines by the words "are public policy".

12. The said Act is amended by inserting, after section 11, the following sections :

"**11.1.** Where there is double coverage or an overlapping of fields of activity, an agreement may be made between the committees and the professional employer concerned.

There is double coverage where two or more decrees could be applicable alternately to the same employees of a professional employer, on a continual basis.

There is an overlapping of fields of activity where two or more decrees could be applicable simultaneously to the same employees of a professional employer.

"**11.2.** The agreement must determine which decree is applicable to the employees concerned of the professional employer and may include provisions designed to resolve any difficulty resulting from the application of that decree.

The committee responsible for the application of the decree determined to be applicable shall send a copy of the agreement to the Minister within the next 30 days.

"**11.3.** If no agreement can be reached concerning the double coverage or overlapping of fields of activity, the matter may be referred to an arbitrator by any of the parties concerned.

"**11.4.** The arbitrator shall be chosen by the committees and the professional employer concerned or, if they cannot agree, appointed by the Minister.

The arbitrator appointed by the Minister shall be chosen from the list drawn up under section 77 of the Labour Code.

"**11.5.** The arbitrator shall determine which decree is applicable to the employees concerned.

In rendering his award, the arbitrator may, subject to the third paragraph, have regard to the agreements made and the awards rendered in similar circumstances.

In an instance of double coverage, the arbitrator must render his award on the basis of the main activity of the enterprise of the professional employer in the twelve-month period preceding the application for arbitration. To determine the main activity, he may consider the total number of employees and the volume of products, services and business in each field of activity.

"**11.6.** In exercising his functions, the arbitrator may

(1) interpret and apply any Act, regulation or decree to the extent necessary to resolve a matter referred to him under section 11.3;

(2) order the payment of interest, at the rate fixed under section 28 of the Act respecting the Ministère du Revenu (chapter M-31), on any amount owed to an employee pursuant to the arbitration award;

(3) correct at any time a decision containing an error in writing or calculation or any other clerical error;

(4) render any other decision intended to protect the rights of the parties; and

(5) resolve any difficulty resulting from the double coverage or overlapping of fields of activity.

"**11.7.** Sections 100.0.2 to 101.10, except sections 100.1.1, 100.2.1, 100.10 and 100.12, and sections 139, 139.1 and 140 of the Labour Code, adapted as required, apply to the arbitration provided for in section 11.3.

"**11.8.** An agreement made under section 11.1 or an arbitration award binds the parties concerned until the date of expiry of the applicable decree, unless the employees concerned are, in the intervening time, excluded from the scope of the decree.

"**11.9.** Subject to the second paragraph, the Regulation respecting the remuneration of arbitrators, made by Order in Council 975-90 dated 4 July 1990, including any subsequent amendment, applies to the arbitration provided for in section 11.3.

The committees and the professional employer concerned shall each pay half of the fees, expenses and allowances of the arbitrator."

13. Section 13 of the said Act is amended

(1) by replacing the words “a lease and hire of work” in the second line by the words “an employment contract”;

(2) by striking out the figure “, 10” in the third line.

14. Section 14 of the said Act is amended

(1) by inserting the words “and every contractor” after the word “employer” in the first line;

(2) by replacing the words “jointly and severally responsible with such sub-entrepreneur or sub-contractor and any intermediary, for the payment of the wage fixed by the decree” in the second, third and fourth lines by the words “solidarily liable with such sub-entrepreneur or sub-contractor and any intermediary for the pecuniary obligations imposed by this Act, a regulation or a decree and for the levies payable to a committee”;

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

“Such solidary liability shall end six months after the completion of the work carried out by the sub-entrepreneur or sub-contractor unless, before the expiry of that time, an employee files a complaint relating to his wages with the committee, a civil action is brought or a notice is sent by the committee pursuant to section 28.1.”

15. The said Act is amended by replacing section 14.1 by the following sections:

“**14.1.** The alienation or concession of the whole or part of an enterprise, otherwise than by judicial sale, or the modification of its juridical structure by amalgamation, division or otherwise does not extinguish any debt arising out of the application of this Act, a regulation or a decree incurred prior to the alienation, concession or modification.

The former employer and his successor are solidarily liable for such a debt.

“**14.2.** The alienation or concession of the whole or part of an enterprise or the modification of its juridical structure by amalgamation, division or otherwise in no way affects the continuity of the application of the conditions of employment established in the decree.”

16. Section 16 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**16.** The parties to a collective agreement rendered obligatory must form a committee responsible for overseeing and ascertaining compliance with the decree. The committee shall also advise and inform the employees

and professional employers of the conditions of employment determined in the decree."

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

"**17.** After consulting the contracting parties, the Minister shall appoint to the committee, subject to such conditions and for such term as he deems proper, at least two members chosen in equal number from among the professional employers and the employees concerned who are neither party to the agreement, nor contracting parties, nor members of an association party to the agreement or designated as a contracting party.

The Minister may also designate an observer who shall attend the meetings of the committee. Upon receipt of a notice of such designation, the committee shall give the observer notice of its meetings as if he were a member of the committee."

18. Section 18 of the said Act is amended by replacing the words "corporate seat" in the third line of the first paragraph by the words "head office".

19. Section 19 of the said Act is amended by replacing the words "corporate seat" in the second line of the second paragraph by the words "head office".

20. Section 22 of the said Act is amended

(1) by replacing the words "shall constitute a corporation and shall have the general powers, rights and privileges appertaining to ordinary civil corporations" in the second and third lines of the first paragraph by the words "is a legal person";

(2) by inserting, after subparagraph *a* of the second paragraph, the following subparagraph:

"(*a*.1) Exercise against the directors of a legal person all remedies available to and exercisable by employees under this Act or a decree;";

(3) by replacing the words "the employer" in the first line of subparagraph *c* of the second paragraph by the words "a professional employer";

(4) by striking out the word "three" in the second line of subparagraph *d* of the second paragraph;

(5) by replacing the words "by a guarantee policy which shall be transmitted to" in the fourth line of the first paragraph of subparagraph *e* of the second paragraph by the words "in the form of an insurance policy approved beforehand by";

(6) by inserting the words "enter any worksite or establishment of any employer and" after the word "time," in the second line of the second paragraph of subparagraph *e* of the second paragraph;

(7) by inserting the word “professional” before the word “employer” in the first line of subparagraph *f* of the second paragraph;

(8) by striking out the words “in full” in the fourth line of subparagraph *g* of the second paragraph;

(9) by striking out the words “in full” in the first line of subparagraph 1 of subparagraph *h* of the second paragraph;

(10) by replacing, in the French text, the word “arrêté” in the first line of subparagraph 5 of subparagraph *i* of the second paragraph by the word “décret”;

(11) by inserting, after subparagraph *o* of the second paragraph, the following subparagraphs:

“(*p*) Support, subject to such conditions and to such extent as may be provided in the decree, the development of industrial strategies;

“(*q*) Participate, subject to such conditions and to such extent as may be provided in the decree, in the development of manpower training by drawing up and implementing a training plan subject to accreditation in accordance with section 8 of the Act to foster the development of manpower training (1995, chapter 43);

“(*r*) Use, for the purpose of drawing up and implementing an accredited training plan, the subsidies paid to the committee for such purpose or, by regulation approved with or without amendment by the Government, apply the following modes of financing only:

(1) the levy upon the professional employer of an amount not exceeding 1/2% of the employer’s total payroll calculated in accordance with section 4 of the Act to foster the development of manpower training; such a regulation does not apply to a professional employer who is exempted under that Act or under the committee regulation;

(2) the imposition of fees for the use of services offered within the framework of the training plan, and the determination of exemptions.

The Government may, at any time, by order published in the *Gazette officielle du Québec*, terminate or suspend any levy or reduce or increase the rate thereof.”;

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

“Any insurance contract to give effect to subparagraph *m* of the second paragraph must be entered into by the committee as the policyholder and as the beneficiary of any amount paid by the insurer as a dividend, return or premium refund. Any such amount shall be included in the audited financial

statements referred to in section 23 and shall be applied to the improvement of the insurance plan."

21. Section 23 of the said Act is replaced by the following sections:

"**23.** The committee shall transmit to the Minister its annual budgetary estimates and its audited financial statements, a copy of the statement of an independent auditor, a status report concerning each of the funds it administers, any document pertaining to a transfer of funds and an annual report.

The form of the documents shall be determined by the Minister.

The committee shall also transmit a copy of any applicable group insurance contract and policy and pension plan.

The committee shall keep copies of all such documents and give access to them on request during regular office hours.

"**23.1.** The Minister may require any member, officer, mandatary or employee of the committee to provide him with any information or document pertaining to the carrying out of this Act.

The person required to provide the information or documents shall comply within the specified time."

22. Section 24 of the said Act is amended

(1) by replacing the words "an employer" in the first and second lines by the words "a professional employer";

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

"The committee shall not disclose the identity of the employee concerned, unless he consents to it."

23. The said Act is amended by inserting, after section 25, the following:

"VERIFICATION AND INQUIRY

"**25.1.** The Minister may, generally or specially, designate a person to verify the documents transmitted under sections 23 and 23.1.

The verifier may, at any reasonable time, enter any place where he has reasons to believe operations or activities are carried out by or on behalf of a committee, and require any information or document, and examine and make copies of any document.

The person required to provide the information or documents must comply within the allotted time.

"**25.2.** No proceedings may be brought against the verifier for any act performed in good faith in the exercise of his functions.

"**25.3.** The verifier shall, on request, identify himself and produce the document signed by the Minister attesting to his capacity.

"**25.4.** No person may hinder the verifier in the exercise of his functions."

24. The said Act is amended by replacing section 26.1 by the following:

"CORRECTIVE ACTION

"**26.1.** The Minister may, even before the conclusion of a verification or inquiry under section 25.1 or 26,

(1) order a committee to take the necessary corrective action within a specified time;

(2) accept a voluntary undertaking by the committee to take the appropriate corrective action.

"PROVISIONAL ADMINISTRATION

"**26.2.** The Minister may, after being made aware of facts revealed upon ascertaining compliance with this Act and after giving the members of the committee concerned an opportunity to present observations in writing concerning such facts within 15 days of receipt of a notice of the Minister to that effect, suspend, as of the date determined by the Minister and for a period not exceeding 120 days, the powers of the committee members and appoint provisional administrators to exercise those powers during the period of suspension, if such facts give him reason to believe

(1) that the committee has failed to comply with the Minister's order under section 26.1 or to fulfil its voluntary undertaking thereunder;

(2) that the committee members are remiss in the performance of the obligations imposed by the Civil Code of Québec on administrators of legal persons or in the performance of their obligations under this Act, a regulation thereunder or a decree;

(3) that a serious fault, such as embezzlement or breach of trust, has been committed by one or more members or officers of the committee;

(4) that one or more members or officers of the committee have transgressed the rules of sound management applicable to the directors of a legal person; or

(5) that practices incompatible with the objects of the committee have been engaged in by the committee.

The Minister may make a decision even before the conclusion of a verification or inquiry under section 25.1 or 26.

The decision of the Minister, giving reasons, shall be forwarded with dispatch to the members of the committee. A notice of the decision shall also be published in the *Gazette officielle du Québec.*

"**26.3.** During the provisional administration, any regulatory provision adopted by, or legal provision applicable to, the committee which makes the validity of an act of the committee subject to authorization or approval by the meeting of members shall have no effect.

"**26.4.** Not later than 30 days before the appointed date of expiry of their mandate, the provisional administrators shall report their findings to the Minister, and submit their recommendations. The report must contain any information required by the Minister.

"**26.5.** After examining the report of the provisional administrators, the Minister may, if he considers it warranted in order to remedy a situation described in subparagraphs 1 to 5 of the first paragraph of section 26.2 or avoid the re-occurrence thereof,

(1) extend the provisional administration for a period not exceeding 90 days or terminate the provisional administration subject to specified conditions;

(2) order a reorganization of the structure and activities of the committee subject to specified conditions;

(3) remove from office one or more of the suspended committee members and provide for the appointment or election of new members.

Any extension of the provisional administration may be renewed for the same reasons by the Minister provided each renewal does not exceed 90 days.

If the report of the provisional administrators does not confirm the existence of a situation described in subparagraphs 1 to 5 of the first paragraph of section 26.2, the Minister shall terminate the provisional administration without delay.

Every decision of the Minister must state the reasons therefor and shall be forwarded with dispatch to the members of the committee.

"**26.6.** On the termination of the provisional administration, the provisional administrators shall render a final account of their administration to the Minister. The account must be sufficiently detailed to allow verification of its accuracy and shall be produced together with the related books and vouchers.

"**26.7.** The expenses, fees and disbursements of provisional administration shall be borne by the committee concerned, unless the Minister decides otherwise.

"**26.8.** No proceedings may be brought against provisional administrators exercising the powers and functions conferred on them for any act performed in good faith in the exercise of such powers and functions.

"**26.9.** No extraordinary recourse under articles 828 to 846 of the Code of Civil Procedure (chapter C-25) may be exercised, and no injunction may be granted against provisional administrators exercising their powers and functions under this division.

A judge of the Court of Appeal may, on motion, summarily annul any judgment, writ, order or injunction issued or granted contrary to this section.

"**26.10.** The Minister shall include, in the report he tables in the National Assembly each year concerning the activities of his department, an account, under a separate heading, of the carrying out of this division."

25. Section 28.1 of the said Act is replaced by the following section:

"**28.1.** A notice sent by a committee by registered or certified mail to a professional employer to the effect that the committee is examining a complaint filed under section 24 interrupts prescription in respect of all his employees for six months from the mailing of the notice.

An application for arbitration also interrupts prescription in respect of the employees of a professional employer until the final decision of the arbitrator appointed under section 11.4."

26. The said Act is amended by inserting, after section 28.1, the following:

"EXPENSES AND FEES

"**28.2.** The Government may, by regulation, determine in what cases and by whom expenses or fees may be payable, and fix the amounts thereof."

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

"**30.1.** An employee who believes that he has been dismissed, suspended or transferred for any of the reasons set forth in paragraph *a*, *b* or *c* of section 30 and who wishes to assert his rights shall do so before the labour commissioner appointed under the Labour Code as though he were an employee dismissed, suspended or transferred by reason of his having exercised a right under that Code. Sections 15 to 20, 118 to 137, 139, 139.1, 140, 146 and sections 150 to 152 of the Labour Code apply, adapted as required.

Notwithstanding section 16 of the Labour Code, the time allowed for presenting a complaint to the labour commissioner-general shall be 45 days. If the complaint is presented within that time to the committee or the Minister, failure to present it to the labour commissioner-general cannot be invoked against the complainant. The labour commissioner-general shall send copy of the complaint to the committee concerned.

The committee may, with the consent of the parties, appoint a person who shall endeavour to resolve the complaint to the satisfaction of the parties."

28. Section 31 of the said Act is amended by replacing the words "exemplary damages" in the fourth line by the words "punitive damages".

29. Section 35 of the said Act is amended by replacing the words "employer or employee violating" in the first line by the words "professional employer or employee who contravenes".

30. The said Act is amended by inserting, after section 37, the following section:

"**37.1.** Every person who, in any manner, obstructs or hinders a provisional administrator, an investigator or a verifier in the exercise of his powers and functions under this Act is guilty of an offence.

Every person convicted of an offence under this section is liable to a fine of $500 to $5,000 in the case of a natural person or $1,000 to $10,000 in the case of a legal person. For any subsequent offence, the amounts are doubled."

31. Section 38 of the said Act is amended by adding, after the figure "$200" in the last line, the words "and, for any subsequent offence, to a fine of $200 to $500".

32. Section 39 of the said Act is replaced by the following sections:

"**39.** Every person who aids, abets, counsels, allows, authorizes or commands another person to commit an offence under this Act is guilty of an offence.

Every person convicted of an offence under this section is liable to the same penalty as that prescribed for the offence whose commission he aided or abetted.

"**39.1.** No person convicted of an offence under section 37.1, or of an offence under section 39 where it relates to an offence under section 37.1, may be elected or appointed a member, officer or mandatary of a committee or exercise any other function within a committee.

A disqualification under the first paragraph stands for five years, unless a pardon is obtained."

33. Section 44 of the said Act is amended by inserting the word "professional" before the word "employer" in the first line.

34. Section 45 of the said Act is amended

(1) by inserting the word "professional" before the word "employer" in the first line;

(2) by adding the following paragraph:

"The amount owed to the employee bears interest, from the date of the claim, at the rate fixed under section 28 of the Act respecting the Ministère du Revenu (chapter M-31)."

35. Section 47 of the said Act is amended by inserting the word "professional" before the word "employer" in the first line.

36. Section 48 of the said Act is amended by inserting the word "professional" before the word "employer" in the fourth line.

TRANSITIONAL AND FINAL PROVISIONS

37. A decree in force on 23 December 1996 shall expire either on the date determined therein, if any, or on 23 June 1998 whichever occurs last.

38. The Government may extend the term of a decree referred to in section 37 for a period not exceeding 18 months.

39. The provisions of paragraphs *b* and *d* of section 1 of the Act respecting collective agreement decrees, as they read before 23 December 1996, apply to any application for amendment, replacement or renewal of the Decree respecting hairdressers in the Hull region (R.R.Q., chapter D-2, r.15). The provisions of paragraph 4 of section 9.1 and the second paragraph of section 10 of the said Act as amended by this Act do not apply in respect of that decree.

40. The provisions of section 12 do not apply to double coverage or an overlapping of fields of activity involving the decrees referred to in section 37 or extended under section 38.

41. The provisions of a qualification plan provided for in a decree or by-law referred to in section 56 of the Manpower Vocational Training and Qualification Act (1969, chapter 51) may, until such time as they are replaced or repealed, be revised without, however, extending the scope of such provisions.

Subject to the third and fourth paragraphs, such a qualification plan may be financed only as provided for in subparagraph *r* of the second paragraph of section 22 of the Act respecting collective agreement decrees.

The fees payable pursuant to a regulation made under the second paragraph shall be limited to the taking of examinations, the issue and renewal of certificates of qualification and the issue and updating of apprentice booklets.

The amounts levied upon a professional employer pursuant to a regulation made under the second paragraph and the amounts levied pursuant to subparagraph *r* of the second paragraph of section 22 of the Act respecting collective agreement decrees shall not exceed 1/2% of the total payroll calculated in accordance with section 4 of the Act to foster the development of manpower training.

Every regulation made by the committee under this section shall be transmitted to the Minister and must be approved with or without amendment by the Government. The Government may, at all times, by order published in the *Gazette officielle du Québec*, terminate or suspend the levy provided for in a regulation made under the second paragraph or reduce or increase the rate thereof.

42. The Minister of Labour shall, on or before 23 December 1999, report to the Government on the carrying out of the Act respecting collective agreement decrees.

The report, as regards the manufacturing sector, shall be made in collaboration with the Minister responsible for Industry and Trade, and shall express an opinion as to the advisability of maintaining that sector within the scope of the said Act.

The report shall be tabled within the next 15 days in the National Assembly or, if it is not sitting, within 15 days of resumption.

43. The provisions of this Act come into force on 23 December 1996, except section 17 and the second, third, fourth and fifth paragraphs of section 41, which come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 76
(1996, chapter 72)

An Act to establish a tourism partnership fund

Introduced 14 November 1996
Passage in principle 10 December 1996
Passage 20 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTE

The purpose of this bill is to establish a tourism partnership fund for the promotion and development of tourism, and to define the operating rules applicable to the fund.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting the Ministère de l'Industrie, du Commerce, de la Science et de la Technologie (R.S.Q., chapter M-17).

Bill 76

AN ACT TO ESTABLISH A TOURISM PARTNERSHIP FUND

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Ministère de l'Industrie, du Commerce, de la Science et de la Technologie (R.S.Q., chapter M-17) is amended by inserting, after section 17, the following division:

"DIVISION II.2

"TOURISM PARTNERSHIP FUND

"**17.1.** A tourism partnership fund is hereby established for the promotion and development of tourism.

"**17.2.** The Government shall fix the date on which the fund begins to operate and determine its assets and liabilities. The Government shall also determine the nature of the activities that may be financed by the fund and the nature of the costs and expenses that may be charged to the fund. Moreover, the Government may change the name of the fund.

"**17.3.** The fund shall be made up of

(1) the proceeds from the sale of the goods and services financed by the fund;

(2) the sums paid into the fund by the Minister and taken out of the appropriations granted for that purpose by Parliament;

(3) the gifts, legacies and other contributions paid into the fund to further the achievement of the objects of the fund;

(4) the sums paid into the fund by the Minister of Finance pursuant to section 17.5 and the first paragraph of section 17.6;

(5) the sums paid into the fund by the Minister of Revenue as the proceeds from the specific accommodation tax collected pursuant to the Act respecting the Québec sales tax (chapter T-0.1);

(6) the sums paid into the fund by the Minister of Revenue, out of the proceeds of the Québec sales tax collected pursuant to the Act respecting the Québec sales tax, on the dates and to the extent determined by the Government; and

(7) the interest earned on bank balances proportionate to the sums referred to in paragraphs 3 and 5.

"**17.4.** The management of the sums making up 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 designated by him.

Notwithstanding section 13 of the Financial Administration Act (chapter A-6), the Minister shall keep the books of account of the fund and record the financial commitments chargeable to the fund. In addition, the Minister shall certify that such commitments and the payments arising therefrom do not exceed and are consistent with the available balances.

"**17.5.** The Minister, as 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.

"**17.6.** The Minister of Finance may, with the authorization of and subject to the conditions determined by the Government, advance to the fund sums taken out of the consolidated revenue fund.

Conversely, the Minister of Finance may, subject to the conditions he determines, advance to the consolidated revenue fund on a short-term basis any part of the sums making up the fund that is not required for its operation.

Any sum advanced to a fund is repayable out of that fund.

"**17.7.** The sums referred to in paragraph 5 of section 17.3 and the interest earned thereon shall be paid out to the regional tourism associations representing the tourism regions where the specific accommodation tax is applicable.

The Minister shall determine the dates on which and the conditions subject to which the payments are to be made as well as the terms and conditions of payment.

"**17.8.** The sums required to pay the remuneration of and expenditures relating to the employment benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (chapter F-3.1.1), to fund-related activities shall be taken out of the fund.

"**17.9.** The surpluses accumulated in the fund shall be paid into the consolidated revenue fund on the dates and to the extent determined by the Government.

"**17.10.** Sections 22 to 27, 33, 35, 45, 47 to 49, 49.2, 49.6, 51, 57 and 70 to 72 of the Financial Administration Act, adapted as required, apply to the fund.

"**17.11.** The fiscal year of the fund shall end on 31 March.

"**17.12.** 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 fund the sums required for the execution of a judgment against the Crown that has become *res judicata*."

2. This Act comes into force on 23 December 1996.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 77
(1996, chapter 73)

An Act to amend the Police Act and other legislative provisions

Introduced 14 November 1996
Passage in principle 5 December 1996
Passage 19 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill amends the provisions of the Police Act governing the organization of police services on Québec territory. It provides that a local municipality having a population of less than 5,000 inhabitants must make an agreement through its regional county municipality to obtain the services of the Sûreté du Québec, unless the Minister of Public Security authorizes the municipality to retain the services of another police force. Municipalities with a population of 5,000 inhabitants or more are to be served by their own police force, by an outside police force pursuant to an agreement with another municipality or by the Sûreté du Québec on the authorization of the Minister. A municipality that does not conform with those provisions will be served by the Sûreté du Québec in accordance with the Police Act.

The bill defines the minimum content of an agreement concerning the police services that are provided by the Sûreté du Québec to a municipality, and provides for the creation of a public security committee to oversee the agreement. In addition, the Act respecting the Ministère de la Sécurité publique is amended to create a police services fund which is to finance the cost of certain goods and services provided by the Sûreté du Québec.

The Police Act is also amended to allow the members of the police forces and special constables to engage in certain political activities. With the exception of certain officers of the Sûreté du Québec as well as the directors of other police forces and their assistants, a member of a police force may be a candidate in a federal or provincial election provided that he or she is on leave without pay. A member of a police force may also be a candidate in a municipal or school board election in an area outside the territory to which the member is assigned.

The Act respecting police organization is amended to introduce provisions pertaining to the funding of the police institute and to the composition of its board of directors.

Lastly, the bill contains technical and consequential amendments as well as transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

– Highway Safety Code (R.S.Q., chapter C-24.2);

– Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

– Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3);

– Act respecting police organization (R.S.Q., chapter O-8.1);

– Police Act (R.S.Q., chapter P-13);

– Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

Bill 77

AN ACT TO AMEND THE POLICE ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

POLICE ACT

1. Section 2.1 of the Police Act (R.S.Q., chapter P-13) is amended by replacing the second paragraph by the following paragraph:

"However, the Minister of Public Security is deemed to be the employer of any municipal policeman acting in the capacity of peace officer at the request of the Minister or at the request of the Police Force."

2. Section 6 of the said Act, amended by section 766 of chapter 2 of the statutes of 1996, is repealed.

3. Section 6.1 of the said Act is amended

(1) by replacing the word "the" in the first line of subparagraph *a* of paragraph 10 by the words "a rate schedule or a";

(2) by replacing the entire portion of the sentence following the word "Government" in the fourth line of subparagraph *a* of paragraph 10 by the following: "where police services are provided by the Police Force pursuant to section 64.3, 64.4 or 73.1, and the maximum amount payable;";

(3) by inserting, after subparagraph *a* of paragraph 10, the following subparagraph:

"(*a*.1) prescribe a calculation method or special rates where police services provided under an agreement made in accordance with section 73.1 are partial or supplementary services or services that are provided for special events;";

(4) by replacing the words "subparagraph *a* and prescribe the" in the second line of subparagraph *b* of paragraph 10 by the words "subparagraph *a* or *a*.1 and prescribe";

(5) by replacing the words "subparagraph *a*" in the second line of subparagraph *c* of paragraph 10 by the words "subparagraph *a* or *a*.1";

(6) by striking out, in paragraph 11, the word "local" in the second line, the word "such" in the third line and the word "local" in the fourth line.

4. The said Act is amended by inserting, before Division III, the following division:

"**DIVISION II.1**

"PROVISIONS RESPECTING CERTAIN POLITICAL ACTIVITIES

"**37.1.** No officer of the Police Force referred to in paragraphs 1 and 2 of section 43 and no director or assistant director of another police force may, on pain of disciplinary action, be a candidate in a federal or provincial election or in a municipal or school board election, or engage in partisan political activity in favour of, or against, a candidate or political party.

"**37.2.** No other member of the Police Force, no other member of another police force and no special constable may, on pain of disciplinary action, be a candidate in a municipal or school board election, or engage at the municipal or school board level in partisan political activity in favour of, or against, a candidate or political party, within the limits of the territory to which he is assigned.

"**37.3.** A member of the Police Force or of another police force not referred to in section 37.1, or a special constable, who is a candidate in a federal or provincial election or who engages at the federal or provincial level in partisan political activity in favour of, or against, a candidate or political party, must be on full leave of absence without pay.

"**37.4.** The exercise of the right to vote in an election, membership in a political party, being a candidate for elective public office other than a public office referred to in this division or attendance at a public meeting of a political nature, does not constitute partisan political activity.

"**37.5.** An application for leave for political activities shall be made to the highest authority under whose direction the member of the Police Force or of any other police force or the special constable performs his duties.

The authority concerned shall grant the leave of absence as soon as practicable and fix the dates on which the leave is to begin and to end. The duration of the leave of absence must allow the applicant sufficient time and opportunity to fully engage in the political activities for which the leave is applied for.

"**37.6.** Any person who ceases to engage in political activity before the end of the leave of absence shall notify, without delay, the authority that granted the leave. The leave of absence shall end on the fifteenth day following the date of receipt of the notice.

"**37.7.** At the end of the leave of absence, the person to whom leave had been granted is entitled to return to his duties in a position compatible with the duties imposed by the Code of ethics of Québec police officers or by

the applicable disciplinary rules, particularly as regards impartiality and conflict of interest.

"**37.8.** Except where inconsistent, the provisions of Division II of Chapter IV of Title IV of the Election Act (chapter E-3.3) that are applicable to candidates and official agents, adapted as required, apply to any member of the Police Force or of another police force and to any special constable who is required to take leave of absence by reason of other political activities.

"**37.9.** The provisions of this division shall not operate to prevent the application of the provisions of the Code of ethics of Québec police officers, particularly as regards the duty of political neutrality in the performance of duties, the duty of restraint in public demonstrations of political opinion, the duty of discretion and the duty of impartiality in the performance of duties. In addition, the provisions of this division shall not operate to set aside the provisions of the said Code that govern conflicts of interest or applicable disciplinary rules."

5. The said Act is amended by inserting, after section 39, the following section:

"**39.0.1.** The Minister of Public Security may, in the public interest and where particular situations or activities so justify, enter into an agreement for the provision of police services by the Police Force with any body other than a municipality. The cost of such services shall be borne by the body concerned."

6. Section 49 of the said Act is amended by adding, at the end, the following paragraph:

"This section applies subject to the provisions of Division II.1."

7. Section 64 of the said Act is amended

(1) by replacing the last two sentences of the first paragraph by the following sentences: "A municipality having a population of 5,000 inhabitants or more may either establish its own police force by a by-law of its council approved by the Minister of Public Security, or retain the services of another police force in accordance with an agreement under section 73. A municipality having a population of less than 5,000 inhabitants shall be served by the Police Force in accordance with an agreement under section 73.1.";

(2) by striking out the words ", or to a regional county municipality," in the second and third lines of the second paragraph;

(3) by striking out the words "section 8 of the Act respecting municipal territorial organization (chapter O-9), where applicable, or to" in the fifth and sixth lines of the second paragraph;

(4) by inserting, after the second paragraph, the following paragraph:

"In addition, the first paragraph does not apply to any part of the territory of a local municipality in respect of which particular conditions for the provision of police services have been ordered by the Minister or agreed by the Government pursuant to Division IV.0.1 or Division V."

8. Section 64.0.1 of the said Act is amended

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

"**64.0.1.** Notwithstanding section 64, the Minister of Public Security may, subject to the conditions he determines, authorize a local municipality having a population of 5,000 inhabitants or more to retain the services of the Police Force in accordance with an agreement under section 73.1 or a local municipality having a population of less than 5,000 inhabitants to establish its own police force or to retain the services of any other police force in accordance with an agreement under section 73.

In addition, the Minister may authorize any municipality which has established its own police force to abolish it, subject to the conditions he determines.";

(2) by replacing the words "making a recommendation under the first paragraph, or giving an authorization under the second paragraph" in the first and second lines of the third paragraph by the words "giving an authorization under the second or third paragraph".

9. Section 64.1 of the said Act is amended by replacing the words "exempting a municipality from establishing its own police force or authorizing it to abolish it or to reduce its size take" in the first, second and third lines of the first paragraph by the words "authorizing a municipality to abolish its police force or to reduce its size shall take".

10. Section 64.3 of the said Act is amended

(1) by striking out the word "municipal" in the second line of the first paragraph;

(2) by adding, at the end of the first paragraph, the following sentence: "The Police Force is required, in that case, to provide police services in accordance with Schedule C.";

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

"This section ceases to apply in respect of the municipality on the date from which it is served by a police force in accordance with an agreement under section 73 or 73.1 or from the date on which it establishes its own police force."

11. Section 64.4 of the said Act is amended

(1) by striking out the word "local" in the second line of the first paragraph;

(2) by striking out the last two sentences of the first paragraph;

(3) by striking out the word "local" in the first line of the second paragraph;

(4) by striking out the word "local" in the third line of the second paragraph;

(5) by replacing the words "or the police force of another municipality to act in its territory and no agreement has been entered into under the first paragraph" in the second, third and fourth lines of the third paragraph by the words "to act in its territory";

(6) by striking out the last sentence of the third paragraph.

12. Section 73.1 of the said Act is replaced by the following sections:

"**73.1.** The Minister of Public Security may make an agreement with a local municipality or, in the case of a local municipality having a population of less than 5,000 inhabitants, with the regional county municipality that includes the local municipality, providing that all or some of the police services in the territory of the local municipality or in any other territory under the jurisdiction of the local municipality are to be provided by the Police Force.

In the case of a local municipality having a population of less than 5,000 inhabitants, the Minister may make the agreement with the local municipality where the Minister is of the opinion that it is warranted by the circumstances.

"**73.2.** An agreement under section 73.1 shall

(1) determine the nature and scope of the police services provided to the local municipality or, in the case of an agreement with a regional county municipality, to each local municipality concerned;

(2) fix the number of policemen assigned to the services;

(3) determine the exchanges of information between the Police Force and the municipality concerned;

(4) provide for the supervision of the application of the agreement;

(5) determine the location of the police station, where applicable, and the costs relating to premises furnished by the municipality;

(6) define the roles and responsibilities of the Police Force and the municipality concerned;

(7) provide for a dispute settlement mechanism to serve in the interpretation or application of the agreement;

(8) determine the term of the agreement, which must be at least five years where the agreement covers all police services.

The cost of the police services provided by the Police Force shall be established using the calculation methods or rate schedule prescribed by regulation and shall be borne by the local municipality or, in the case of an agreement with a regional county municipality, by each local municipality concerned.

"**73.3.** The implementation of an agreement under section 73.1 shall be placed under the authority of a public security committee composed of the following persons:

(1) four members of the council of the local municipality or, in the case of an agreement with a regional county municipality, of the councils of the local municipalities to which the agreement applies, designated by the local municipality or the regional county municipality, as the case may be;

(2) two representatives of the Police Force, designated by the Police Force, one of whom shall be the person in charge of the police station and neither of whom shall be entitled to vote.

The members of the committee shall select a chairman for a term of one year from among the persons referred to in subparagraph 1 of the first paragraph.

The committee shall hold not less than one meeting every two months, which shall be called by the president. It shall oversee the progress of the agreement, assess the services provided and, on an annual basis, establish priority actions for the police service. It shall inform the parties of the results of its work and shall report to them at least once a year.

In addition, the committee may make to the Police Force such recommendations as it considers expedient and advise the Minister on the work organization or training needs of policemen and on any other question relating to the police services covered in the agreement."

13. Section 75 of the said Act is amended by replacing the words "in a territory that is not subject to the jurisdiction of the police force of the municipality which employs him, the Minister of Public Security" in the first, second and third lines by the words "at the request of the Minister of Public Security or at the request of the Police Force, the Minister".

14. Section 98.6 of the said Act is replaced by the following section :

"**98.6.** Every person who by encouragement, advice, command or authorization incites a member of the Police Force or of any other police force

or a special constable to become a candidate or to engage in other partisan political activities in contravention of the provisions of Division II.1 is guilty of an offence and is liable to a fine of $100 to $3,000."

15. The said Act is amended by adding, after Schedule B, the following schedule:

"SCHEDULE C

"POLICE SERVICES IN TERRITORIES NOT UNDER THE JURISDICTION OF A POLICE FORCE

"(*Section 64.3*)

I. The Police Force shall provide the basic police services prescribed by regulation under paragraph 11 of section 6.1.

II. The Police Force shall provide such services, throughout the territory of the regional county municipality that includes the local municipality, in accordance with its usual administrative and operating practices.

III. The implementation of this schedule shall be placed under the authority of a public security committee composed of the following members:

(1) four members of the council of the local municipality or, in the case of an agreement with a regional county municipality, of the councils of the local municipalities to which the agreement applies, designated by the local municipality or the regional county municipality, as the case may be, or failing such designation, by the Minister;

(2) two representatives of the Police Force, designated by the Police Force, one of whom shall be the person in charge of the police station and neither of whom shall be entitled to vote.

IV. The committee may examine any question pertaining to the provision of police services and make to the Police Force such recommendations as it considers expedient."

HIGHWAY SAFETY CODE

16. The Highway Safety Code (R.S.Q., chapter C-24.2) is amended by inserting, after section 634, the following sections:

"**634.1.** The Police Force has exclusive jurisdiction to enforce the rules of this Code on an autoroute, subject to the jurisdiction assigned to the highway controllers pursuant to section 519.67 and subject to the jurisdiction that the Minister of Public Security may assign to a police force serving a municipality traversed by an autoroute.

The assignment of jurisdiction to a municipal police force becomes effective on the date on which it is published in the *Gazette officielle du Québec*.

"**634.2.** The peace officers who may be authorized by the prosecutor to issue a statement of offence in relation to an offence under the rules of this Code committed on an autoroute are:

(1) the members of the Police Force;

(2) the members of a police force to which the Minister has assigned jurisdiction under section 634.1 which serves a municipality traversed by the autoroute;

(3) the highway controllers designated under section 519.67."

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

17. Section 62 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by striking out paragraph 7.

18. Section 63 of the said Act is amended by striking out paragraph 2.

ACT RESPECTING THE MINISTÈRE DE LA SÉCURITÉ PUBLIQUE

19. The Act respecting the Ministère de la Sécurité publique (R.S.Q., chapter M-19.3) is amended by inserting, after Division III, the following division:

"DIVISION III.1

"POLICE SERVICES FUND

"**14.1.** A special fund to be known as the "police services fund" is hereby established at the Ministère de la Sécurité publique.

The purpose of the fund is to finance the cost of the goods and services provided by the Police Force under section 39.0.1, 64.3, 64.4 or 73.1 of the Police Act (chapter P-13).

"**14.2.** The Government shall determine the date on which the fund begins to operate, its assets and liabilities, the nature of the goods and services financed by the fund and the nature of the expenses which must be charged to it.

"**14.3.** The fund shall be made up of the following sums, except interest:

(1) the sums paid into the fund for the goods and services financed by the fund;

(2) sums paid into the fund by the Minister of Finance pursuant to section 14.5 or 14.6;

(3) the sums paid into the fund by the Minister of Public Security out of the appropriations granted for that purpose by Parliament.

"**14.4.** 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 of Public Security shall keep the books of account for and record the financial commitments chargeable to the fund. The Minister shall also certify that such commitments and the payments arising therefrom do not exceed, and are consistent with, the available balances.

"**14.5.** The Minister of Public Security may, as manager of the fund, borrow from the Minister of Finance sums taken out of the financing fund at the Ministère des Finances.

"**14.6.** 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, on a short-term basis and subject to the conditions he determines, any part of the sums constituting the fund that is not required for its operation.

Any advance paid into the special fund or the consolidated revenue fund is repayable out of the fund into which it was paid.

"**14.7.** The sums required for the remuneration and expenses pertaining to the social benefits and other conditions of employment of the persons assigned in accordance with the Public Service Act (chapter F-3.1.1) to activities related to the fund shall be taken out of the fund.

"**14.8.** 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.

"**14.9.** Sections 22 to 27, 33, 35, 45, 47 to 49, 49.2, 51, 57 and 70 to 72 of the Financial Administration Act (chapter A-6), with the necessary modifications, apply to the fund.

"**14.10.** The fiscal year of the fund ends on 31 March.

"**14.11.** 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 special fund the sums required for the execution of a judgment against the Crown that has acquired the authority of *res judicata*."

ACT RESPECTING POLICE ORGANIZATION

20. Section 4 of the Act respecting police organization (R.S.Q., chapter O-8.1) is amended

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

"**4.** The institute shall be administered by a board of directors composed of fourteen members as follows:

(1) a chairman;

(2) a representative of the Ministère de la Sécurité publique;

(3) a representative of the Ministère de l'Éducation;

(4) three representatives of the Police Force, including the director general and another member from the association responsible for defending the interests of policemen;

(5) three representatives of the Communauté urbaine de Montréal, including the director of its police force and one other policeman from the association responsible for defending the interests of policemen;

(6) four representatives from municipalities, including one from the association responsible for defending the interests of directors of police forces and one from the association responsible for defending the interests of policemen;

(7) the director general of the institute appointed under section 12.";

(2) by replacing the words "Every member of the board appointed for a specified term shall remain in office at the end of his term until he is" in the first and second lines of the second paragraph by the words "The term of office of the members appointed by the Government under any of subparagraphs 1 to 6 of the first paragraph is two years. At the end of their terms the members shall remain in office until".

21. Section 5 of the said Act is amended

(1) by striking out the words "a chairman and" in the first and second lines;

(2) by replacing the words "1 to 8" in the third line by the words "2 to 6".

22. Section 6 of the said Act is amended by replacing the words "the term of a person appointed for a specified term" in the first and second lines by the words "a term".

23. The said Act is amended by inserting, after section 17, the following section:

"**17.1.** To finance in part the activities of the institute, an annual contribution based on a percentage of the total payroll of police personnel in each municipal police force of Québec shall be paid to the institute by each local municipality, intermunicipal board, regional county municipality or urban community that maintains a police force. A contribution based on the total payroll of the Police Force shall also be paid for the same purposes by the Government to the institute.

The applicable percentage, which shall not exceed 1%, and the terms of payment shall be determined by the Government on the recommendation of the institute.

The contributions paid under this section are deemed to be eligible expenditures within the meaning of section 5 of the Act to foster the development of manpower training (1995, chapter 43).

This section does not apply to a Naskapi Village, a Cree Village or the Kativik Regional Government."

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

24. Section 374 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended

(1) by replacing the word "chairman" in the third line of the second paragraph by the words "director or chief of the regional police force or before a member";

(2) by replacing the word "chairman" in the second line of the third paragraph by the words "director or chief of the regional police force or before a member".

TRANSITIONAL AND FINAL PROVISIONS

25. Until the coming into force of the first regulation under paragraph 10 of section 6.1 of the Police Act (R.S.Q., chapter P-13), as amended by section 3 of this Act, the Regulation respecting the amount payable by the municipalities for the services of the Sûreté du Québec, made by Order in Council 326-92 (1992, G.O. 2, 1115), applies subject to the amendments brought by the schedule to this Act where police services are provided to a municipality pursuant to section 64.3, 64.4 or 73.1 of the Police Act.

26. A regional county municipality acting as a local municipality with regard to an unorganized territory pursuant to section 8 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is not subject to the

second paragraph of section 64.3 or the third paragraph of section 64.4 with respect to that territory until 1 July 1997.

27. Every local municipality having a population of less than 5,000 inhabitants which on 31 December 1996 is served by a municipal police force is exempt from the requirement to make an agreement under section 64 of the Police Act, as amended by section 7 of this Act.

The exemption ceases to have effect as soon as the municipality ceases to be served by the municipal police force or when a decision of the Minister is made to the effect that the police services are no longer adequate within the meaning of the second paragraph of section 64.4 of the Police Act.

28. The provisions of this Act come into force on 1 January 1997, except section 23 which comes into force on 1 April 1997.

SCHEDULE

(*Section 25*)

AMENDMENTS TO THE REGULATION RESPECTING THE AMOUNT PAYABLE BY THE MUNICIPALITIES FOR THE SERVICES OF THE POLICE FORCE

1. The Regulation respecting the amount payable by the municipalities for the services of the Sûreté du Québec made by Order in Council 326-92 dated 4 March 1992 and amended by Orders in Council 247-94 dated 9 February 1994 and 1318-95 dated 27 September 1995 is again amended by replacing section 10 by the following section:

"**10.** Notwithstanding section 9, the rate by which the standardized real estate value of a municipality resulting from an amalgamation that came into force after 31 December 1990 is multiplied is, for any of the eight fiscal years, or in the case of municipalities which amalgamated between 9 February 1994 and 31 December 1996 for any of the first 11 fiscal years following the last fiscal year that began before the amalgamation came into force, the product obtained by multiplying the rate that would otherwise be applicable under section 9 by the coefficient established in accordance with the second or third paragraph, as the case may be.

For the purpose of establishing the rate referred to in the first paragraph for any of the first five fiscal years, or in the case of municipalities which amalgamated between 9 February 1994 and 31 December 1996 for any of the first eight fiscal years following the last fiscal year that began before the amalgamation came into force, the coefficient referred to in that paragraph is the quotient obtained by dividing the aggregate referred to in subparagraph 1 by the product referred to in subparagraph 2:

(1) the aggregate of the contributions payable, by the municipalities whose territories have been amalgamated, for the last fiscal year that began before the amalgamation came into force;

(2) the product obtained by multiplying the aggregate of the standardized real estate values of the municipalities referred to in subparagraph 1 for the second fiscal year preceding the fiscal year referred to in that subparagraph by the rate appearing in Column B of Schedule I opposite the range, in Column A of that Schedule, that comprises the total population of the municipalities on 1 January of the fiscal year referred to in subparagraph 1.

For the purpose of establishing the rate referred to in the first paragraph for any of the sixth, seventh and eighth fiscal years, or in the case of municipalities which amalgamated between 9 February 1994 and 31 December 1996 for the ninth, tenth and eleventh fiscal years, following the last fiscal year that began before the amalgamation came into force, the coefficient referred to in that paragraph is the sum obtained by adding to the quotient established under the

second paragraph one-quarter, one-half or three-quarters, depending on whether it is for the sixth, seventh or eighth fiscal year, or in the case of municipalities which amalgamated between 9 February 1994 and 31 December 1996, depending on whether it is for the ninth, tenth or eleventh fiscal year, of the difference obtained by subtracting that quotient from 1.00000.

For the purposes of the second paragraph, a situation described in section 1 is deemed to have existed for the entire fiscal year referred to in subparagraph 1 of that paragraph and, if that fiscal year precedes the 1992 fiscal year, this Regulation and the legislative provisions to which it refers are deemed to have applied during the fiscal year.

Notwithstanding section 3, the product resulting from the multiplication referred to in the first paragraph, the quotient resulting from the division referred to in the second paragraph and the results of the operations referred to in the third paragraph are expressed as a decimal number comprising 5 decimals. The fifth decimal is increased by 1 where the sixth decimal would have been greater than 4."

2. Schedule I to the said Regulation is replaced by the following schedules:

"**SCHEDULE I**
"(s. 9)

"RATE MULTIPLIERS FOR THE STANDARDIZED REAL ESTATE VALUE

A POPULATION	B RATE
0 to 3000	0.00180
3001 to 3100	0.00184
3101 to 3200	0.00191
3201 to 3300	0.00198
3301 to 3400	0.00205
3401 to 3500	0.00211
3501 to 3600	0.00217
3601 to 3700	0.00223
3701 to 3800	0.00228
3801 to 3900	0.00233
3901 to 4000	0.00238
4001 to 4100	0.00242
4101 to 4200	0.00247
4201 to 4300	0.00251
4301 to 4400	0.00254
4401 to 4500	0.00258
4501 to 4600	0.00262
4601 to 4700	0.00265
4701 to 4800	0.00268
4801 to 4900	0.00272

4901 to 5000	0.00275
5001 to 5100	0.00279
5101 to 5200	0.00285
5201 to 5300	0.00291
5301 to 5400	0.00296
5401 to 5500	0.00301
5501 to 5600	0.00307
5601 to 5700	0.00311
5701 to 5800	0.00316
5801 to 5900	0.00321
5901 to 6000	0.00325
6001 to 6100	0.00329
6101 to 6200	0.00334
6201 to 6300	0.00338
6301 to 6400	0.00341
6401 to 6500	0.00345
6501 and +	0.00350

Notwithstanding the rate multipliers for the standardized real estate value applicable to a municipality, the maximum contribution payable by the municipality shall not exceed $1,500,000.

"**SCHEDULE II**

"METHOD OF CALCULATION FOR PARTIAL OR SUPPLEMENTARY SERVICES AND SERVICES PROVIDED DURING SPECIAL EVENTS

1. The contribution payable for services provided by the Police Force for partial or supplementary services or services provided during special events is calculated using the following formula:

(Number of officers × Number of hours) × (Hourly remuneration + employer contributions + general costs).

Hourly remuneration is determined on the basis of the average of the annual salaries of an officer at the 36 month, 48 month and 60 month levels, in force on 1 July of the preceding year, divided by 1,966 hours. That average is established on the basis of the remuneration determined in the collective agreement of the officers of the Police Force. Where overtime services are provided, the hourly rate is increased by 50%.

Employer contributions consist of contributions to the pension plans (current service), the Régie de l'assurance-maladie du Québec, the Régie des rentes du Québec and the Commission de la santé et de la sécurité du travail, according to the rate and contribution limits in force on 1 July of the preceding year.

General costs are established at 15% of hourly remuneration.

2. The municipality must pay the amount payable within 30 days of receipt of the invoice."

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 78

(1996, chapter 74)

An Act to amend various legislative provisions relating to the construction industry

Introduced 14 November 1996
Passage in principle 10 December 1996
Passage 20 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill amends various laws governing the construction industry in order to remove some of the constraints affecting individuals and enterprises.

Requirements in the Building Act relating to the issue of licences and permits are reduced, temporary licences and permits are eliminated, and licences restricted to certain classes of work are authorized. Candidates will be admitted to the examinations of the Régie du bâtiment before applying for a licence, and it will be possible to transmit documents to the Régie du bâtiment by electronic means or via a telecommunications link.

In the field of piping and electrical installation work, contractors will be exempted from the requirement to forward plans and specifications in every case before beginning work. The obligation to obtain a permit for piping work is replaced by an obligation to declare such work, the obligation to obtain a permit for electrical work is eliminated, and the obligation to declare electrical work is limited to work that does not involve a connection to a public power network.

A number of provisions are introduced into various Acts to facilitate, by regulatory measures, the implementation of intergovernmental agreements concerning manpower mobility and the recognition of qualifications, skills and experience. The rules relating to the issue of cards by the Commission de la construction du Québec to individuals who wish to work as employees in the construction industry are also adjusted.

The rules governing the inclusion of expenses in the calculation of a building contractor's contribution toward the development of manpower training are changed for a limited period.

Lastly, the bill contains technical and consequential amendments and a series of provisions to ensure rapid implementation of the deregulatory measures it introduces.

LEGISLATION AMENDED BY THIS BILL:

– Building Act (R.S.Q., chapter B-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);

– Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);

– Act to foster the development of manpower training (1995, chapter 43).

Bill 78

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RELATING TO THE CONSTRUCTION INDUSTRY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

BUILDING ACT

1. Section 58 of the Building Act (R.S.Q., chapter B-1.1) is amended by adding, at the end, the following paragraph:

"Subparagraph 2 of the first paragraph does not apply to a natural person who meets one of the conditions set out in subparagraphs 6, 7, 7.1 and 7.2 of the said paragraph."

2. The said Act is amended by inserting, after section 58, the following section:

"**58.1.** A natural person, even if not applying for a licence for himself or on behalf of a partnership or legal person, shall be admitted to the examinations or to another method of evaluation referred to in subparagraph 1 of the first paragraph of section 58 if he meets the conditions set out in subparagraphs 3, 4, 5 and 8 of the said paragraph.

The results of the examination he has passed, the exemptions granted or the recognitions or attestations issued remain valid for a period of three years after his application for admission."

3. Section 60 of the said Act is amended by adding, at the end, the following paragraph:

"Subparagraph 1 of the first paragraph does not apply to a partnership or legal person that meets one of the conditions set out in subparagraphs 4, 5, 5.1 and 5.2 of the said paragraph."

4. The said Act is amended by inserting, after section 62, the following section:

"**62.1.** The Board may, by way of exception, issue a licence authorizing the holder to carry out or cause to be carried out building work the object and scope of which coincide with part only of a subclass of licence established by regulation of the Board, where the applicant meets the specific competency

conditions determined by the Board in addition to the other conditions prescribed by this Act and the regulations."

5. Section 64 of the said Act is repealed.

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

"**143.1.** The Board may authorize a person who transmits a notice, report, declaration, estimation or any other document to the Board, a manager referred to in section 81 or a person referred to in section 135, to transmit such document in computerized form or by a telecommunications link, on the conditions it determines by regulation according to the categories of documents indicated in the regulation.

"**143.2.** An intelligible written transcript of the data stored by the Board, the manager referred to in section 81 or the person referred to in section 135 in computerized form forms part of its or his documents and is proof of its content where it has been certified true by a person referred to in section 141 or by a person designated by the manager or the person, as the case may be.

In the case of data communicated to the Board, to a manager or to a person under section 143.1, the transcript must reproduce such data exactly."

7. Section 160 of the said Act, amended by section 72 of chapter 74 of the statutes of 1991, is again amended by inserting the figure "58.1," after the figure "17.2," in paragraph 1.

8. Section 165 of the said Act, amended by section 73 of chapter 74 of the statutes of 1991, is again amended by inserting the figure "58.1," after the figure "17.2," in paragraph 1.

9. Section 182 of the said Act, amended by section 86 of chapter 2 of the statutes of 1996, is again amended by adding, at the end, the following paragraph:

"A regulation made under subparagraph 1 or 7 of the first paragraph to give effect to an intergovernmental agreement in respect of mobility or the recognition of the qualifications, skills or work experience of building contractors may provide for adjustments to the provisions of this Act and the regulations, including regulations adopted by the Board, and for special management rules applicable to the categories of persons and contractors covered by the regulation. Such a regulation is not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1)."

10. Section 185 of the said Act, amended by section 8 of chapter 58 of the statutes of 1995, is again amended

(1) by striking out the words “or other method of evaluation” at the end of paragraph 9;

(2) by striking out the words “or temporary licence” and “or a temporary permit” in paragraph 16;

(3) by striking out the words “or temporary licence” in paragraph 18;

(4) by inserting, after paragraph 18, the following paragraph:

“(18.1) determine in what cases it will charge registration, examination or evaluation fees to a natural person referred to in section 58.1 and fix the amount of such fees;”.

11. Section 192 of the said Act is amended by adding, at the end, the following paragraph:

“The contents of the codes and regulations may, in particular, vary to facilitate the recognition of the qualifications, skills or work experience of the building contractors covered by an intergovernmental agreement in respect of mobility or the recognition of such qualifications, skills or work experience.”

ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

12. Section 30 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended

(1) by inserting the words “, including any exceptional provision to facilitate the implementation of intergovernmental agreements in respect of manpower mobility or the recognition of the qualifications, skills or work experience in trades or vocations” after the word “establishes” in the third line of paragraph *l*;

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

“Such regulations made to facilitate the implementation of an intergovernmental agreement are not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1).”

13. Section 31 of the said Act is amended by replacing the words “paragraphs *a*, *b*, *c* and *d*” in the first line of the first paragraph by the words “subparagraphs *a*, *b*, *c* and *d* of the first paragraph”.

14. Section 42 of the said Act is amended by replacing the words “paragraph *b*” in the third line of the first paragraph by the words “subparagraph *b* of the first paragraph” and by replacing the words “paragraph b” in the second line of the second paragraph by the words “subparagraph *b* of the first paragraph”.

ACT RESPECTING PIPING INSTALLATIONS

15. Section 13 of the Act respecting piping installations (R.S.Q., chapter I-12.1) is amended

(1) by striking out subparagraph *b* of the first paragraph of subsection 1;

(2) by striking out the words "and other fees" in the first line of subsection 3.

16. Section 15 of the said Act is amended

(1) by striking out paragraphs *a* and *c*;

(2) by striking out the words "or other fees" in the first line of paragraph *e*.

17. Sections 20.1 and 20.2 of the said Act are replaced by the following sections:

"**20.1.** Every contractor must, before beginning work contemplated by this Act or the regulations, declare to the board of examiners the work he intends to carry out.

The declaration shall be transmitted by means of a document approved by the board of examiners.

In case of superior force, the contractor who cannot transmit a declaration before the beginning of the work shall do so as soon as possible.

"**20.2.** In the cases determined by regulation of the Government, the contractor must, before beginning the work, have in his possession the plans and specifications for a new piping system or for alterations to an existing piping system. A copy of the plans and specifications must be transmitted to the board of examiners at its request.

The plans and specifications must contain the information required by regulation of the Government."

ACT RESPECTING ELECTRICAL INSTALLATIONS

18. Section 2 of the Act respecting electrical installations (R.S.Q., chapter I-13.01), amended by section 43 of chapter 29 of the statutes of 1996, is again amended by inserting the figure ", 9" after the figure "8.1" in the second line of paragraph 8.

19. Section 3 of the said Act is amended by replacing the words "with the permit application" in the fifth line of the first paragraph by the words "at its request".

20. Section 4 of the said Act is replaced by the following section:

"**4.** Every person, partnership or association wishing to carry out electrical installation work, whether additions, alterations or repairs to an existing electrical installation or a new electrical installation, must, in the case of work not requiring any connection to the network of a public service company or of a municipal service and before beginning the work, declare to the board of examiners the work he or it intends to carry out.

However, the Government may, by regulation, determine the conditions on which a single declaration of work may, during the period it fixes, cover all the work carried out by the holder of a licence.

In case of superior force, a licence holder who cannot transmit a declaration before the beginning of the work shall do so as soon as possible."

21. Section 8 of the said Act is replaced by the following section:

"**8.** The Government may prescribe the conditions on which the licences provided for in section 20 may be issued as well as the term of the licences and the applicable fees.

The Government may also prescribe the form and conditions of transmission of the declaration of work provided for in section 4, the conditions to be met by the persons referred to in that section and the inspection fees."

22. Section 9 of the said Act is amended by replacing the word "permit" in the first line of the first paragraph by the word "licence".

23. Section 19 of the said Act is amended by striking out paragraph 5.

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

"**24.** The licences provided for in this Act shall be issued by the board of examiners as prescribed by regulation."

25. Section 27 of the said Act is amended by striking out the words "and issuing of permits" in the second line.

26. Section 31 of the said Act is amended

(1) by striking out the words "or permit" in the first line of paragraph *a*;

(2) by striking out the words "or a permit" in paragraph *c*.

27. Section 34 of the said Act is amended by replacing the words "No permit or licence issued under this Act or the regulations may be transferred or conveyed; and every such licence or permit may be suspended or cancelled" in the first, second and third lines of the first paragraph by the words "No licence issued under this Act or the regulations may be transferred or conveyed and any such licence may be suspended or cancelled".

MASTER ELECTRICIANS ACT

28. Section 12.2 of the Master Electricians Act (R.S.Q., chapter M-3) is amended by replacing the words "the examinations contemplated in section 58 of the Building Act (chapter B-1.1)" in the first and second lines of the first paragraph by the words ", except with regard to persons exempted therefrom by a regulation under section 182 of the Building Act (chapter B-1.1), the examinations referred to in section 58 of that Act".

MASTER PIPE-MECHANICS ACT

29. Section 11.2 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4) is amended by replacing the words "the examinations contemplated in section 58 of the Building Act (chapter B-1.1)" in the first and second lines of the first paragraph by the words ", except with regard to persons exempted therefrom by a regulation under section 182 of the Building Act (chapter B-1.1), the examinations referred to in section 58 of that Act".

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

30. The Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by inserting, after section 7.5, enacted by section 6 of chapter 8 of the statutes of 1995, the following section:

"**7.5.1.** For the purposes of sections 7.3 and 7.5, a person who establishes that he is exempted by virtue of a regulation made under the second paragraph of section 123 is deemed to be the holder of a proof of exemption."

31. Section 28 of the said Act, amended by section 14 of chapter 61 of the statutes of 1993, is again amended

(1) by replacing the word "(CSD)" in the first line by the words "(CSD-CONSTRUCTION)";

(2) by replacing the words "Syndicat de la construction Côte Nord de Sept-Îles Inc." in the fourth and fifth lines by the words "Syndicat de la construction Côte-Nord Inc. (SCCN)";

(3) by replacing the word "twelfth" in the seventh line by the word "thirteenth".

32. Section 29 of the said Act, amended by section 14 of chapter 61 of the statutes of 1993, is again amended by replacing the word "twelfth" in the first line by the word "thirteenth".

33. Section 32 of the said Act, amended by section 17 of chapter 61 of the statutes of 1993, is again amended by replacing the words "which ends on the last Saturday" in the fourth and fifth lines of the second paragraph by the words "ending on a Saturday that is any day from the fourth day to the tenth day".

34. The said Act is amended by inserting, before section 36, the following sections:

"**35.2.** An employee whose name does not appear on the list prepared under section 30 may, during the month referred to in the first paragraph of section 32, make known to the Commission, according to the procedure it establishes by regulation, his election respecting one of the associations whose name is published pursuant to section 29. For the purposes of section 38, an employee who does not avail himself of that right is deemed to maintain his last election respecting one of the said associations.

"**35.3.** The presumptions as to an election or the maintenance of an election respecting an association of employees which are established by the third paragraph of section 32 and by section 35.2 are applicable, with respect to an association referred to in section 28 whose name has not been published pursuant to section 29 for the purposes of the most recent ballot held pursuant to the second paragraph of section 32, only until the last day of the ninth month preceding the date of expiry of a collective agreement provided for in section 47.

An employee who, until that date, is deemed to have made an election respecting an association whose name has not been so published or to maintain his election respecting such an association must, in accordance with the procedure established by regulation of the Commission, make known to the Commission, during the month referred to in the first paragraph of section 32 or at any other time determined in the regulation, his election respecting one of the associations whose name has been published pursuant to section 29.

"**35.4.** The Commission shall inform the representative association concerned of any election made in its respect by an employee under section 35.2 or 35.3."

35. Section 36 of the said Act, amended by section 20 of chapter 61 of the statutes of 1993, is again amended

(1) by inserting the words " or who has made his election known to the Commission pursuant to section 35.2 or 35.3" after the figure "33" in the second line of the first paragraph;

(2) by replacing the words "he has elected for in accordance with section 32" in the first and second lines of subparagraph *c* of the first paragraph by the words "respecting which the employee has made an election";

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

"In the case of an employee holding a competency certificate or an exemption issued by the Commission, the Commission may, rather than send the employee the card referred to in the first paragraph, issue to him, if necessary, a new certificate or exemption containing the information that would have appeared on the card. In such a case, the name of the representative association respecting which the employee has made an election, as it appears on the certificate or exemption, has effect from the day mentioned in the second paragraph."

36. The said Act is amended by inserting, after section 36, the following section:

"**36.1.** The Commission may, at any time, issue a card under section 36 to a person who wishes to begin working as an employee in the construction industry and who makes known to the Commission, according to the procedure established by regulation of the Commission, his election respecting one of the associations whose name has been published pursuant to section 29.

In such a case, the document issued to the person by the Commission indicating the person's election has effect from the day of issue, and the Commission shall inform the representative association concerned accordingly."

37. Section 37 of the said Act is replaced by the following section:

"**37.** Subject to the first paragraph of section 35.3, the name of the representative association respecting which an employee has made or is deemed to have made an election pursuant to this chapter, as it appears on a certificate, exemption or card referred to in section 36, is deemed to correspond to the last election respecting a representative association actually made by the employee, until such time as the document concerned is replaced to indicate a new election made by the employee."

38. Section 38 of the said Act is amended by replacing the words "section 32" in the second line of the first paragraph by the words "this chapter".

39. Section 39 of the said Act is replaced by the following section:

"**39.** No employer may, as regards construction work, use the services of a person subject to this Act as an employee, or assign such a person to construction work as an employee, unless the person holds a document referred to in section 36 validly bearing in accordance with this chapter the name of one of the associations referred to in section 28."

40. Section 43.7 of the said Act, amended by section 21 of chapter 8 of the statutes of 1995, is again amended by inserting the word "sector-based" before the words "employers' association" in the second line of the first paragraph.

41. Section 80.1 of the said Act, amended by section 37 of chapter 8 of the statutes of 1995, is again amended by inserting, after subparagraph 6 of the first paragraph, the following subparagraph:

"(7) refusing to issue to an employee a card referred to in section 36."

42. Section 81 of the said Act, amended by section 38 of chapter 8 of the statutes of 1995, is again amended by inserting the words "or the recipient of an exemption" after the word "certificate" in the third line of subparagraph *c*.1 of the first paragraph.

43. Section 85.5 of the said Act is amended by replacing the words "or be the grantee of an exemption issued by the Commission" in the fourth and fifth lines by the words "issued by the Commission or be the recipient of an exemption".

44. Section 85.6 of the said Act is amended by replacing the words "or be the grantee of an exemption issued by the Commission" in the third and fourth lines by the words "issued by the Commission or be the recipient of an exemption".

45. Section 92 of the said Act, amended by section 42 of chapter 8 of the statutes of 1995, is again amended by adding, after subsection 5, the following subsection:

"(6) With the exception of sections 15 and 20, the Regulations Act (chapter R-18.1) does not apply to a regulation made under this section."

46. Section 119.1 of the said Act, amended by section 50 of chapter 51 of the statutes of 1995, is again amended

(1) by replacing the words "or the grantee of an exemption issued by the Commission" in the third and fourth lines of paragraph 1 and the third and fourth lines of paragraph 2 by the words "issued by the Commission, or the recipient of an exemption,";

(2) by replacing the words "or the grantee of an exemption issued by the Commission" in the third and fourth lines of paragraph 3 and the third and fourth lines of paragraph 4 by the words "issued by the Commission, or the recipient of an exemption";

(3) by replacing the words "or, as the case may be, the proof of exemption, issued to him by the Commission" in the fourth and fifth lines of paragraph 7 by the words "issued to him by the Commission, or his proof of exemption";

(4) by replacing the words "or an exemption" in the fourth line of paragraph 10 by the words ", an exemption or a card referred to in section 36".

47. Sections 119.2 and 119.3 of the said Act are replaced by the following sections:

"**119.2.** Where a person is convicted of an offence under section 83.1 or any of paragraphs 1 and 7 to 11 of section 119.1, in addition to the prescribed penalty, his competency certificate, exemption or card issued under section 36 or, as the case may be, his right to obtain the issue or renewal of such a certificate, exemption or card shall be suspended for a period of one to three months if the person has been convicted of an offence under any of the said provisions during the two preceding years.

The suspension period provided for in the first paragraph shall be extended to a period of three to six months if the convicted person's competency certificate, exemption or card or, as the case may be, right to obtain such a certificate, exemption or card has, during the two preceding years, been suspended upon a conviction for an offence referred to in the first paragraph.

"**119.3.** Every person who performs construction work while his competency certificate, exemption, or card issued under section 36 or, as the case may, his right to obtain the issue or renewal of such a certificate, exemption or card is suspended is guilty of an offence and is liable to a fine of $800 to $1,600 and his competency certificate, exemption, or card issued under section 36 or, as the case may be, his right to obtain the issue or renewal of such a certificate, exemption or card shall be suspended for an additional period of six to twelve months."

48. Section 119.4 of the said Act is amended by replacing the words "or his right to obtain such a certificate or the renewal of such a certificate" in the second and third lines by the words ", exemption or card issued under section 36 or, as the case may be, his right to obtain the issue or renewal of such a certificate, exemption or card".

49. Section 119.5 of the said Act is amended by replacing the first sentence by the following sentence: "In the cases provided for in sections 119.2 and 119.3, the court shall, in addition to imposing a sentence, determine the duration of the suspension and order, where applicable, that the competency certificate, exemption or card issued under section 36 be confiscated and returned to the Commission."

50. Section 120 of the said Act, amended by section 60 of chapter 61 of the statutes of 1993, is again amended by inserting the words ", or a prescription of a collective agreement in respect of any matter other than those referred to in section 62 or subparagraph *c* of the first paragraph of section 81," after the word "thereunder" in the second line.

51. Section 121 of the said Act is amended by replacing the words "The Attorney General" in the first line by the words "Subject to section 105, the Minister".

52. Section 123 of the said Act is amended by adding, at the end, the following paragraph:

"The Government may also, in order to give effect to an intergovernmental agreement in respect of manpower mobility or the mutual recognition of qualifications, skills or work experience in trades and occupations in the construction industry, make regulations to exempt certain persons, on the conditions it determines, from the requirement of holding a competency certificate or an exemption issued by the Commission; such regulations may, in particular, provide for adjustments to the provisions of this Act and the regulations and special management rules. A regulation made under this paragraph is not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act."

ACT TO FOSTER THE DEVELOPMENT OF MANPOWER TRAINING

53. The Act to foster the development of manpower training (1995, chapter 43) is amended by inserting, after section 64, the following section:

"**64.1.** Contributions paid during each of the years 1995 and 1996 by an employer in the construction industry into the training plan fund established by section 2 of the Decree amending the Construction Decree, made by Order in Council 1883-92 dated 16 December 1992, shall be included in calculating the employer's contribution toward the development of manpower training for 1996.

The Commission de la construction du Québec shall, not later than the end of the second month of 1997, issue statements for that purpose, showing the contributions paid into the fund during each of the years 1995 and 1996 by employers in the construction industry.

For the purposes of section 11 of the Act to foster the development of manpower training, the contributions paid to the fund in the years 1995 and 1996 shall be considered to be eligible training expenditures."

FINAL PROVISIONS

54. Section 2.4.2 of the Safety Code for the construction industry (R.R.Q., 1981, chapter S-2.1, r.6) and the amendments in force is again amended by replacing the second paragraph of paragraph *i* by the following paragraph:

"However, a natural person who, to obtain a contractor's licence or to qualify a partnership or legal person for a licence, has passed the examination on construction site safety management skills required by the Regulation respecting the professional qualification of building contractors and owner-builders (O.C. 876-92 dated 10 June 1992) or who is exempted therefrom by that regulation or by a regulation under section 182 of the Building Act (R.S.Q., chapter B-1.1), shall be exempted from taking such safety course."

The amendment under this section is deemed to have been adopted in accordance with the Act respecting occupational health and safety (R.S.Q., chapter S-2.1).

55. The first regulation made under section 185 of the Building Act, as amended by this Act, shall be made by the Government. The regulation is deemed to be a regulation of the Régie du bâtiment.

The said regulation, and the first regulations made after 23 December 1996 under the Act respecting manpower vocational training and qualification, the Act respecting piping installations and the Act respecting electrical installations, as amended by this Act, are not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., chapter R-18.1).

56. The provisions of this Act come into force on 23 December 1996, except the provisions of sections 2, 7 and 8, of paragraph 4 of section 10 and of sections 15 to 27, which come into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 80
(1996, chapter 75)

Appropriation Act No. 3, 1996-97

Introduced 16 December 1996
Passage in principle 16 December 1996
Passage 16 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

The object of this bill is to authorize the Government to pay out of the consolidated revenue fund a sum of $814,100,000.00 being the appropriations to be voted for each of the programs of the portfolios listed in the Schedule and representing the 1996-97 supplementary estimates No. 1.

Of that sum, $744,100,000.00 is granted to the program entitled "Employer Contributions of the Government" of the "Conseil du trésor, Administration et Fonction publique" portfolio for the purpose of setting up a new account payable in the financial statements of the Government for sick leaves and vacations earned by government employees before 1 April 1996. This account is required to give effect to the adoption, by the Conseil du trésor, of a new accounting policy whereby those expenditures are to be accounted for on an accrual basis rather than on a cash basis.

Bill 80

APPROPRIATION ACT NO. 3, 1996-97

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Government may take out of the consolidated revenue fund a sum not exceeding $814,100,000.00 to defray a part of the expenses of Québec proposed in the supplementary estimates for the fiscal year 1996-97 as laid before the National Assembly, not otherwise provided for, being the amount of each of the estimates to be voted for various programs set forth in the Schedule to this Act.

2. This Act comes into force on 23 December 1996.

SCHEDULE

CONSEIL DU TRÉSOR, ADMINISTRATION ET FONCTION PUBLIQUE		
PROGRAM 5		
Employer Contributions of the Government	744,100,000.00	
		744,100,000.00
ÉDUCATION		
PROGRAM 3		
Financial Assistance to Students	40,000,000.00	
		40,000,000.00
REVENU		
PROGRAM 1		
Tax Administration	30,000,000.00	
		30,000,000.00
		814,100,000.00

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 82
(1996, chapter 76)

An Act to defer the general election of 1996 in Ville de La Baie

Introduced 6 December 1996
Passage in principle 13 December 1996
Passage 20 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTE

This bill defers for one year the general election originally scheduled for 3 November 1996 in Ville de La Baie and contains the concordance amendments made necessary because of the deferral of the election.

Bill 82

AN ACT TO DEFER THE GENERAL ELECTION OF 1996 IN VILLE DE LA BAIE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The general election of 1996 in Ville de La Baie is deferred to 1997.

2. For the purpose of determining the persons qualified as electors of Ville de la Baie,

(1) the rule establishing a minimum 12-month period during which a condition set out in any of paragraphs 1 to 3 of section 47 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) must be fulfilled is without effect until 1 September 1997;

(2) from 2 September 1997 to 31 August 1998, a condition referred to in subparagraph 1 of this paragraph must be fulfilled from 1 September 1997.

For the purposes of the second paragraph of section 140 of the Act respecting elections and referendums in municipalities, the striking off of a person from the revised list of electors for the purposes of a by-election, on the ground that the person has not been domiciled in the territory of the city since 1 September 1997, shall be regarded as a striking off owing to the fact that a person has not been domiciled in the territory of a municipality for at least 12 months.

3. For the purpose of determining the persons eligible for office as members of the council of the city,

(1) the rule in section 61 of the Act respecting elections and referendums in municipalities establishing a 12-month period during which a person entitled to have his name entered on the list of electors in a capacity other than that as a domiciled person must have resided in the territory of the city is without effect for the general election of 1997, a by-election or a previous appointment;

(2) for a by-election for which the notice is published after 1 September 1997 and before 1 September 1998, and for any appointment made during that period, a person referred to in paragraph 1 must have resided in the territory of the city, continuously or not, from at least 1 September 1997.

4. This Act has effect from 1 September 1996.

5. This Act comes into force on 23 December 1996, with the exception of the second paragraph of section 2, which comes into force on the date to be fixed under section 107 of the Act to establish the permanent list of electors and amending the Election Act and other legislative provisions (1995, chapter 23) for the coming into force of section 65 of that Act.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 83
(1996, chapter 77)

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

Introduced 6 December 1996
Passage in principle 13 December 1996
Passage 20 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill amends several Acts and Charters in the municipal field to simplify certain procedures, grant new powers and eliminate redundant provisions.

In order to simplify procedure, the bill makes changes to the rules governing the holding of referendums, especially as regards the time limits within which certain acts must be performed. It also simplifies the publication procedure for certain notices and by-laws.

With respect to the granting of new powers, the bill amends the Act respecting elections and referendums in municipalities to authorize municipalities to test new voting methods. It empowers municipalities and urban communities to enter into agreements with the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and another municipality for the inspection of food, and authorizes municipalities to adopt a revitalization program for existing sectors. Under the bill, municipalities may hold shares in a mutual fund jointly with municipal and supra-municipal bodies, transfer or lease their expertise and data concerning their territories and acquire, develop and maintain ports and harbours.

The Act respecting the Société d'habitation du Québec is amended to authorize the Corporation in connection with a program it is implementing to empower municipalities to prepare programs to complement the Corporation's own program.

The bill also amends provisions in the Act respecting land use planning and development pertaining to consultation on municipal planning by-laws by qualified voters.

The Charter of the city of Montréal is amended by the bill in order to have various amendments brought to general municipal legislation apply to the city, to change the composition of the Electrical Commission of the city and to allow for additional salary to be paid to the coordinating judge of the municipal court of the city.

The bill introduces an expense allowance for the members of the councils of northern villages and of the council of the Kativik Regional Government, and makes changes to the remuneration of the chairman of the Kativik Regional Government.

Lastly, the bill repeals two spent statutes.

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 municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);

– Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);

– Act respecting municipal taxation (R.S.Q., chapter F-2.1);

– Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);

– Act respecting municipal and private electric power systems (R.S.Q., chapter S-41);

– Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

– Act respecting the Société de transport de la Ville de Laval (1984, chapter 42);

– Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32);

– Charter of the city of Trois-Rivières (1915, chapter 90);

– Charter of the City of Québec (1929, chapter 95);

– Act to grant to the county corporation of Charlevoix-East and to the county corporation of Charlevoix-West certain powers to construct and operate an airport (1954-55, chapter 102);

– Charter of the city of Montréal (1959-60, chapter 102);

– Charter of the city of Sherbrooke (1974, chapter 101).

LEGISLATION REPEALED BY THIS BILL:

– Municipal Franchises Act (R.S.Q., chapter C-49);

– Act respecting municipal contribution to the construction of roads (R.S.Q., chapter C-66).

Bill 83

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:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 90 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), replaced by section 32 of chapter 25 of the statutes of 1996, is amended by replacing the word "latter" in the third line of the first paragraph by the word "mayor".

2. Section 109.2 of the said Act, amended by section 42 of chapter 25 of the statutes of 1996, is again amended by replacing the word "latter" in the third line of the first paragraph by the word "mayor".

3. Section 125 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended by replacing the word "latter" in the third line of the first paragraph by the word "mayor".

4. Section 130 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended

(1) by inserting the words "17 or" after the word "subparagraph" in the second line of the second paragraph;

(2) by replacing the words "does not permit of sector-by-sector regulation" in the second line of the fifth paragraph by the words "permits of zone-by-zone regulation, where it applies to a zone that is not divided into sectors if the power also permits of sector-by-sector regulation;";

(3) by adding, after the sixth paragraph, the following paragraph:

"For the purposes of the fifth and sixth paragraphs and of sections 133 to 137, a provision that applies to more than one zone or more than one sector of a zone, as the case may be, is deemed to constitute a separate provision applying separately to each zone or sector."

5. Section 132 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended

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

"If the notice contains a description of the object of a provision other than those referred to in the second and third paragraphs of section 130, the indication of the interested persons entitled to sign an application in respect of that provision, prescribed in subparagraph *a* of subparagraph 3 of the first paragraph of this section, shall name every zone to which the provision applies, contain a general statement concerning any zone contiguous to the zone so named and, in the case of a provision referred to in the seventh paragraph of section 130, state that the provision is deemed to constitute a separate provision applying separately to each zone named. For the purposes of this paragraph, a zone in which the authorized structures or uses would no longer be the same because of the amended classification under the provision is deemed to be a zone to which the provision applies.";

(2) by replacing the word "three" in the first line of the fourth paragraph by the word "four".

6. Section 136 of the said Act, replaced by section 57 of chapter 25 of the statutes of 1996, is amended by striking out the third paragraph.

7. Section 136.1 of the said Act, enacted by section 57 of chapter 25 of the statutes of 1996, is amended by adding, after the sixth paragraph, the following paragraph:

"Where approval is to be sought under the third, fourth, fifth or sixth paragraph, if the applicable paragraph applies to several zones, the sector concerned, within the meaning of the Act respecting elections and referendums in municipalities, is the aggregate of those zones. For the purposes of this paragraph, a sector of a zone is considered to be a zone in the case of approval sought under the sixth paragraph."

CITIES AND TOWNS ACT

8. 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, section 124 of chapter 2 of the statutes of 1996 and section 1 of chapter 27 of the statutes of 1996, is again amended by inserting, after subsection 1, the following subsection:

"(1.1) A municipality may, by onerous title, transfer or lease rights to and licences for the processes it has developed, its expertise in any area within its competence, the equipment allowing such expertise to be applied, and any data concerning its territory.

It may also transfer them by gratuitous title or make a loan for use of them to the Government, one of its Ministers or bodies, a municipality, an urban community, a school board or another non-profit organization."

9. Section 28.0.0.1 of the said Act, enacted by section 7 of chapter 7 of the statutes of 1995, is renumbered as section 28.0.1.

10. Section 29.2 of the said Act, amended by section 127 of chapter 2 of the statutes of 1996, is replaced by the following sections:

"**29.2.** The Minister of Agriculture, Fisheries and Food may enter into an agreement with one or more municipalities, designated by the Government, respecting the administration within the territory of any municipality that is a party to the agreement, of the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

If one of the municipalities that is a party to the agreement is charged with administering provisions in all or part of the territory of another municipality, that competence does not extend to the institution of penal proceedings for an offence under such a provision committed in the territory of that other municipality.

The cities of Québec, Sherbrooke and Trois-Rivières may enter into an agreement with the Minister of Agriculture, Fisheries and Food respecting food inspection programs in connection with the application of the by-laws of the city.

The first, second and third paragraphs apply to every municipality governed by this Act, except those mentioned in Schedule A to the Act respecting the Communauté urbaine de Montréal (chapter C-37.2), and to Ville de Québec.

"**29.2.1.** A municipality that is a party to an agreement under the first paragraph of section 29.2 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code."

11. Section 54 of the said Act, amended by section 210 of chapter 2 of the statutes of 1996, is replaced by the following section:

"**54.** Where so ordered by the Minister of Municipal Affairs, the mayor is bound to read to the council all circulars or communications addressed to the mayor or to the council by the Minister. The mayor shall also, where so required by the council or by the Minister, publish them in the manner prescribed for the publication of public notices."

12. Section 99 of the said Act is amended by inserting the words ", by bodies referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers, or by municipalities and such bodies" after the word "municipalities" in the third line of the third paragraph.

13. Section 346.1 of the said Act, enacted by section 14 of chapter 34 of the statutes of 1995, is amended by replacing the words "section 514" in the second line of the first paragraph by the words "section 422 or 514".

14. Section 415 of the said Act, amended by section 155 of chapter 2 of the statutes of 1996 and by section 14 of chapter 27 of the statutes of 1996, is again amended

(1) by replacing the words "for a cost of not over $5 ;" in the second line of paragraph 31 by the words "; to fix the amount of that licence ;";

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

"(40) To acquire, develop, maintain or manage any port within or outside its territory."

15. Section 468.38 of the said Act, amended by section 209 of chapter 2 of the statutes of 1996, is again amended by replacing the first paragraph by the following paragraphs :

"**468.38.** Once the by-law is passed, the secretary of the board of management shall give a public notice to the taxpayers of the municipalities in the territory under the jurisdiction of the board. The notice shall be published in a newspaper distributed in the territory of the municipalities.

The notice shall state :

(1) the number, title, object and date of passage of the by-law ;

(2) the amount of the projected loan and the projected use of the borrowed monies ;

(3) that the taxpayers concerned by the notice have the right to oppose the approval of the by-law by the Minister of Municipal Affairs by sending their written objections to the Minister within 30 days following publication of the notice."

16. Section 468.51 of the said Act, amended by section 26 of chapter 27 of the statutes of 1996, is again amended by inserting the figure "99," after the figure "73.1," in the first line of the first paragraph.

17. Sections 542.1 to 542.3 of the said Act are replaced by the following sections :

"**542.1.** The council may, by by-law, adopt a revitalization program for any sector it delimits within any zone specified in the zoning by-law in which the majority of the buildings are over 20 years old and in which less than 25% of the area is made up of vacant lots.

The program shall determine, where applicable,

(1) the persons or classes of persons that may benefit from the program;

(2) the buildings or classes of buildings covered by the program;

(3) the nature of activities covered;

(4) the nature of financial assistance, including a tax credit, that may be granted and the duration of the assistance, which in no case may exceed five years;

(5) the terms and conditions governing the administration of the program.

"**542.2.** The council may, within the framework of a revitalization program, exercise the powers mentioned in section 28.2."

18. Section 542.4 of the said Act is replaced by the following section:

"**542.4.** The council may, by by-law, adopt a revitalization program for the part of the territory of the municipality that is designated as its "centre" pursuant to a special planning program. It may, on the conditions it determines, order that the municipality grant a subsidy for work consistent with the revitalization program. In no case may the amount of the subsidy exceed the actual cost of the work."

19. Section 542.6 of the said Act, amended by section 198 of chapter 2 of the statutes of 1996, is again amended

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

"**542.6.** The council may, for the purposes mentioned in sections 542.4 and 542.5, establish classes of immovables and classes of work.";

(2) by striking out the words "or tax credit" in the third line of the second paragraph.

20. Section 542.7 of the said Act is amended by replacing the words "542.1 to 542.5" in the first line by the words "542.1, 542.2, 542.4 and 542.5".

MUNICIPAL CODE OF QUÉBEC

21. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting, after article 6, the following article:

"**6.1.** A municipality may, by onerous title, transfer or lease rights to and licences for the processes it has developed, its expertise in an area within its competence, the equipment allowing such expertise to be applied, and any data concerning its territory.

It may also transfer them by gratuitous title or make a loan for use of them to the Government, one of its Ministers or bodies, a municipality, an urban community, a school board or another non-profit organization."

22. The said Code is amended by inserting, after article 10.8, enacted by section 44 of chapter 27 of the statutes of 1996, the following articles:

"**10.9.** The Minister of Agriculture, Fisheries and Food may enter into an agreement with one or more municipalities, designated by the Government, respecting the administration within the territory of any municipality that is a party to the agreement, of the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

Where a regional county municipality is a party to such an agreement, its territory is deemed, for the purposes of this article, article 10.10, and any similar provision of another Act, to have subtracted from it the territory of any local municipality that is a party to the same agreement or to another agreement that is in force and that pertains to the administration of one, several or all of the same provisions. In such a case,

(1) only the representatives of the other local municipalities on the council of the regional county municipality may take part in the discussions and vote relating to the agreement to which the regional county municipality is a party; for such purpose, the majority of those representatives constitutes the quorum, each representative has one vote and all decisions are made by a majority of the votes cast;

(2) only the other local municipalities shall contribute towards the payment of the expenses of the regional county municipality arising from the agreement to which the regional county municipality is a party.

If one of the municipalities that is a party to the agreement is charged with the administration of provisions in all or part of the territory of another municipality, that competence does not extend to the institution of penal proceedings for an offence under such a provision committed in the territory of that other municipality.

The first and third paragraphs do not apply to a municipality mentioned in Schedule A to the Act respecting the Communauté urbaine de Montréal (chapter C-37.2).

"**10.10.** A municipality that is a party to an agreement under article 10.9 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code."

23. Article 142 of the said Code, amended by section 255 of chapter 2 of the statutes of 1996, is again amended by replacing subarticle 5 by the following subarticle:

"(5) Where so ordered by the Minister of Municipal Affairs, the head of the council is bound to read to the council all circulars or communications addressed to the head of the council or to the council by the Minister. The head of the council shall also, where so required by the council or by the Minister, publish them in the manner prescribed for the publication of public notices."

24. Article 203 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by inserting the words ", by bodies referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers, or by municipalities and such bodies" after the word "municipalities" in the third line of the second paragraph.

25. The said Code is amended by inserting, after article 212, the following article:

"**212.1.** The council may, by by-law adopted by an absolute majority of its members, add to the powers and obligations of the secretary-treasurer of the municipality the powers and obligations set out in the second and third paragraphs of section 113 of the Cities and Towns Act (chapter C-19), and those set out in paragraphs 2 and 5 to 8 of section 114.1 of that Act in place of the powers and obligations set out in paragraphs 2, 5 and 6 of article 212 of this Code.

In such a case, the secretary-treasurer shall also be the director general of the municipality."

26. Article 437.1 of the said Code, enacted by section 36 of chapter 34 of the statutes of 1995, is amended by inserting the words "a notice referred to in article 631.2," after the words "other than" in the first line of the first paragraph.

27. Article 491 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996 and by section 61 of chapter 27 of the statutes of 1996, is again amended

(1) by striking out subparagraph 5 of the first paragraph;

(2) by striking out the second paragraph.

28. Article 607 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the first paragraph by the following paragraphs:

"**607.** Once the by-law is passed, the secretary of the management board shall give public notice to the taxpayers of the municipalities in the territory under the jurisdiction of the board. The notice shall be published in a newspaper distributed in the territory of the municipalities.

The notice shall state:

(1) the number, title, object and date of passage of the by-law;

(2) the amount of the projected loan and the projected use of the borrowed monies;

(3) that the taxpayers concerned by the notice have the right to oppose the approval of the by-law by the Minister of Municipal Affairs by sending their written objections to the Minister within 30 days following publication of the notice."

29. Article 620 of the said Code, amended by section 72 of chapter 27 of the statutes of 1996, is again amended by inserting the figure "99," after the figure "73.1," in the first line of the first paragraph.

30. The said Code is amended by inserting, after article 625, the following section:

"SECTION XXVI.1

"PORTS

"**625.1.** A local municipality may, by by-law, acquire, develop, maintain or manage a port within or outside its territory."

31. Article 678 of the said Code, amended by section 318 of chapter 2 of the statutes of 1996 and by section 77 of chapter 27 of the statutes of 1996, is replaced by the following article:

"**678.** Every regional county municipality may make, amend or repeal by-laws or resolutions, as the case may be, upon each of the matters mentioned in articles 490 to 524, article 543, paragraph 2 of article 544 and articles 569 to 626, and may exercise, for regional purposes, the general power to pass by-laws conferred by article 628."

32. Article 994 of the said Code, amended by section 455 of chapter 2 of the statutes of 1996, is again amended by replacing the words "for a cost of not over $5;" in the third line by the words ", to fix the cost of such licence".

33. Articles 1008 to 1010 of the said Code are replaced by the following articles:

"**1008.** The council may, by by-law, adopt a revitalization program for any sector it delimits within any zone specified in the zoning by-law in which the majority of the buildings are over 20 years old and in which less than 25% of the area is made up of vacant lots.

The program shall determine, where applicable,

(1) the persons or classes of persons that may benefit from the program;

(2) the buildings or classes of buildings covered by the program;

(3) the nature of activities covered;

(4) the nature of financial assistance, including a tax credit, that may be granted and the duration of the assistance, which in no case may exceed five years;

(5) the terms and conditions governing the administration of the program.

"**1009.** The council may, within the framework of a revitalization program, exercise the powers mentioned in article 12."

34. Article 1011 of the said Code is replaced by the following article:

"**1011.** The council may, by by-law, adopt a revitalization program for the part of the territory of the municipality designated as its "central sector" pursuant to a special planning program. It may, on the conditions it determines, order that the municipality grant a subsidy for work consistent with the revitalization program. In no case may the amount of the subsidy exceed the actual cost of the work."

35. Article 1011.2 of the said Code, amended by section 417 of chapter 2 of the statutes of 1996, is again amended

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

"**1011.2.** The council may, for the purposes mentioned in articles 1010 and 1011, establish classes of immovables and classes of work.";

(2) by striking out the words "or tax credit" in the third line of the second paragraph.

36. Article 1011.3 of the said Code is amended by replacing the words "1008 to 1011.1" in the first line by the words "1008, 1009, 1011 and 1011.1".

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L'OUTAOUAIS

37. The Act respecting the Communauté urbaine de l'Outaouais (R.S.Q., chapter C-37.1) is amended by inserting, after section 86, the following sections:

"**86.1.** The Minister of Agriculture, Fisheries and Food may enter into an agreement with the Community, or with the Community and any municipality designated by the Government, respecting the administration within the territory of the Community and that of any municipality that is a party to the agreement, of the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

Where the Community is a party to such an agreement, its territory is deemed, for the purposes of this section, section 86.2, and any similar provision of another Act, to have subtracted from it the territory of any municipality that is a party to the same agreement or to another agreement that is in force and that pertains to the application of one, several or all of the same provisions. In such a case,

(1) only the representatives of the other municipalities on the council of the Community may take part in the discussions and vote relating to the agreement to which the Community is a party; for such purpose, the majority of those representatives constitutes the quorum, each representative has one vote and all decisions are made by a majority of the votes cast;

(2) only the other municipalities shall contribute towards the payment of the expenses of the Community arising from the agreement to which the Community is a party.

If one of the parties to the agreement is charged with the administration of provisions in all or part of the territory of another party, that competence does not extend to the institution of penal proceedings for an offence under such a provision that is committed in the territory of that other party.

"**86.2.** The Community or any other municipality that is a party to an agreement under section 86.1 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the Community or to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code."

38. The said Act is amended by inserting, after section 151, the following section:

"**151.1.** The Community may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Community may invest the monies belonging to it through a mutual fund referred to in the first paragraph."

39. The said Act is amended by inserting, after section 194.1, the following section:

"**194.2.** The Corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph."

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

40. Section 153.6 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is replaced by the following sections:

"**153.6.** The Minister of Agriculture, Fisheries and Food may enter into an agreement with the Community, or with the Community and any municipality designated by the Government, except a municipality mentioned in Schedule A, respecting the administration within the territory of the Community and that of any municipality that is a party to the agreement, of

the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

If one of the parties to the agreement is charged with the administration of provisions in all or part of the territory of another party, that competence does not extend to the institution of penal proceedings for an offence under such a provision that is committed in the territory of that other party.

The Community may also enter into an agreement with the Minister of Agriculture, Fisheries and Food respecting food inspection programs in connection with the application of the by-laws of the Community.

"**153.7.** The Community or any municipality that is a party to an agreement under the first paragraph of section 153.6 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the Community or to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code."

41. The said Act is amended by inserting, after section 231.3, the following section:

"**231.4.** The Community may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the Community may invest the monies belonging to it through a mutual fund referred to in the first paragraph."

42. The said Act is amended by inserting, after section 306.28, the following section:

"**306.28.1.** The corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph."

ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

43. The Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by inserting, after section 96.1, the following sections:

"**96.1.1.** The Minister of Agriculture, Fisheries and Food may enter into an agreement with the Community, or with the Community and any municipality designated by the Government, respecting the administration within the territory of the Community and of any municipality that is a party to the agreement, of the provisions of Acts, regulations or orders respecting the inspection of food that are under the administration of the Minister.

Where the Community is a party to such an agreement, its territory is deemed, for the purposes of this section, section 96.1.2 and any similar provision of another Act, to have subtracted from it the territory of any municipality that is a party to the same agreement or to another agreement that is in force and that pertains to the administration of one, several or all of the same provisions. In such a case,

(1) only the representatives of the other municipalities on the Council of the Community may take part in the discussions and vote relating to the agreement to which the Community is a party; for such purpose, the majority of those representatives constitutes the quorum, each representative has one vote and all decisions are made by a majority of the votes cast;

(2) only the other municipalities shall contribute towards the payment of the expenses of the Community arising from the agreement to which the Community is a party.

If one of the parties to the agreement is charged with the administration of provisions in all or part of the territory of another party, that competence does not extend to the institution of penal proceedings for an offence under such a provision that is committed in the territory of that other party.

"**96.1.2.** The Community or any municipality that is a party to an agreement under section 96.1.1 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision covered by the agreement.

The fine shall belong to the Community or to the municipality if it instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (chapter C-25.1) and the costs paid to the defendant under article 223 of that Code."

44. The said Act is amended by inserting, after section 166, the following section:

"**166.1.** The Community may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Community may invest the monies belonging to it through a mutual fund referred to in the first paragraph."

45. The said Act is amended by inserting, after section 212, the following section:

"**212.1.** The Société may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Société may invest the monies belonging to it through a mutual fund referred to in the first paragraph."

MUNICIPAL FRANCHISES ACT

46. The Municipal Franchises Act (R.S.Q., chapter C-49) is repealed.

ACT RESPECTING MUNICIPAL CONTRIBUTION TO THE CONSTRUCTION OF ROADS

47. The Act respecting municipal contribution to the construction of roads (R.S.Q., chapter C-66) is repealed.

ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

48. The Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70) is amended by inserting, after section 83, the following section:

"**83.1.** The corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph."

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

49. Section 532 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by replacing the word "all" in the first line of subparagraph 3 of the second paragraph by the words "a majority of".

50. Section 535 of the said Act is amended

(1) by replacing the word "six" in the first line of the second paragraph by the word "five";

(2) by replacing the words "thirty-day" in the first line of the third paragraph by the words "45-day".

51. Section 540 of the said Act is amended by striking out the words "they shall not exceed five in number and" in the second and third lines of the first paragraph.

52. Section 568 of the said Act is amended by replacing the figure "90" in the second line of the first paragraph by the figure "120".

53. The said Act is amended by inserting, after section 659.1 enacted by section 76 of chapter 23 of the statutes of 1995, the following sections:

"**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and the Chief Electoral Officer, test new methods of voting during a general election.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

"**659.3.** After an election during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and the Chief Electoral Officer."

ACT RESPECTING MUNICIPAL TAXATION

54. Section 244.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended

(1) by striking out the word "local" in the first line of the first paragraph;

(2) by striking out the word “local” in the first line of the second paragraph, and by striking out the words “local municipality, a regional county” in the third line of the second paragraph.

55. Section 244.2 of the said Act is amended by adding, at the end, the following paragraph:

“The only mode of tariffing that may be provided for by a regional county municipality not acting as a local municipality under section 8 of the Act respecting municipal territorial organization (chapter O-9) is a fixed amount referred to in subparagraph 3 of the second paragraph or an amount exigible in the same manner as a subscription.”

ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

56. The Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) is amended by inserting, after section 3.1, the following section:

“**3.1.1.** Every municipality authorized by the Minister may, if the Corporation so provides in a program referred to in the second paragraph of section 3, prepare a program to complement that of the Corporation and adopt it by by-law.

The program prepared by the municipality shall be approved by the Corporation before it may have effect.”

57. Section 94.5 of the said Act is replaced by the following section:

“**94.5.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), a municipality may grant any form of financial assistance, including the granting of a tax credit, in the administration of a program under section 3 or 3.1.1.”

ACT RESPECTING MUNICIPAL AND PRIVATE ELECTRIC POWER SYSTEMS

58. Section 4 of the Act respecting municipal and private electric power systems (R.S.Q., chapter S-41) is repealed.

59. Section 12 of the said Act, amended by section 951 of chapter 2 of the statutes of 1996, is again amended by inserting the words “and submit it to the qualified voters for approval” after the word “purpose” in the second line of subsection 2.

60. Section 13 of the said Act, amended by section 951 of chapter 2 of the statutes of 1996, is again amended by replacing the words “, in accordance with the formalities prescribed by sections 3 and 4” in the second line of the

second paragraph of subsection 1 by the words “and submitted to the qualified voters for approval”.

61. Section 15 of the said Act, amended by section 951 of chapter 2 of the statutes of 1996, is again amended by replacing the words “adopted according to the formalities prescribed by sections 3 and 4” in the third and fourth lines by the words “submitted to the qualified voters for approval”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

62. Section 40 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), amended by section 1105 of chapter 2 of the statutes of 1996, is again amended

(1) by replacing the words “an amount per inhabitant, not less than $0.40, determined from time to time by the Minister” in the fourth and fifth lines of subsection 1 by the words “$0.40 per inhabitant”;

(2) by replacing the words “the amount, not less than $400, determined by the Minister” in the sixth and seventh lines of subsection 1 by the figure “$400”;

(3) by replacing the words “an amount per inhabitant, not less than $0.20, determined from time to time by the Minister” in the third and fourth lines of subsection 2 by the words “$0.20 per inhabitant”;

(4) by replacing the words “the amount, not less than $200, determined by the Minister” in the sixth and seventh lines of subsection 2 by the figure “$200”;

(5) by inserting, after subsection 2, the following subsection:

“(2.1) Every member of the council shall receive, in addition to the remuneration provided for in subsection 1 or 2 or in a by-law passed under subsection 5, an indemnity equal to one-half of the amount of that remuneration, up to the maximum amount prescribed in section 22 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001).

The indemnity shall be paid to defray the part of the expenses incident to the discharge of the member’s duties and that are not reimbursed to the member pursuant to subsection 4.”;

(6) by replacing the words “unless it has been authorized by” in the second line of subsection 5 by the words “. However, remuneration in an amount greater than that provided for in subsections 1 and 2 may be provided for in”;

(7) by adding, at the end of subsection 5, the words “The by-law may be retroactive to 1 January of the year in which it comes into force.”

63. Section 230 of the said Act, amended by section 1077 of chapter 2 of the statutes of 1996, is again amended by replacing the words "the amount, not less than $100, determined from time to time by the Minister" in the second and third lines of subsection 3 by the words "$100, unless the Minister determines from time to time a greater amount".

64. The said Act is amended by inserting, after section 261, the following section:

"**261.1.** Every member of the council shall receive, in addition to the remuneration provided for in section 259 and the remuneration provided for in section 261 or 281, if any, an indemnity equal to one-half of the amount of the remuneration or one-half of the combined amount of remuneration, as the case may be, up to the amount obtained by subtracting the amount in subparagraph 2 from the amount in subparagraph 1, if the result is positive:

(1) the maximum amount provided for in section 22 of the Act respecting the remuneration of elected municipal officers (chapter T-11.001);

(2) the amount of the indemnity that the member of the council receives pursuant to section 40 of this Act.

If the subtraction under the first paragraph results in a difference of zero, the member shall receive no indemnity under this section.

The indemnity shall be paid to defray the part of the expenses incident to the discharge of the member's duties and that are not reimbursed pursuant to subsection 1 of section 260 or the third paragraph of section 281."

65. Section 395 of the said Act is amended by adding, at the end, the following paragraphs:

"The Regional Government may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (chapter C-19).

The Minister may, by regulation, determine other securities in which the Regional Government may invest the monies belonging to it through a mutual fund referred to in the second paragraph."

66. Section 410 of the said Act is amended

(1) by striking out the words "subsections 1 and 2 of section 40," in the second and third lines of the second paragraph;

(2) by striking out the words "section 220," in the fourth line of the second paragraph;

(3) by striking out the words "the second paragraph of section 251," in the fifth and sixth lines of the second paragraph;

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

"Any order made under section 259, 261 or 281 may be retroactive to 1 January of the year during which it is published."

ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA VILLE DE LAVAL

67. The Act respecting the Société de transport de la Ville de Laval (1984, chapter 42) is amended by inserting, after section 75, the following section:

"**75.1.** The corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (R.S.Q., chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph."

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

68. The Act respecting the Société de transport de la rive sud de Montréal (1985, chapter 32) is amended by inserting, after section 97, the following section:

"**97.1.** The corporation may invest the monies belonging to it by purchasing shares in a mutual fund provided for in the third paragraph of section 99 of the Cities and Towns Act (R.S.Q., chapter C-19).

The Minister of Municipal Affairs may, by regulation, determine other securities in which the corporation may invest the monies belonging to it through a mutual fund referred to in the first paragraph."

CHARTER OF THE CITY OF TROIS-RIVIÈRES

69. Section 41*g* of the Charter of the city of Trois-Rivières (1915, chapter 90), enacted by section 13 of chapter 64 of the statutes of 1982, is repealed.

CHARTER OF THE CITY OF QUÉBEC

70. Section 336*i* of the Charter of the City of Québec (1929, chapter 95), enacted by section 18 of chapter 64 of the statutes of 1982, is repealed.

CHARTER OF THE CITY OF MONTRÉAL

71. Articles 10*a* to 10*e* of the Charter of the city of Montréal (1959-60, chapter 102), enacted by section 144 of chapter 27 of the statutes of 1985, are replaced by the following articles:

"**10***a*. Notwithstanding sections 468 to 469.1 of the Cities and Towns Act (R.S.Q., chapter C-19), the city may enter into an agreement with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), a public utility undertaking or a non-profit agency, for the purchase of equipment or materials, for the awarding of an insurance contract or a contract for the supply of services, or for the carrying out of joint works, whether simultaneous or related to works performed by such body or agency and, to that end, make a joint call for tenders in view of awarding the required contracts.

"**10***b*. The city, a body, an undertaking or an agency taking part in a joint call for tenders may delegate, to another party, all or part of the powers necessary for making the call or for awarding the contracts. In that case, the acceptance of a tender by the party to which the powers have been delegated shall bind the city and each participating body, undertaking or agency towards the selected tenderer.

The total amount of the contract following a joint call for tenders shall be taken into consideration for the purposes of the rules governing the awarding of contracts by the party to which the powers have been delegated.

"**10***c*. The city and any municipality that is a party to an agreement referred to in article 10*a* are released from the obligations and formalities provided for in sections 468 to 469.1 of the Cities and Towns Act.

"**10***d*. Notwithstanding any other provision to the contrary, any party to a joint call for tenders is subject to article 107. The Minister of Municipal Affairs may exempt the city, a body, an undertaking or an agency from the application of all or some of the provisions.

"**10***e*. The city may enter into an agreement with the Union des municipalités du Québec, the Union des municipalités régionales de comté et des municipalités locales du Québec inc. or the Federation of Canadian Municipalities, or with two or more such bodies, for the purchase of equipment or materials, for the carrying out of works or for the awarding of an insurance contract or a contract for the supply of services, by the body or bodies in the name of the city.

The rules governing the awarding of contracts set out in article 107 apply to contracts awarded under this article as if the body or bodies were a municipality."

72. The said charter is amended by inserting, after article 107, the following article:

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

The first paragraph does not apply when, in accordance with an intergovernmental agreement on the opening of public procurement that is applicable to the city, a public call for tenders must be made."

73. Article 543*b* of the said charter, enacted by section 11 of chapter 41 of the statutes of 1980 and amended by section 26 of chapter 71 of the statutes of 1982, section 5 of chapter 59 of the statutes of 1983, by section 516 of chapter 48 of the statutes of 1993 and section 22 of chapter 82 of the statutes of 1993, is again amended by replacing paragraph 21 by the following paragraph:

"(21) The city may stand surety for the association as regards the repayment of a loan of the association. The second paragraph of article 9*c* applies in respect of such a surety."

74. Article 572 of the said charter is amended by replacing the words "three competent engineers to prepare" in the first and second lines by the words "five members. It shall be responsible for preparing".

75. Article 573 of the said charter, amended by section 58 of chapter 77 of the statutes of 1977, is again amended by replacing the first paragraph by the following paragraphs:

"**573.** The members of the commission shall be appointed as follows:

(1) one member shall be appointed by the Government to chair the commission;

(2) two members shall be appointed by the city;

(3) one member shall be appointed by Hydro-Québec;

(4) one member shall be appointed by all the users of underground conduits, except the city and Hydro-Québec, that have confirmed to the clerk, in writing, within 30 days of the sending of the notice referred to in the second paragraph, their intention of taking part in the ballot.

Not less than 45 days before the date on which the member is to be appointed under subparagraph 4 of the first paragraph, the clerk shall send a notice to all the users of underground conduits to which the said subparagraph applies, according to the list provided by the chairman of the commission,

stating that a member is to be appointed and informing the users of their entitlement to propose and vote for candidates. Every user intending to propose a candidate must inform the clerk of the name and function of the candidate when sending the confirmation referred to in subparagraph 4 of the first paragraph.

Not less than 10 days before the date on which the member is to be appointed under subparagraph 4 of the first paragraph, the clerk shall send a ballot paper to all the users having confirmed their intention of voting. The ballot paper must set out the name and function of each candidate together with the name of the user having proposed the candidate. Each user is entitled to one vote.

On the date on which the appointment is to be made, the clerk shall count the votes cast in the presence of a witness. The person having received the greatest number of votes shall be declared elected. In the case of tie-vote, the clerk shall designate the member following a drawing of lots. Should the users fail to appoint a member on the prescribed date, the member shall be designated by the other members of the commission."

76. The said charter is amended by inserting, after article 763, the following article:

"**763.1.** Part of the loan, not exceeding 5% of the amount of the expenditure authorized by the loan by-law in force, may be reserved for the repayment to the general fund of the city of all or part of the sums expended, before the passage of the loan by-law, in connection with the object of the by-law.

That part of the loan must be specified in the by-law."

77. Article 908 of the said charter, amended by section 474 of chapter 72 of the statutes of 1979, is again 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 expiry of the period prescribed in the first paragraph and served, not later than 60 days after the expiry of the prescription period, on a person mentioned in article 792, shall interrupt prescription with respect to any person mentioned in that article."

78. Article 1106 of the said charter, replaced by section 34 of chapter 18 of the statutes of 1978 and amended by section 8 of chapter 53 of the statutes of 1994, is again amended by replacing the second paragraph by the following paragraph:

"The chief judge, the associate chief judge and the coordinating judge are also entitled to the additional salary attached to the office of chief judge, associate chief judge and coordinating judge of the Court of Québec."

CHARTER OF THE CITY OF SHERBROOKE

79. Section 8*g* of the Charter of the city of Sherbrooke (1974, chapter 101), enacted by section 28 of chapter 64 of the statutes of 1982, is repealed.

ACT TO GRANT TO THE COUNTY CORPORATION OF CHARLEVOIX-EAST AND TO THE COUNTY CORPORATION OF CHARLEVOIX-WEST CERTAIN POWERS TO CONSTRUCT AND OPERATE AN AIRPORT

80. The Act to grant to the county corporation of Charlevoix-East and to the county corporation of Charlevoix-West certain powers to construct and operate an airport (1954-55, chapter 102) is repealed.

TRANSITIONAL AND FINAL PROVISIONS

81. Sections 1 to 7 have effect from 1 November 1996.

82. Any program adopted under a provision replaced by sections 17 and 33 of this Act that is in force on 22 December 1996 shall continue to apply until the earliest of its scheduled expiry date, the date fixed by the council or 23 December 1999.

Sections 542.2 and 542.3 of the Cities and Towns Act and articles 1009 and 1010 of the Municipal Code of Québec, as they read on 22 December 1996, shall continue to have effect for the purposes of the administration of a program referred to in the first paragraph.

Section 542.4 of the Cities and Towns Act, enacted by section 18 of this Act or article 1011 of the Municipal Code of Québec, enacted by section 34 of this Act, as the case may be, applies for the purposes of the program referred to in the first paragraph that concerns the "centre" or "central sector", as if the program had been adopted under that section 542.4 or that article 1011.

Every person who, on the date on which a program referred to in the first paragraph ceases to apply, is entitled to receive a subsidy under the program or a tax credit that is payable after that date shall remain entitled thereto notwithstanding the fact that the program has ceased to have effect.

83. Municipalité régionale de comté de Charlevoix-Est has held, since 10 February 1955, the powers conferred by article 625 of the Municipal Code of Québec, made applicable to regional county municipalities by article 678 of the said Code, amended by section 31 of this Act.

84. Section 56 has effect from 17 April 1996.

85. Section 57 has effect from 20 June 1995.

86. Section 62 has effect from 1 January 1996.

From that date, a part of the remuneration provided for by a by-law, in force on 22 December 1996 and passed under subsection 5 of section 40 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), is deemed to be the indemnity provided for in subsection 2.1 of the said section, enacted by section 62 of this Act, and the remainder is deemed to be the remuneration to which that indemnity is added pursuant to the said subsection.

The said part shall be equal to the lesser of the following amounts:

(1) the amount corresponding to one-third of the remuneration provided for by the by-law;

(2) the maximum amount provided for in section 22 of the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001).

87. Section 64 has effect from 1 January 1996.

From that date, the annual remuneration fixed by the Minister of Municipal Affairs under sections 259, 261 and 281 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1), to which is added, where applicable, the indemnity provided for by section 261.1 of the said Act, enacted by section 64 of this Act, is deemed to be as follows for the various positions on the council and the executive committee of the Kativik Regional Government:

(1) the basic remuneration for each position of council member: $5,324;

(2) the additional remuneration for the position of speaker of the council: $444;

(3) the additional remuneration for the position of deputy-speaker of the council: $222;

(4) the additional remuneration for the position of chairman of the executive committee: the amount equal to the difference obtained by subtracting, from $79,676, the positive amount, if any, calculated in respect of the person holding the position pursuant to the first paragraph of section 261.1 of the Act respecting Northern villages and the Kativik Regional Government, enacted by section 64 of this Act;

(5) the additional remuneration for the position of vice-chairman of the executive committee: $14,783;

(6) the additional remuneration for a position as a member of the executive committee, other than the chairman or vice-chairman: $12,563.

The second paragraph shall cease to have effect on the date on which the first order made after 22 December 1996 pursuant to sections 259, 261 and 281 of the Act respecting Northern villages and the Kativik Regional Government takes effect.

If the sum obtained by adding the amount of the remuneration provided for in the second paragraph or provided for in an order made after 22 December 1996 pursuant to sections 259, 261 and 281 of the Act respecting Northern villages and the Kativik Regional Government and the amount of the indemnity that is to be added to it, if any, is less than the amount of remuneration provided for in the order dated 9 September 1992 made pursuant to the said sections and published in the *Gazette officielle du Québec* on 23 September 1992, the difference shall be paid, as supplementary remuneration, to the person holding the position. The said difference shall not, however, be included in the amount of remuneration for the purpose of calculating the amount of the indemnity under section 261.1 of the Act respecting Northern villages and the Kativik Regional Government, enacted by section 64 of this Act.

Where a person holds more than one position referred to in the second paragraph, the fourth paragraph applies with regard to the total of all amounts of remuneration provided for the positions held, rather than with regard to each of those amounts.

88. The additional annual remuneration fixed by the Minister of Municipal Affairs pursuant to section 281 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) for the position of chairman of the executive committee of the Kativik Regional Government is deemed to have been $67,957.83 in 1994 and $76,804 in 1995 and is deemed to have been paid and received.

89. An agreement that is in force on 23 December 1996 and that was entered into under section 41*g* of the Charter of the city of Trois-Rivières (1915, chapter 90), section 336*i* of the Charter of the City of Québec (1929, chapter 95) or section 8*g* of the Charter of the city of Sherbrooke (1974, chapter 101) shall continue to apply as if it had been entered into under section 29.2 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 10 of this Act, until its date of expiry or until it terminates before that date with the consent of the parties or on some other ground provided for in law.

90. Section 78 has effect from 6 November 1996.

91. This Act comes into force on 23 December 1996.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 84
(1996, chapter 78)

An Act to amend the Act respecting income security

Introduced 10 December 1996
Passage in principle 18 December 1996
Passage 18 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill amends the Act respecting income security to allow the determination by regulation of the cases in which and the conditions subject to which an adult having the care of a dependent child will qualify for the scale based on unavailability under the work and employment incentives program.

The bill also enables the Minister of Income Security, in the cases and subject to the terms and conditions determined by regulation, to claim interest on last resort assistance benefits he has paid to a person pending the realization of a right.

As concerns the recovery of last resort assistance benefits, the bill includes provisions relating to cost and interest charges, and authorizes the Minister to cancel or reduce the interest computed for a given period on a recoverable amount or to allow the debtor to repay a lesser monthly amount than that prescribed by regulation.

Consequential amendments are made to the provisions establishing regulatory powers.

Bill 84

AN ACT TO AMEND THE ACT RESPECTING INCOME SECURITY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 16 of the Act respecting income security (R.S.Q., chapter S-3.1.1), amended by section 5 of chapter 69 of the statutes of 1995, is again amended by replacing the words "has the care of a dependent child who does not attend school because he has not reached the age of mandatory school attendance or" in subparagraph 3 of the first paragraph by the words "has the care of a dependent child in the cases and subject to the conditions determined by regulation, or of a dependent child who does not attend school".

2. Section 35 of the said Act is amended

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

"Interest shall be added to the amount of the realized right, in the cases and subject to the terms and conditions prescribed by regulation, and shall form part of the amount of benefits to be reimbursed to the Minister.";

(2) by inserting the words "and of the interest, if any," after the word "right" in the second line of the last paragraph.

3. Section 39 of the said Act, amended by section 96 of chapter 18 of the statutes of 1995, is again amended by adding, at the end, the following paragraph:

"In the cases and subject to the conditions determined by regulation, the debtor of support is liable for the payment of costs in the amount fixed and according to the terms fixed by regulation."

4. Section 42 of the said Act, amended by section 11 of chapter 69 of the statutes of 1995, is again amended

(1) by adding, at the end of the second paragraph, the following sentence: "The interest is capitalized monthly where a person owes an amount after making a statement containing false information or transmitting a document containing false information so as to render himself or his family eligible for benefits under a last resort assistance program or so as to receive, or cause his family to receive, benefits greater than the benefits which would otherwise have been granted to him or to his family.";

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

"The Minister may, subject to the conditions he determines, cancel or reduce the interest computed for a given period on a recoverable amount or allow the debtor to reimburse a lesser monthly amount than the amount prescribed by regulation, if the Minister is of the opinion that the latter could endanger the health or safety of the debtor or lead to complete destitution."

5. Section 76 of the said Act is amended by inserting the words ", the fourth paragraph of section 42" after the figure "25" in the second line of the first paragraph.

6. Section 91 of the said Act, amended by section 245 of chapter 1 of the statutes of 1995 and by section 20 of chapter 69 of the statutes of 1995, is again amended

(1) by inserting, after subparagraph 16 of the first paragraph, the following subparagraph:

"(16.0.1) determine, for the purposes of subparagraph 3 of the first paragraph of section 16, in which cases and subject to what conditions the scale based on unavailability applies;";

(2) by inserting, after subparagraph 22 of the first paragraph, the following subparagraphs:

"(22.1) prescribe, for the purposes of the second paragraph of section 35, the cases in which and the terms and conditions subject to which interest is to be added;

"(22.2) determine, for the purposes of the fourth paragraph of section 39, in which cases and subject to what conditions a debtor of support is liable for the payment of costs and fix the amount of the costs and the terms of payment;";

(3) by inserting, after the figure "13," in the second paragraph, the figure "16.0.1,";

(4) by replacing "23, 24," in the second paragraph by "22.1 to".

7. This Act comes into force on the date or dates to be fixed by the Government.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 85
(1996, chapter 79)

An Act to amend the Act respecting financial assistance for students and the General and Vocational Colleges Act

Introduced 10 December 1996
Passage in principle 18 December 1996
Passage 18 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill modifies certain eligibility requirements with respect to the student loans and bursaries program established under the Act respecting financial assistance for students.

The Government is given authorization to make regulations determining the maximum level of indebtedness for continued eligibility for a student loan and modifies the conditions whereby a student is not deemed to receive a contribution from his parents or sponsor. The maximum amount of loans will be increased or reduced in the cases and subject to the conditions determined by regulation and the exemption period for the repayment of loans is reduced by one month.

The provisions of the Act allowing the Minister of Education to repay part of a loan contracted by a student during his Master's or doctoral studies are repealed.

In another connection, the Minister of Education is authorized to grant advance financial assistance in the form of a loan. Moreover, a review procedure is introduced with respect to ministerial decisions.

The General and Vocational Colleges Act is also amended to provide that any student having failed two or more courses during his last term as a full-time student will be required to pay special fees upon registering again as a full-time student.

Finally, the bill contains transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting financial assistance for students (R.S.Q., chapter A-13.3);

– General and Vocational Colleges Act (R.S.Q., chapter C-29).

Bill 85

AN ACT TO AMEND THE ACT RESPECTING FINANCIAL ASSISTANCE FOR STUDENTS AND THE GENERAL AND VOCATIONAL COLLEGES ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the Act respecting financial assistance for students (R.S.Q., chapter A-13.3) is amended

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

"(5) he has obtained a bachelor's degree from a university in Québec;";

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

"(8) he holds a bachelor's degree or the equivalent obtained outside Québec;";

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

"(12) he has not been a full-time student for at least seven years since he has ceased being subject to compulsory school attendance."

2. Section 11 of the said Act is amended by adding, after paragraph 5, the following paragraph:

"(6) he has not reached the maximum level of indebtedness determined by regulation."

3. Section 13 of the said Act is amended

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

"**13.** The maximum amount of a loan shall be established by regulation according to the level of education, the cycle and the classification of the educational institution attended and shall be increased or reduced in the cases and subject to the conditions determined by regulation.";

(2) by replacing the word "When" in the first line of the second paragraph by the words "Furthermore, where".

4. Section 14 of the said Act is amended by adding, after the figure "13" in the last line, the words "or the remainder of the amount of financial assistance that may be granted to him in the form of a loan".

5. Section 23 of the said Act is amended

(1) by replacing the word "April" in paragraph 1 by the word "March";

(2) by replacing the word "August" in paragraph 2 by the word "July";

(3) by replacing the word "January" in paragraph 3 by the word "December".

6. Section 26 of the said Act is repealed.

7. The said Act is amended by inserting, after section 37, the following section:

"**37.1.** The Minister may, however, in the cases and subject to the conditions determined by regulation, grant advance financial assistance in the form of a loan.

The loan certificate issued by the Minister constitutes an instalment of any financial assistance eventually granted to the student."

8. The said Act is amended by inserting, after section 43, the following sections:

"**43.1.** Any student affected by a decision of the Minister concerning eligibility for financial assistance or the amount of financial assistance may, within 30 days of being advised of the decision, apply in writing for a review.

"**43.2.** The application for review shall be sent to the public servant designated by the Minister. The public servant shall receive every application for review, verify that the student's file is complete, analyse the application and, where expedient, recommend any correction or modification he considers necessary to the Minister."

9. Section 44 of the said Act is amended

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

"A student whose application for review has been dismissed may apply to the examination committee for exceptional cases.";

(2) by replacing the figure "13" in the third line of the third paragraph by the figure "4".

10. Section 56 of the said Act is amended by inserting the words ", including the training period or not," after the word "study" in subparagraph 4 of the first paragraph.

11. Section 57 of the said Act is amended

(1) by replacing subparagraph 9 of the first paragraph by the following subparagraph:

"(9) determine the maximum amounts of loans according to the level of education, the cycle and the classification of the educational institution attended, and determine in which cases and subject to what conditions such amounts are increased or reduced;";

(2) by striking out subparagraph 17 of the first paragraph;

(3) by adding, after subparagraph 22 of the first paragraph, the following subparagraphs:

"(23) determine, in respect of each level of education, each cycle and certain programs of study or certain classes of institutions the maximum level of indebtedness for continued eligibility for a student loan;

"(24) determine in which cases and subject to what conditions advance financial assistance may be granted in the form of a loan."

12. Section 24.1 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is replaced by the following section:

"**24.1.** Special fees determined by regulation of the Government shall, however, be chargeable to any full-time student who, in his last term as a full-time student in a college, failed two or more courses of a college studies program.

Except where otherwise prescribed by regulation of the Government, any failing mark appearing in the student's college studies record and any course not abandoned by the final date determined by the Minister which is not completed by the date on which the record is issued shall be considered a failed course."

13. Section 24.3 of the said Act is amended by inserting the words "special or" before the word "tuition" in the first line.

14. Section 24.4 of the said Act is amended

(1) by replacing paragraph *b* by the following paragraph:

"(*b*) determine the cases in which a failed course is to be disregarded for the purposes of section 24.1;";

(2) by replacing paragraph *c* by the following paragraph:

"(*c*) establish rules for the determination of the fees chargeable under sections 24.1 and 24.2;";

(3) by inserting the words “special or” before the word “tuition” in the first line of paragraph *e* ;

(4) by inserting the words “special or” before the word “tuition” in the second line of paragraph *f*.

15. The changes introduced by sections 1 to 4 and 10 are applicable in respect of allocation years subsequent to their coming into force.

16. The provisions of section 26 of the Act respecting financial assistance for students and the regulations thereunder shall continue to apply in respect of studies completed before the coming into force of section 6 of this Act.

17. For the purposes of section 24.1 of the General and Vocational Colleges Act, enacted by section 12 of this Act, any course failed by a student during a term preceding 1 January 1997 shall be disregarded.

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

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 87
(1996, chapter 80)

An Act respecting conditions governing the use of immovables of the Protestant School Board of Greater Montreal by the Commission des écoles catholiques de Montréal

Introduced 13 December 1996
Passage in principle 19 December 1996
Passage 19 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

The purpose of this bill is to require the Protestant School Board of Greater Montreal and the Commission des écoles catholiques de Montréal to enter into an agreement to allow the Commission des écoles catholiques de Montréal to establish a school in an immovable belonging to the Protestant School Board of Greater Montreal. The agreement must be approved by the Minister of Education.

If the parties cannot come to an agreement by 20 January 1997, the Minister of Education may determine conditions governing the use for school purposes of the immovables described in the schedules.

The bill also contains provisions for the purpose of ensuring its implementation.

Bill 87

AN ACT RESPECTING CONDITIONS GOVERNING THE USE OF IMMOVABLES OF THE PROTESTANT SCHOOL BOARD OF GREATER MONTREAL BY THE COMMISSION DES ÉCOLES CATHOLIQUES DE MONTRÉAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Protestant School Board of Greater Montreal and the Commission des écoles catholiques de Montréal shall enter into an agreement to allow the Commission des écoles catholiques de Montréal to establish a school in the immovable described in Schedule I.

The agreement must specify, in addition to conditions governing the use of the immovable, the impact of the agreement on the other schools and the adult education centres operated by the school boards.

To take effect, the agreement must be approved by the Minister of Education.

2. If the Protestant School Board of Greater Montreal and the Commission des écoles catholiques de Montréal do not submit an agreement to the Minister on or before 20 January 1997, or if the agreement submitted has not been approved on that date, conditions governing the use of the immovables described in Schedules I and II may be determined by the Minister.

The conditions shall be binding on the Protestant School Board of Greater Montreal and on the Commission des écoles catholiques de Montréal and shall take effect on the date determined by the Minister.

3. The conditions determined by the Minister shall cease to have effect on the date determined by the Minister or on the date specified in any agreement entered into under section 1 after the determination of conditions which has been approved by the Minister.

A date determined by the Minister under this section may be deferred by the Minister.

4. Any stipulation which may be modified unilaterally in a contract in force on 13 December 1996 between the Protestant School Board of Greater Montreal and the Commission des écoles catholiques de Montréal under which one school board enjoys the use of an immovable belonging to the other may not, as of that date, be modified without the authorization of the Minister. Nor may

such a contract, as of that date, be terminated unilaterally without such authorization.

This section does not apply to a contract which expires as provided for therein unless the contract contains a renewal clause requiring the consent of the parties and one of the parties does not wish to renew the contract.

5. The provisions of this Act cease to have effect on the date or dates to be fixed by the Government.

6. This Act comes into force on 23 December 1996.

SCHEDULE I

The immovable located at 4860 Vézina Street in Montréal and occupied on 13 December 1996 by the Coronation School and the Vezina Alternative School established by the Protestant School Board of Greater Montreal.

SCHEDULE II

The immovable located at 4810 Van Horne Avenue in Montréal and occupied on 13 December 1996 by the Shadd Academy established by the Protestant School Board of Greater Montreal.

The immovable located at 5100 Côte-St-Luc Road in Montréal and occupied on 13 December 1996 by the Marymount Academy established by the Commission des écoles catholiques de Montréal.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 91
(1996, chapter 81)

An Act to again amend the Act respecting the Ministère du Revenu

Introduced 17 December 1996
Passage in principle 19 December 1996
Passage 19 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

The bill gives effect to a measure announced in the Budget Speech delivered on 9 May 1996.

The time limit of three years applicable to fiscal debts is replaced by a time limit of five years.

Bill 91

AN ACT TO AGAIN AMEND THE ACT RESPECTING THE MINISTÈRE DU REVENU

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by inserting, after section 27.2, enacted by section 208 of chapter 1 of the statutes of 1995, the following:

"DIVISION II.2

"PRESCRIPTION

"**27.3.** The recovery of an amount owed under a fiscal law is prescribed five years after the expiry of the time limit for payment prescribed by section 27.0.1 or 27.0.2 or, in the case of charges or fees, from the time the charges or fees are applied."

2. The time limit provided for in section 1 applies to situations in progress, account being taken of the time already elapsed.

3. This Act comes into force on 23 December 1996.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 128
(1996, chapter 82)

An Act to amend the Act respecting the conditions of employment in the public sector and the municipal sector

Introduced 15 December 1995
Passage in principle 12 June 1996
Passage 20 December 1996
Assented to 23 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

This bill amends the Act respecting the conditions of employment in the public sector and the municipal sector by repealing the provisions that imposed a 1% reduction in the annual expenditure relating to the remuneration and social benefits of the employees, members and chief executive officers of public bodies or municipal bodies and to those of certain health professionals.

The bill also contains transitional and consequential amendments.

Bill 128

An Act to amend the Act respecting the conditions of employment in the public sector and the municipal sector

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Division II of Chapter II, section 28 and the second paragraph of section 34 of the Act respecting the conditions of employment in the public sector and the municipal sector (1993, chapter 37) are repealed.

2. Section 35 of the said Act is amended by replacing the figure "25" in the first line of the first paragraph by the figure "19".

3. Division II of Chapter III and the second paragraph of section 44 of the said Act are repealed.

4. Sections 20 to 25 of the said Act shall cease to have effect in respect of pharmacists and medical residents referred to in section 35 of the said Act only after the expiry of a three-year period from the beginning of the first year of reference in which those sections were actually applied to such pharmacists and medical residents.

5. No repeal under this Act shall entail the termination of an agreement referred to in section 24 or 41 of the Act respecting the conditions of employment in the public sector and the municipal sector or of a measure applied under the second paragraph of section 28 or of a measure, other than those provided for in section 40, which is applied under the second paragraph of section 44 of the said Act.

6. The parties to an agreement proposing a replacement measure, recognized by the Government under the first paragraph of section 24 of the Act respecting the conditions of employment in the public sector and the municipal sector or recognized by the

parties under the second paragraph of that section, whose effect extends beyond 31 March 1996, may agree on amendments to the conditions of employment of the employees concerned to compensate, up to 1%, for the annual reduction in expenditure relating to remuneration and social benefits which, after that date, results from the agreement.

If no agreement is entered into before 1 April 1997, one of the parties may, within sixty days from that date, refer the disagreement to arbitration as if it were a grievance.

The arbitrator shall determine amendments to the conditions of employment designed to compensate the employees concerned to the extent provided for in the first paragraph. However, at the request of one party, the arbitrator must seek to re-establish the conditions of employment prevailing before the agreement referred to in section 24 was entered into, regardless of the application of sections 20 to 22 of the said Act, unless the other party proves that it would suffer serious prejudice thereby.

Every amendment made to the conditions of employment that is determined by the arbitration award shall form part of the collective agreement.

The process of amendment of the conditions of employment provided for in this section does not constitute a revision of the collective agreement within the meaning of section 107 of the Labour Code (R.S.Q., chapter C-27).

7. Section 6 applies, with the necessary modifications, to the parties to an agreement entered into under section 41 of the Act respecting the conditions of employment in the public sector and the municipal sector which proposes a replacement measure recognized by the parties under the said section and whose effect extends beyond 31 December 1995.

8. A public body that has given an employee leave without pay or taken any other measure in respect of the employee pursuant to section 20 of the Act respecting the conditions of employment in the public sector and the municipal sector, in respect of a period subsequent to 31 March 1996, shall reimburse to the employee the sums not paid to him by reason of such leave or measure.

The same applies to a municipal body that has given an employee leave without pay or taken a measure pursuant to section 40 of that Act for a period subsequent to 31 December 1995.

9. No grievance or other similar proceeding pertaining to a measure provided for in an order under section 22 or determined under section 40 of the Act respecting the conditions of employment in the public sector and the municipal sector may be filed, instituted or continued.

A grievance or other proceeding contesting the terms and conditions of application of such a measure, or based on the fact that the application of a measure results in the recovery of more than 1% of an employee's remuneration or social benefits, may be filed, instituted or continued.

10. Sections 1 and 2 have effect from 1 April 1996 and section 3 has effect from 1 January 1996.

11. This Act comes into force on 23 December 1996.

NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 130
(1996, chapter 54)

An Act respecting administrative justice

Introduced 15 December 1995
Passage in principle 2 May 1996
Passage 16 December 1996
Assented to 16 December 1996

Québec Official Publisher
1996

EXPLANATORY NOTES

The purpose of this bill is to affirm the specific character of administrative justice, and to ensure the quality and promptness of administrative justice and its accessibility to citizens.

This bill establishes that the procedural rules leading to the making of an individual decision by a government department or body differ depending on whether the decision is made within the exercise of an administrative function or an adjudicative function, and sets out the rules that must be followed in each case.

The Administrative Tribunal of Québec is instituted by the bill, which determines its powers and defines the proceedings within its jurisdiction.

The provisions in the bill applicable to the members of the Administrative Tribunal of Québec pertain to their selection and appointment, term of office and renewal of term, remuneration and other conditions of office and premature termination of office.

The general duties and powers of the members of the Tribunal, particularly those concerning conflict of interest, incompatible activities and exclusivity of office are also dealt with in the bill.

The bill provides the rules applicable to the president and vice-presidents of the Tribunal as concerns their designation, renewal and premature termination of office.

The management and administration of the Tribunal is also provided for, particularly the administrative duties of the president and vice-presidents, the sittings of the Tribunal, its personnel and resources.

As for the Tribunal's adjudicative functions, the bill sets out basic rules of evidence and procedure that pertain to the exercise of the adjudicative function of the Tribunal and that govern introductive

proceedings, the hearing, evidence, recusation of a member and the decision and provides that, in certain cases and subject to certain conditions, an appeal will lie to the Court of Québec from a decision of the Administrative Tribunal.

Lastly, the bill provides for the institution of the Conseil de la justice administrative and determines its composition, functions and powers, in particular as pertains to the ethical conduct of the members of the Tribunal, complaints lodged against members and inquiries the council may conduct in their regard.

Bill 130

An Act respecting administrative justice

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PRELIMINARY PROVISION

1. The purpose of this Act is to affirm the specific character of administrative justice, to ensure its quality, promptness and accessibility and to safeguard the fundamental rights of citizens.

This Act establishes the general rules of procedure applicable to individual decisions made in respect of a citizen. Such rules of procedure differ according to whether a decision is made in the exercise of an administrative or adjudicative function, and are, if necessary, supplemented by special rules established by law or under its authority.

This Act also institutes the Administrative Tribunal of Québec and the Conseil de la justice administrative.

TITLE I

GENERAL RULES GOVERNING INDIVIDUAL DECISIONS MADE IN RESPECT OF A CITIZEN

CHAPTER I

RULES SPECIFIC TO DECISIONS MADE IN THE EXERCISE OF AN ADMINISTRATIVE FUNCTION

2. The procedures leading to an individual decision to be made by the Administration, pursuant to norms or standards prescribed by law, in respect of a citizen shall be conducted in keeping with the duty to act fairly.

3. The Administration consists of the government departments and bodies whose members are in the majority appointed by the Government or by a minister and whose personnel is appointed and remunerated in accordance with the Public Service Act (chapter F-3.1.1).

4. The Administration shall take appropriate measures to ensure

(1) that procedures are conducted in accordance with legislative and administrative norms or standards and with other applicable rules of law, according to simple and flexible rules devoid of formalism, with respect, prudence and promptness, in accordance with the norms and standards of ethics and discipline governing its agents and with the requirements of good faith;

(2) that the citizen is given the opportunity to provide any information useful for the making of the decision and, where necessary, to complete his file;

(3) that decisions are made with diligence, are communicated to the person concerned in clear and concise terms and contain the information required to enable the person to communicate with the Administration;

(4) that the directives governing agents charged with making a decision are in keeping with the principles and obligations under this chapter and are available for consultation by the citizen.

5. An administrative authority may not issue an order to do or not do something or make an unfavourable decision concerning a permit or licence or other authorization of like nature without first having

(1) informed the citizen of its intention and the reasons therefor;

(2) informed the citizen of the substance of any complaints or objections that concern him;

(3) given the citizen the opportunity to present observations and, where necessary, to produce documents to complete his file.

An exception shall be made to such prior obligations if the order or the decision is issued or made in urgent circumstances or to

prevent irreparable harm to persons, their property or the environment and the authority is authorized by law to reexamine the situation or review the decision.

6. An administrative authority that is about to make a decision in relation to an indemnity or a benefit which is unfavourable to a citizen must ensure that the citizen has received the information enabling him to communicate with the authority and that the citizen's file contains all information useful for the making of the decision. If the authority ascertains that such is not the case or that the file is incomplete, it shall postpone its decision for as long as is required to communicate with the citizen and to give the citizen the opportunity to provide the pertinent information or documents to complete his file.

In communicating the decision, the administrative authority must inform the citizen that he has the right to apply, within the time indicated, to have the decision reviewed by the administrative authority.

7. Where, upon the request of a citizen, a situation is reexamined or a decision is reviewed, the administrative authority shall give the citizen the opportunity to present observations and, where necessary, to produce documents to complete his file.

8. An administrative authority shall give reasons for all unfavourable decisions it makes, and shall indicate any non-judicial proceeding available under the law and the time limits applicable.

CHAPTER II

RULES SPECIFIC TO DECISIONS IN THE EXERCISE OF AN ADJUDICATIVE FUNCTION

9. The procedures leading to a decision to be made by the Administrative Tribunal of Québec or by another body of the administrative branch charged with settling disputes between a citizen and an administrative authority or a decentralized authority must, so as to ensure a fair process, be conducted in keeping with the duty to act impartially.

10. The body is required to give the parties the opportunity to be heard.

The hearings shall be held in public. The body may, however, even of its own initiative, order hearings to be held *in camera* where necessary to maintain public order.

11. The body has, within the scope of the law, full authority over the conduct of the hearing. It shall, in conducting the proceedings, be flexible and ensure that the substantive law is rendered effective and is carried out.

It shall rule on the admissibility of evidence and means of proof and may, for that purpose, follow the ordinary rules of evidence applicable in civil matters. It shall, however, even of its own initiative, reject any evidence which was obtained under such circumstances that fundamental rights and freedoms are breached and the use of which could bring the administration of justice into disrepute. The use of evidence obtained in violation of the right to professional secrecy is deemed to bring the administration of justice into disrepute.

12. The body is required to

(1) take measures to circumscribe the issue and, where expedient, to promote reconciliation between the parties;

(2) give the parties the opportunity to prove the facts in support of their allegations and to present arguments;

(3) provide, if necessary, fair and impartial assistance to each party during the hearing;

(4) allow each party to be assisted or represented by persons empowered by law to do so.

13. Every decision rendered by the body must be communicated in clear and concise terms to the parties and to every other person that the law indicates.

Every decision terminating a matter, even a decision communicated orally to the parties, must be in writing together with the reasons on which it is based.

TITLE II

ADMINISTRATIVE TRIBUNAL OF QUÉBEC

CHAPTER I

INSTITUTION

14. The Administrative Tribunal of Québec is hereby instituted.

The function of the Tribunal, in the cases provided for by law, is to make determinations in respect of proceedings brought against an administrative authority or a decentralized authority.

Except where otherwise provided by law, the Tribunal shall exercise its jurisdiction to the exclusion of any other tribunal or adjucative body.

15. The Tribunal has the power to decide any question of law or fact necessary for the exercise of its jurisdiction.

In the case of the contestation of a decision, the Tribunal may confirm, vary or quash the contested decision and, if appropriate, make the decision which, in its opinion, should have been made initially.

16. The seat of the Tribunal shall be situated in the territory of the Communauté urbaine de Québec, at the place determined by the Government; a notice of the address of the seat of the Tribunal shall be published in the *Gazette officielle du Québec*.

17. The Tribunal shall consist of four divisions:

— the social affairs division;
— the immovable property division;
— the territory and environment division; and
— the economic affairs division.

CHAPTER II

COMPETENCE OF DIVISIONS AS TO SUBJECT-MATTER

DIVISION I

SOCIAL AFFAIRS DIVISION

18. The social affairs division is charged with making determinations in respect of the proceedings pertaining to matters of income security and social aid and allowances, of protection of persons suffering from a mental illness, of health services and social services, of pension plans, of compensation and of immigration, which proceedings are listed in Schedule I.

19. Moreover, the social affairs division is designated as a Review Board within the meaning of sections 672.38 and following of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) to make or review dispositions concerning any accused in respect of whom a verdict of not criminally responsible by reason of mental disorder has been rendered or who has been found unfit to stand trial.

In exercising this function, the social affairs division shall act in accordance with the provisions of the Criminal Code.

The powers and duties conferred on the chairperson of a Review Board shall be exercised by the vice-president responsible for the division or by another member of the division designated by the Government.

20. In matters of income security and social aid and allowances, the social affairs division is charged with making determinations in respect of the proceedings referred to in section 1 of Schedule I which pertain in particular to decisions concerning financial aid.

21. Proceedings shall be heard and determined by a panel of two members, only one of whom shall be an advocate or notary.

The other member must be a physician in the case of proceedings

(1) under section 20 of the Act respecting family assistance allowances (chapter A-17), to contest a decision determining, pursuant to section 5 of that Act, whether or not a child is a handicapped child;

(2) under section 81 of the Act respecting income security (chapter S-3.1.1), to contest a decision concerning the assessment of a person's limitations in his capacity for employment or concerning a person's inability to avail himself of a measure pursuant to paragraph 1 of section 16 of the said Act.

22. In matters of protection of the mentally ill, the social affairs division is charged with making determinations in respect of proceedings referred to in section 2 of Schedule I pertaining to decisions made by a health services or social services institution concerning a person in its custody or to measures concerning an accused in respect of whom a verdict of not criminally responsible by reason of mental disorder has been rendered or who has been found unfit to stand trial.

23. Proceedings, other than those concerning an accused, shall be heard and determined by a panel of three members composed of an advocate or notary, a psychiatrist and a social worker.

24. In matters of health services and social services, the social affairs division is charged with making determinations in respect of the proceedings referred to in section 3 of Schedule I pertaining in particular to decisions relating to access to documents or information concerning a beneficiary, a person's eligibility for a health insurance program, the identification of a handicapped person, the evacuation and relocation of certain persons, a permit issued to a health services or social services institution, to an organ and tissue bank, to a laboratory or to other services or an adapted work centre certificate, or decisions concerning a health professional or the members of the board of directors of an institution.

25. Proceedings referred to in paragraphs 2, 7, 10 and 12 of section 3 of Schedule I shall be heard and determined by a panel of two members, one of whom shall be an advocate or notary and the other, a physician.

Proceedings referred to in paragraphs 1, 4 to 6, 13 and 14 of section 3 of Schedule I shall be heard and determined by a panel of two members each of whom shall be an advocate or notary.

Proceedings referred to in paragraphs 3, 8, 9 and 11 of section 3 of Schedule I shall be heard and determined by a single member who shall be an advocate or notary.

26. In pension plan matters, the social affairs division is charged with making determinations in respect of proceedings referred to in section 4 of Schedule I pertaining to decisions made by the Régie des rentes du Québec in particular concerning an application for a benefit or the partition of earnings or decisions made by the Commission administrative des régimes de retraite et d'assurances in particular concerning eligibility for the Pension Plan of Elected Municipal Officers, the number of years of service, pensionable salary or the amount of contributions or of a pension.

27. Proceedings shall be heard and determined by a panel of two members each of whom shall be an advocate or notary.

However, one of the members must be a physician in the case of a proceeding under section 188 of the Act respecting the Québec Pension Plan (chapter R-9), brought against a decision based on a person's disability.

28. In compensation matters, the social affairs division is charged with making determinations in respect of proceedings referred to in section 5 of Schedule I pertaining in particular to decisions concerning the right to or amount of compensation.

29. Proceedings shall be heard and determined by a panel of two members, one of whom shall be an advocate or notary and the other, a physician.

30. In immigration matters, the social affairs division is charged with making determinations in respect of proceedings referred to in section 6 of Schedule I pertaining to decisions made by the minister responsible for the administration of the Act respecting immigration to Québec (chapter I-0.2) concerning an undertaking, a selection certificate or a certificate of acceptance.

31. Proceedings shall be heard and determined by a single member who shall be an advocate or notary.

DIVISION II

IMMOVABLE PROPERTY DIVISION

32. The immovable property division is charged with making determinations in respect of proceedings pertaining in particular to the accuracy, presence or absence of an entry on the real estate assessment roll or on the roll of rental values, exemptions from or refunds of real estate taxes or the business tax, the fixing of the

indemnities arising from the establishment of reserves for public purposes or from the expropriation of immovables or immovable real rights or from damage caused by public works or the value or acquisition price of certain property, which proceedings are listed in Schedule II.

33. Proceedings shall be heard and determined by a panel of two members, one of whom shall be an advocate or notary and the other a chartered appraiser.

However, proceedings under the Act respecting municipal taxation (chapter F-2.1) relating to a unit of assessment or a place of business whose real estate value or rental value entered on the roll is lower than the value fixed by regulation of the Government shall be heard and determined by a single member who shall be an advocate, a notary or a chartered appraiser.

DIVISION III

TERRITORY AND ENVIRONMENT DIVISION

34. The territory and environment division is charged with making determinations in respect of proceedings pertaining in particular to decisions made or orders issued concerning the use, subdivision or alienation of a lot, the inclusion or exclusion of a lot in or from an agricultural zone, the removal of topsoil, the emission, deposit, issuance or discharge of contaminants in the environment or the carrying on of an activity likely to affect the quality of the environment, or the erection of certain roadside advertising signs, which are listed in Schedule III.

35. Proceedings shall be heard and determined by a panel of two members, only one of whom shall be an advocate or notary.

DIVISION IV

ECONOMIC AFFAIRS DIVISION

36. The economic affairs division is charged with making determinations in respect of proceedings pertaining in particular to decisions concerning permits, licences, certificates or authorizations to carry on a trade or a professional, economic, industrial or commercial activity, which are listed in Schedule IV.

37. Proceedings shall be heard and determined by a panel of two members, only one of whom shall be an advocate or notary.

CHAPTER III

COMPOSITION

DIVISION I

APPOINTMENT OF MEMBERS

38. The Tribunal shall be composed of members who are independent and impartial, appointed by the Government in the number determined by the Government.

39. The division to which a member is assigned shall be determined in the instrument of appointment.

40. In the social affairs division, at least ten members shall be physicians, including at least four psychiatrists, and at least two other members shall be social workers.

DIVISION II

RECRUITING AND SELECTION OF MEMBERS

41. Only a person who has the qualifications required by law and at least ten years' experience pertinent to the exercise of the functions of the Tribunal may be a member of the Tribunal.

42. Members shall be selected among persons declared apt according to the recruiting and selection procedure established by government regulation. The regulation may, in particular,

(1) determine the publicity that must be given to the recruiting procedure and the content of such publicity;

(2) determine the procedure by which a person may become a candidate;

(3) authorize the establishment of selection committees to assess the aptitude of candidates and formulate an opinion concerning them;

(4) fix the composition of the committees and mode of appointment of committee members, ensuring, where appropriate, adequate representation of the sectors concerned;

(5) determine the selection criteria to be taken into account by the committees;

(6) determine the information a committee may require from a candidate and the consultations it may hold.

43. The names of the persons declared apt shall be recorded in a register kept at the Ministère du Conseil exécutif.

44. A declaration of aptitude shall be valid for a period of 18 months or for any other period fixed by regulation of the Government.

45. Members of a selection committee shall receive no remuneration except in such cases, subject to such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, subject to the conditions and to the extent determined by the Government.

DIVISION III

TERM OF OFFICE AND RENEWAL

46. The term of office of a member is five years, subject to the exceptions that follow.

47. The Government may determine a shorter term of office of a fixed duration in the instrument of appointment where the candidate so requests for a valid reason or where required by special circumstances stated in the instrument of appointment.

48. The term of office of a member shall be renewed for five years

(1) unless the member is notified otherwise at least three months before the expiry of his term by the agent authorized therefor by the Government; or

(2) unless the member requests otherwise and so notifies the Minister at least three months before the expiry of his term.

A variation of the term of office is valid only for a fixed period of less than five years determined in the instrument of renewal and, except where requested by the member for a valid reason, only where required by special circumstances stated in the instrument of renewal.

49. The renewal of a term of office shall be examined according to the procedure established by government regulation. The regulation may, in particular,

(1) authorize the establishment of committees;

(2) fix the composition of the committees and the mode of appointment of committee members;

(3) determine the criteria to be taken into account by the committees;

(4) determine the information a committee may require from the member and the consultations it may hold.

50. Members of an examination committee shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government.

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.

DIVISION IV

PREMATURE TERMINATION OF TERM OF OFFICE AND SUSPENSION

51. The term of office of a member may terminate prematurely only on his retirement or resignation, or on his being dismissed or otherwise removed from office in the circumstances referred to in this division.

52. To resign, a member must give the Minister reasonable notice in writing, sending a copy to the president of the Tribunal.

53. The Government may dismiss a member if the Conseil de la justice administrative so recommends, after an inquiry conducted following the lodging of a complaint pursuant to section 182.

The Government may also suspend the member with or without remuneration for the period recommended by the Conseil de la justice administrative.

54. The Government may also remove a member from office for either of the following reasons:

(1) loss of a qualification required by law for holding the office of member;

(2) permanent disability which, in the opinion of the Government, prevents the member from performing the duties of his office satisfactorily; permanent disability is ascertained by the Conseil de la justice administrative, after an inquiry conducted at the request of the Minister or of the president of the Tribunal.

DIVISION V

OTHER PROVISIONS REGARDING TERMINATION OF DUTIES

55. Any member may, with the authorization of and for the time determined by the president of the Tribunal, continue to perform his duties after the expiry of his term of office in order to conclude the cases he has begun to hear but has yet to determine; he shall be a supernumerary member for the time required.

The first paragraph does not apply to a member who has been dismissed or otherwise removed from office.

DIVISION VI

REMUNERATION AND OTHER CONDITIONS OF OFFICE

56. The Government shall make regulations determining

(1) the mode of remuneration of the members and the applicable standards and scales;

(2) the conditions subject to which and the extent to which a member may be reimbursed the expenses incurred in the performance of his duties.

The Government may make regulations determining other conditions of office applicable to all or certain members, including social benefits other than the pension plan.

The regulatory provisions may vary according to whether they apply to full-time or part-time members or to a member charged with an administrative office within the Tribunal.

The regulations come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

57. The Government shall fix, in accordance with the regulations, the remuneration, social benefits and other conditions of office of the members.

58. Once fixed, a member's remuneration may not be reduced.

However, additional remuneration attaching to an administrative office within the Tribunal shall cease upon termination of such office.

59. The pension plan of full-time members shall be determined pursuant to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the Act respecting the Civil Service Superannuation Plan (chapter R-12), as the case may be.

60. A public servant appointed as a member of the Tribunal ceases to be subject to the Public Service Act for all matters concerning such office; for the duration of his term of office, he is on full leave without pay for the purpose of performing his duties of office.

DIVISION VII

ADMINISTRATIVE OFFICE

61. The Government shall designate, among the members of the Tribunal who are advocates or notaries, a president and vice-presidents in the number it determines.

The instrument of appointment of a vice-president shall determine the divisions under his responsibility.

62. The president and the vice-presidents shall exercise their duties on a full-time basis.

63. The Minister shall designate a vice-president to replace the president or another vice-president temporarily when required.

If the vice-president so designated is himself absent or unable to act, the Minister shall designate another vice-president as a replacement.

64. The administrative office of the president or a vice-president is of a fixed duration determined in the instrument of appointment or renewal.

65. The administrative office of the president or a vice-president may terminate prematurely only on his relinquishing such office, on the premature termination or non-renewal of his term of office as a member of the Tribunal, or on his removal or dismissal from his administrative office in the circumstances referred to in this division.

66. The Government may remove the president or a vice-president from his administrative office if the Conseil de la justice administrative so recommends, after an inquiry conducted at the Minister's request concerning a lapse pertaining only to his administrative duties.

67. The Government may also dismiss the president or a vice-president from his administrative office for loss of a qualification required by law for holding such office.

CHAPTER IV

DUTIES AND POWERS OF MEMBERS

68. Before taking office, every member shall take an oath, solemnly affirming the following: " I (...) swear that I will exercise the powers and fulfill the duties of my office impartially and honestly and to the best of my knowledge and abilities."

The oath shall be taken before the president of the Tribunal. The president of the Tribunal shall take the oath before a judge of the Court of Québec.

The writing evidencing the oath shall be sent to the Minister.

69. A member may not, on pain of forfeiture of office, have a direct or indirect interest in any enterprise that could cause a conflict between his personal interest and his duties of office, unless the interest devolves to him by succession or gift and he renounces it or disposes of it with dispatch.

70. In addition to observing conflict of interest requirements and the rules of conduct and duties imposed by the code of ethics adopted under this Act, a member may not pursue an activity or place himself in a situation incompatible, within the meaning of the code of ethics, with the exercise of his office.

71. Full-time members shall devote themselves exclusively to their office, save the exceptions that follow.

72. A member may carry out any mandate entrusted to him by order of the Government after consultation with the president of the Tribunal.

73. A member may, with the written consent of the president of the Tribunal, engage in teaching activities and receive remuneration therefor.

74. The Tribunal and its members are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

They are also vested with all the powers necessary for the performance of their duties; they may, in particular, make any order they consider appropriate to safeguard the rights of the parties.

No judicial proceedings may be brought against them by reason of an act done in good faith in the performance of their duties.

CHAPTER V

OPERATION

DIVISION I

MANAGEMENT AND ADMINISTRATION OF THE TRIBUNAL

75. In addition to the powers and duties that may otherwise be assigned to him, the president is charged with the administration and general management of the Tribunal.

The duties of the president include

(1) fostering the participation of members in the formulation of guiding principles for the Tribunal so as to maintain a high level of quality and coherence of decisions;

(2) coordinating the activities of and assigning work to the members of the Tribunal who shall comply with his orders and directives in that regard; and

(3) seeing to the observance of standards of ethical conduct;

(4) promoting professional development of the members as regards the exercise of their functions.

76. The president shall establish a code of ethics applicable to the conciliators and see that it is observed.

The code of ethics comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

77. To expedite the business of the Tribunal, the president may, after consultation with the vice-presidents responsible for the divisions concerned, assign a member temporarily to another division.

78. Each year, the president shall present a plan to the Minister in which he shall state his management objectives aimed at ensuring the accessibility of the Tribunal and the quality and promptness of its decision-making process and give an account of the results achieved in the preceding year.

The president shall include in the plan, in addition to the information requested by the Minister, the following information, compiled by the Tribunal on a monthly basis in respect of each division:

(1) the number of days on which hearings were held and the average number of hours devoted to them;

(2) the number of postponements granted;

(3) the nature and number of cases in which conciliation was held, and the number of such cases where the parties reached an agreement;

(4) the number of cases heard, the nature thereof and the places and dates of the hearings;

(5) the number of cases taken under advisement, the nature thereof and the time devoted to advisement;

(6) the number of decisions made;

(7) the time devoted to the proceedings, from the date of the introductory motion until the beginning of the hearing or the making of the decision.

79. The president may delegate all or part of his powers and duties to the vice-presidents.

80. The vice-presidents shall assist and advise the president in the performance of his duties and perform their administrative duties under the president's authority.

81. In addition to the powers and duties that may otherwise be assigned to him or delegated to him by the president, the duties of a vice-president include

(1) assigning cases and scheduling sittings in the division under his responsibility; the members shall comply with his orders and directives in that regard;

(2) participating in the temporary assignment of a member to another division.

DIVISION II

SITTINGS

82. The president, the vice-president responsible for the division or any member designated by either shall determine which members are to take part in each sitting.

The president may, where he considers it expedient in view of the complexity of a case or importance of a matter, form a panel comprising a greater number of members than that provided for in Chapter II, but not exceeding five.

83. The sittings shall be presided by the president, the vice-president responsible for the division or a member designated by either of them among the members.

84. The Tribunal may sit at any place in Québec. If the Tribunal holds a hearing in a locality where a court sits, the clerk of the court shall allow the Tribunal to use premises used by the court unless they are being used for sittings of the court.

85. In real estate assessment matters, the Tribunal may sit in the territory of the local municipality whose roll is involved if the dispute concerns a unit of assessment or a place of business whose real estate value or rental value entered on the roll is equal to or lower than the value fixed by regulation of the Government.

However, the president of the Tribunal, in cooperation with the vice-president responsible for the immovable property division, may group the territories of several local municipalities within a radius of 100 kilometres, and designate the municipal territory in which the Tribunal shall sit.

With the consent of the applicant, the Tribunal may sit outside the territory of the local municipality or the limits determined.

DIVISION III

PERSONNEL AND PHYSICAL AND FINANCIAL RESOURCES

86. The secretary of the Tribunal and the other members of the personnel of the Tribunal shall be appointed and remunerated in accordance with the Public Service Act.

No judicial proceedings may be brought against them for any act done in good faith in the performance of their duties.

87. The secretary shall have custody of the records of the Tribunal.

88. The documents emanating from the Tribunal are authentic if they are signed, as are copies of such documents if they are certified true, by a member of the Tribunal or by the secretary.

89. Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), only a person authorized by the Tribunal may have access, for good reason, to any record of the social affairs division that contains information on the physical or mental health of a person or information the Tribunal considers to be confidential which, if disclosed, would be prejudicial to a person.

Any person authorized to examine such a record is required to maintain its confidentiality. If a copy or extract is given to him, he must destroy it as soon as it is no longer of use to him.

90. The Tribunal shall establish a bank of jurisprudence and shall, in cooperation with the Société québécoise d'information juridique, ensure public access to all or part of the decisions made by the Tribunal.

The Tribunal shall omit the names of the persons concerned by decisions of the social affairs division.

91. Once proceedings have been completed, the parties shall take back the exhibits they produced and the documents they filed.

Failing that, such exhibits and documents may be destroyed after the expiry of one year from the date of the final decision of the

Tribunal or of the proceeding terminating the proceedings, unless the president decides otherwise.

92. The Government may, by regulation, determine a tariff of the administrative fees, professional fees and other charges attached to proceedings before the Tribunal as well as the classes of persons which may be exempted therefrom.

93. The financial year of the Tribunal shall end on 31 March.

94. Each year, the president of the Tribunal shall submit the budgetary estimates of the Tribunal for the following financial year to the Minister according to the form, tenor and schedule determined by the Minister. The estimates shall be submitted to the Government for approval.

95. The books and accounts of the Tribunal shall be audited by the Auditor General once a year and whenever ordered by the Government.

96. Not later than 30 June each year, the Tribunal shall present a report to the Minister on its operations for the preceding financial year.

The Minister shall lay the report before the National Assembly within 30 days of receiving it if the Assembly is in session or, if it is not, within 30 days of the opening of the next session.

The report shall not designate by name any person concerned by the matters brought before the Tribunal.

97. The sums required for the purposes of this Title shall be taken out of the fund of the Administrative Tribunal of Québec.

The fund shall be made up of the following sums:

(1) the sums paid into it by the Minister out of the appropriations granted each year for that purpose by the National Assembly;

(2) the sums paid into it by the Commission de la santé et de la sécurité du travail, the Minister responsible for the application of the Act respecting income security (chapter S-3.1.1), the Régie des rentes du Québec and the Société de l'assurance automobile du Québec, the amount and manner of payment of which shall be determined, for each, by the Government;

(3) the sums collected in accordance with the tariff of administrative fees, professional fees and other charges for proceedings before the Tribunal.

98. The Government may, on the conditions it determines, authorize the Minister of Finance to advance to the fund of the Tribunal sums taken out of the consolidated revenue fund. Any advance paid shall be repayable out of the fund of the Tribunal.

CHAPTER VI

RULES OF EVIDENCE AND OF PROCEDURE

DIVISION I

PURPOSE

99. This chapter prescribes basic rules to supplement the general rules of Chapter II of Title I which pertain to decisions made in the exercise of an adjudicative function.

DIVISION II

GENERAL PROVISIONS

100. The Tribunal may not decide a matter if the parties have not been heard or summoned.

It is exempted from that requirement in regard to a party to grant an uncontested application. The Tribunal is also exempted therefrom if all of the parties consent to its proceeding on the basis of the record, subject to the power of the Tribunal to summon the parties in order to hear them.

In addition, if a party who has been summoned does not appear at the time fixed for the hearing without having provided a valid excuse for his absence, or appears at the hearing but refuses to be heard, the Tribunal may nonetheless proceed and make a decision.

101. The parties to a proceeding are, in addition to the person and administrative authority or decentralized authority directly interested therein, any person so designated by law.

102. The parties may be represented by the person of their choice before the social affairs division, in the case of a proceeding pertaining to compensation for rescuers and victims of crime.

The Minister of Income Security or a body which is his delegatee for the purposes of the Act respecting income security may be represented by the person of his or its choice before the social affairs division in the case of a proceeding in a matter of income security or social aid and allowances.

The applicant may, before the social affairs division in the case of a proceeding in a matter of immigration, be represented by a relative or by a non-profit organization devoted to the defense or interests of immigrants, if he is unable to be present himself by reason of absence from Québec. In the latter case, the mandatary must provide the Tribunal with a mandate in writing, signed by the person represented, indicating the gratuitous nature of the mandate.

103. Where the Tribunal is seized of a proceeding under section 30 of the Mental Patients Protection Act (chapter P-41), it shall ascertain that the applicant has been given an opportunity to retain the services of an advocate.

104. The members of the personnel of the Tribunal shall assist any person who so requests in drafting a motion, an intervention or any other written proceeding directed to the Tribunal.

105. The Tribunal may accept a written proceeding despite a defect of form or an irregularity.

106. The Tribunal may relieve a party from failure to act within the time prescribed by law if the party establishes that he was unable, for serious and valid reasons, to act sooner and if the Tribunal considers that no other party suffers serious harm therefrom.

The Tribunal may not, however, grant an extension to such time in excess of 90 days.

107. A proceeding before the Tribunal does not suspend the execution of the contested decision, unless a provision of law provides otherwise or, upon a motion heard and judged by preference, a member of the Tribunal orders otherwise by reason of urgency or of the risk of serious and irreparable harm.

If the law provides that the proceeding suspends the execution of the decision, or if the Tribunal issues such an order, the proceeding shall be heard and judged by preference.

108. In the absence of provisions applicable to a particular case, the Tribunal may remedy the inadequacy by any procedure consistent with law or with its rules of procedure.

109. The Tribunal may, by a regulation adopted by a majority vote of its members, make rules of procedure specifying the manner in which the rules established in this chapter or in the special Acts under which proceedings are brought are to be applied.

Such rules of procedure may differ according to the divisions or, in the case of the social affairs division, according to the matters to which they apply.

The regulation is made after consultation with the Conseil de la justice administrative and upon approval by the Government.

DIVISION III

INTRODUCTORY AND PRELIMINARY PROCEDURE

110. A proceeding is brought before the Tribunal by a motion filed at the secretariat of the Tribunal within 30 days after notification to the applicant of the contested decision or after the occurrence of the facts giving rise to the proceeding; a proceeding must, however, be brought within 60 days if it pertains to a matter within the purview of the social affairs division.

The motion may also be filed in any office of the Court of Québec, in which case the clerk shall transmit the motion forthwith to the secretary of the Tribunal.

111. The motion shall state the decision in respect of which the proceeding is brought or the facts giving rise thereto, and shall contain a short statement of the grounds invoked in support of the proceeding and set out the conclusions sought.

It shall contain any other information required by the rules of procedure of the Tribunal, and shall, where applicable, state the name, address, phone number and fax number of the representative of the applicant.

112. The rules pertaining to the notice provided for in article 95 of the Code of Civil Procedure (chapter C-25), adapted as required, apply in every case in which a party alleges that a provision referred to in the said article is inapplicable constitutionally or is invalid or inoperative, including in respect of the Canadian Charter of Rights and Freedoms (Part I of Schedule B to the Canada Act, chapter 11

of the 1982 volume of the Acts of the Parliament of the United Kingdom) or of the Charter of human rights and freedoms (chapter C-12).

113. Upon receipt of the motion, the secretary of the Tribunal shall send a copy of it to the party against whom the proceeding is brought and to the persons indicated by law.

114. The administrative authority whose decision is contested must, within 30 days of receipt of a copy of the motion, send a copy of the record relating to the matter and the name, address, phone number and fax number of its representative to the secretary of the Tribunal and to the applicant.

The municipal body responsible for assessment shall send a copy of the documents relevant to the contestation within 10 days after receipt of the notice of hearing.

Access to any record sent pursuant to this section shall continue to be governed by the Act applicable to the administrative authority having sent it.

115. The Tribunal may, upon a motion, dismiss a proceeding it deems improper or dilatory or subject it to certain conditions.

116. Where, on examining the motion and the contested decision, the Tribunal ascertains that the authority concerned failed to rule upon certain questions although it was required to do so by law, the Tribunal may, if the date of the hearing has not been fixed, suspend the case for the time it fixes so that the administrative authority or decentralized authority may act.

If, at the expiry of the allotted time, the proceeding before the Tribunal is maintained, the Tribunal shall hear the proceeding as though it were a proceeding in respect of the original decision.

117. Where, during a proceeding before the social affairs division, a question is raised respecting Title III of the Act respecting the Québec Pension Plan (chapter R-9), the Tribunal must, subject to the exceptions contemplated in section 76 of the said Act, order the referral of the matter to the Court of Québec for a ruling on the question raised. In such case, the secretary of the Tribunal shall give notice thereof to the Minister of Revenue without delay.

Where the ruling of the court does not put an end to the dispute, the matter is referred back to the Tribunal.

118. Cases in which the questions in dispute are substantially the same or whose subject-matters could suitably be combined, whether or not the same parties are involved, may be joined by order of the president of the Tribunal or of the vice-president responsible for the division concerned, on the conditions he fixes.

An order made under the first paragraph may be revoked by the Tribunal upon hearing the matter if it is of the opinion that the interests of justice will be better served by doing so.

119. The following proceedings shall be heard and decided by preference:

(1) a proceeding under section 68 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, chapter 32) which pertains to the withdrawal of recognition by the Minister from a manufacturer or from a wholesaler of medications;

(2) a proceeding under section 53.13 of the Expropriation Act (R.S.Q., chapter E-24) which pertains to a provisional indemnity;

(3) a proceeding under section 41 of the Public Health Protection Act (chapter P-35) which pertains to the suspension, revocation or non-renewal of an ambulance service permit;

(4) a proceeding under section 30 of the Mental Patients Protection Act (chapter P-41) which pertains to a person under confinement in a health or social services institution;

(5) a proceeding under section 21.0.4 of the Act to preserve agricultural land (chapter P-41.1) which pertains to an order of the Commission de protection du territoire agricole du Québec;

(6) a proceeding under section 453 of the Act respecting health services and social services (chapter S-4.2) or under section 182.1 of the Act respecting health services and social services for Cree Native persons (chapter S-5) which pertains to the decision to evacuate and relocate any persons lodged in a facility where activities are carried on without a permit.

DIVISION IV

CONCILIATION

120. If he considers it expedient and if the subject-matter and circumstances of the case permit it, the president of the Tribunal, the vice-president responsible for the division concerned, the member designated by either of them or any member called on to hear the case may, with the consent of the parties, at any time before the case is taken under advisement, suspend the proceedings for a period not exceeding 30 days in order to allow conciliation to take place.

The president may also, with the consent of the parties, grant an extension if he is of the opinion that this would enable the parties to come to an agreement within reasonable time.

121. The conciliator shall be chosen by the secretary of the Tribunal from among the members of the personnel designated by the president.

122. Unless the parties consent thereto, nothing that is said or written in the course of conciliation may be admitted as evidence before a court of justice or before a person or body of the administrative branch exercising adjudicative functions. The parties must be so informed by the member who pronounces the suspension of the proceedings.

123. A conciliator may not be compelled to disclose anything made revealed to or learned by him in the exercise of his functions or produce a document prepared or obtained in the course of such exercise before a court of justice or before a person or body of the administrative branch exercising adjudicative functions.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no person may have access to a document contained in the conciliation record.

124. Each agreement shall be recorded in writing. The agreement shall be signed by the conciliator and by the parties and shall bind the latter.

The agreement, confirmed by the Tribunal, shall terminate the proceedings, and become executory as if it were a decision of the Tribunal.

DIVISION V

PRE-HEARING CONFERENCE

125. The president of the Tribunal, the vice-president responsible for the division concerned or the member designated by either of them may call the parties to a pre-hearing conference if he considers it useful and the circumstances of the case allow it.

126. The purpose of the pre-hearing conference is

(1) to define the questions to be dealt with at the hearing;

(2) to assess the advisability of clarifying and specifying the pretensions of the parties and the conclusions sought;

(3) to ensure that all documentary evidence is exchanged by the parties;

(4) to plan the conduct of the proceedings and proof at the hearing;

(5) to examine the possibility for the parties of admitting certain facts or of proving them by means of sworn statements;

(6) to examine any other question likely to simplify or accelerate the conduct of the hearing.

127. Minutes of the pre-hearing conference shall be drawn up and signed by the parties and by the member who called the parties to the conference.

Agreements and decisions recorded in the minutes shall, as far as they may apply, govern the conduct of the proceeding, unless the Tribunal, when hearing the matter, permits a derogation therefrom to prevent an injustice.

DIVISION VI

HEARING

128. The Tribunal shall, so far as is possible, facilitate the holding of a hearing at a date and time when the parties and their witnesses, if any, are able to attend without unduly disrupting their usual occupations.

The Tribunal shall facilitate the holding of the hearing within six months after the filing of the motion instituting the proceedings.

129. Notice shall be sent to the parties within reasonable time before the hearing or within the time fixed by law, stating

(1) the purpose, date, time and place of the hearing;

(2) that the parties have the right to be assisted or represented, and listing the classes of persons authorized by law to assist or represent a party before the Tribunal;

(3) that the Tribunal has the authority to proceed, without further delay or notice, despite the failure of a party to appear at the time and place fixed if no valid excuse is provided.

130. A journalist who proves his status shall be admitted, without further formality, to any hearing held *in camera*, unless the Tribunal considers that the presence of the journalist can be prejudicial to a person whose interests may be affected by the proceeding.

No such journalist shall publish or broadcast information that would allow the identification of a person concerned, unless the journalist is authorized to do so by the law or by the Tribunal.

131. The Tribunal may, of its own initiative or on an application by a party, ban or restrict the disclosure, publication or dissemination of any information or documents it indicates, where necessary to maintain public order or where the confidential nature of the information or documents requires the prohibition or restriction to ensure the proper administration of justice.

132. Any party may examine and cross-examine witnesses to the extent necessary to ensure fair proceedings.

133. A witness may not refuse, without valid reason, to answer a question legally put to him by the Tribunal or by the parties.

However, no witness may be compelled to answer in the cases and conditions described in articles 307 and 308 of the Code of Civil Procedure.

134. The Tribunal may adjourn the hearing, on the conditions it determines, if it is of the opinion that the adjournment will not cause unreasonable delay in the proceeding or a denial of justice, in particular, for the purpose of fostering an amicable settlement.

135. In matters of expropriation, and in matters of municipal taxation where a proceeding pertains to a unit of assessment or place of business whose real estate value or rental value entered on the roll is equal to or greater than the value fixed by the Government, all depositions shall be conserved by stenography or by a recording, according to the method authorized by the Tribunal, unless the parties waive their right to appeal from the decision. Any such waiver shall be in writing or be recorded in the minutes of the proceedings.

In the case of other proceedings heard by the immovable property division and of proceedings heard in matters concerning the preservation of agricultural land, depositions shall be conserved only if the applicant so requests in writing.

136. Where a member is unable to continue a hearing, another member designated by the president of the Tribunal or by the vice-president responsible for the division concerned may, with the consent of the parties, continue the hearing and, in the case of oral evidence already produced, rely on the notes and minutes of the hearing or on the stenographer's notes or the recording of the hearing, if any.

The same rule also applies in the case of a hearing continued after a member who began to hear the matter ceases to hold office.

DIVISION VII

EVIDENCE

137. Each party may plead any ground of law or fact relevant to the determination of his rights and obligations.

138. The Tribunal may make the admission of evidence subject to rules on prior communication.

139. The Tribunal may refuse to admit any evidence that is not relevant or that is not of a nature likely to further the interests of justice.

140. In addition to facts so well-known as to not reasonably be questionable, the Tribunal must take judicial notice of the law in force in Québec in the fields within its jurisdiction. Unless the law provides otherwise, statutory instruments not published in the

Gazette officielle du Québec or in any other manner provided for by law must be pleaded.

141. A member shall take judicial notice of facts that are generally recognized and of opinions and information which fall within his area of specialization or that of the division to which he is assigned.

142. No evidence may be relied on by the Tribunal in making its decision unless the parties have been given an opportunity to comment on the substance of the evidence or to refute it.

Other than in the case of facts of which judicial notice must be taken pursuant to section 140, the Tribunal may not base its decision on grounds of law or fact judicially noticed by a member if it has not first given the parties, other than parties who have waived their right to state their allegations, an opportunity to present their observations.

DIVISION VIII

RECUSATION OF A MEMBER

143. A member who has knowledge of a valid cause for his recusation must declare that cause in a writing filed in the record and must advise the parties of it.

144. A party may, at any time before the decision and provided he acts with dispatch, apply for the recusation of a member seized of the case if he has good reason to believe that a cause for recusation exists.

The application for recusation shall be addressed to the president of the Tribunal. Unless the member removes himself from the case, the application shall be decided by the president, by the vice-president responsible for the division concerned or by a member designated by either of them.

DIVISION IX

DECISIONS

145. Where a matter is heard by more than one member, it shall be decided by the majority of the members having heard it. If any member dissents, the grounds for his dissent must be recorded in the decision.

When opinions are equally divided on a question, it shall be referred to the president, the vice-president responsible for the division concerned or a member designated by either of them among the members who shall decide according to law.

146. In any matter of whatever nature, the decision must be given within three months after being taken under advisement, unless, for a valid reason, the president of the Tribunal has granted an extension.

Where a member seized of a matter fails to give a decision within three months or, as the case may be, within such additional time as has been granted, the president may, of his own initiative or on an application by a party, withdraw the matter from the member.

Before granting an extension or withdrawing a matter from a member who has failed to give his decision within the required time, the president shall take account of the circumstances and of the interests of the parties.

147. A matter that has been withdrawn from a member shall be decided by the other members having heard the matter if their number is sufficient to constitute a quorum. Failing a quorum, the matter shall be heard again.

148. A matter heard by a member and which has not been decided at the time the member ceases to hold office is governed by the rules set forth in section 147.

149. The president, a vice-president or any member called upon to hear a matter pursuant to the second paragraph of section 145 or to section 147 or 148 may, as regards oral testimony, and with the consent of the parties, rely on the notes and minutes of the hearing or on the stenographer's notes or the recording of the hearing, if any. If the vice-president or member finds them insufficient, he may recall a witness or require any other evidence.

150. Where a member is unable to act or has ceased to hold office and cannot sign the minute of a decision given at the hearing, another member designated by the president of the Tribunal or by the vice-president responsible for the division concerned may sign the minute of the decision.

151. Any order made by the Tribunal in the course of a proceeding for a hearing to be held *in camera* or banning disclosure, publication or dissemination of documents or information shall be stated expressly in the decision.

152. A copy of the decision shall be sent to each of the parties and to any other person specified by law.

153. A decision containing an error in writing or in calculation or any other clerical error may be corrected, in the record and without further formality, by the member who made the decision.

Where the member is unable to act or has ceased to hold office, another member designated by the president of the Tribunal or by the vice-president responsible for the division concerned may, on an application by a party, correct the decision.

154. The Tribunal, on an application, may review or revoke any decision it has made

(1) where a new fact is discovered which, had it been known in time, could have warranted a different decision;

(2) where a party, owing to reasons considered sufficient, could not be heard;

(3) where a substantive or procedural defect is of a nature likely to invalidate the decision.

In the case described in subparagraph 3, the decision may not be reviewed or revoked by the members having made the decision.

155. Proceedings for review or revocation are brought before the Tribunal by a motion filed at the secretariat of the Tribunal within reasonable time following the decision concerned or following the discovery of a new fact susceptible of warranting a different decision. The motion shall refer to the decision concerned and state the grounds invoked in support of the motion. It shall contain any other information required by the rules of procedure of the Tribunal, and shall indicate, where applicable, the name, address, telephone number and fax number of the representative of the applicant.

The secretary of the Tribunal shall send a copy of the motion to the other parties, who may respond to it in writing within 30 days after receiving it.

The Tribunal shall proceed on the basis of the record; it may, however, if it considers it appropriate or if a party requests it, hear the parties.

156. Decisions of the Tribunal are executory according to the terms and conditions stated therein provided the parties have received a copy of the decision or have otherwise been advised of it.

Compulsory execution of decisions is effected, by deposit at the office of the competent court, in accordance with the prescriptions of the Code of Civil Procedure.

However, execution of a decision that contains a determination in respect of a proceeding under the provisions of the Expropriation Act (chapter E-24) is effected according to the rules prescribed in the said Act.

157. Any person who contravenes a decision or an order which is executory is guilty of contempt.

158. Except on a question of jurisdiction, none of the recourses provided in articles 33 and 834 to 846 of the Code of Civil Procedure may be exercised and no injunction may be granted against the Tribunal or against any of its members acting in their official capacity.

A judge of the Court of Appeal may, upon a motion, annul by a summary proceeding any judgment rendered or order or injunction pronounced contrary to this section.

DIVISION X

APPEALS

159. An appeal lies to the Court of Québec, irrespective of the amount involved, from decisions rendered by the Tribunal in matters heard by the immovable property division, and from decisions rendered in matters concerning the preservation of agricultural land, with leave of a judge, where the matter at issue is one which ought to be submitted to the Court of Québec.

160. An application for leave to appeal shall be made in the office of the Court of Québec of the place where the property is situated, and shall be presented by motion accompanied by a copy of the decision and of the documents of the contestation, if they are not reproduced in the decision.

The application shall be made within 30 days of the decision. The time limit is peremptory; it may be extended only if a party establishes that he was unable to act.

161. An application for leave to appeal, accompanied by a notice of presentation, shall be served on the adverse party and filed in the office of the Court of Québec. The application shall state the conclusions sought, and shall summarize the grounds the applicant intends to set up.

162. An application for leave to appeal does not suspend execution of the decision. However, a judge of the Court of Québec may, on a motion, suspend such execution if the application establishes that such execution would cause serious harm and that he has filed an application for leave to appeal.

163. If an application for leave to appeal is granted, the judgment authorizing the appeal shall stand for the inscription in appeal. The clerk of the Court of Québec shall transmit a copy of the decision without delay to the Tribunal and to the parties and their attorneys.

In the same manner and within the same time limits, the respondent may bring an appeal or an incidental appeal.

Except where provisional execution is ordered, an appeal suspends the execution of the decision.

164. The Court of Québec hears the appeal according to the evidence presented before the Tribunal, without further proof. No appeal lies from the decision of the Court of Québec.

TITLE III

CONSEIL DE LA JUSTICE ADMINISTRATIVE

CHAPTER I

INSTITUTION AND ORGANIZATION

165. A council bearing the name "Conseil de la justice administrative" is hereby instituted.

166. The council shall have its seat in the territory of the Communauté urbaine de Québec. Notice of the address of the seat shall be published in the *Gazette officielle du Québec*.

167. The council shall be composed of the following members:

(1) the president of the Tribunal;

(2) a member chosen from among the vice-presidents of the Tribunal;

(3) two members chosen from among the members of the Tribunal, other than the vice-presidents, after consultation with all the members;

(4) seven other members who are not members of the Tribunal, not more than two of whom shall be advocates or notaries chosen after consultation with their professional order.

168. The members referred to in paragraphs 2, 3 and 4 of section 167 shall be appointed by the Government, which shall designate the chairman of the council from among the members who are not members of the Tribunal.

The term of office of the members is three years and may be renewed only once.

At the end of his term, each member may continue to perform his duties to conclude the cases he has begun to hear but has yet to determine.

169. Any vacancy which occurs during a term of office shall be filled according to the rules of composition and for the term set out in sections 167 and 168.

170. Before they may sit on the council, each member shall have taken an oath, solemnly affirming the following: "I (…) swear that I will neither reveal nor disclose, without being authorized to do so by law, anything of which I may gain knowledge in the performance of the duties of my office and that I will perform those duties impartially and honestly to the best of my knowledge and abilities."

The oath shall be taken before the chairman of the council. The chairman shall take the oath before a judge of the Court of Québec.

171. The members of the council receive no remuneration, except in the cases, on the conditions and to the extent that may be determined by the Government.

The members 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.

172. The secretary of the Tribunal shall act as secretary of the council.

173. The council shall meet as often as necessary, at the request of the chairman, of a majority of the members or of the Minister.

The council may hold its sittings at any place in Québec. The sittings shall be held in public, unless the council orders them to be held *in camera* where necessary to preserve public order.

174. The minutes of the sittings of the council or of any of its committees are authentic if they are approved by the members and are signed by the chairman of the sitting or by the secretary.

Similarly, documents emanating from the council or forming part of its records are authentic if they are signed, as are copies of such documents if they are certified true, by the chairman of the council or by the secretary.

175. The council may make rules for its internal management, form committees and determine their powers and duties.

176. The council shall provide the Minister with any report or information he requires on its activities.

CHAPTER II

FUNCTIONS AND POWERS

177. The functions of the council in respect of the Administrative Tribunal of Québec and its members are

(1) to give its advice to the president of the Tribunal on the effectiveness of the procedural rules adopted by the Tribunal, on the harmonization of the rules applicable before each division, and on draft regulations submitted to it;

(2) to establish a code of ethics applicable to the members of the Tribunal;

(3) to receive and examine any complaint lodged against a member pursuant to Chapter IV;

(4) to inquire, at the request of the Minister or of the president of the Tribunal, into whether a member is suffering from a permanent disability;

(5) to inquire, at the request of the Minister, into any lapse raised as grounds for removal of the president or a vice-president of the Tribunal from his administrative office in the case provided for in section 66;

(6) to report to the Minister on any matter he may submit to the council and to make recommendations to the Minister on the administration of administrative justice and on the effective use of human, physical and financial resources of the Tribunal.

178. The council shall publish annually in the *Gazette officielle du Québec* a list of the departments and bodies that make up the Administration within the meaning of section 3 and of the bodies and decentralized authorities referred to in section 9.

179. The council may, by by-law, make rules of evidence and procedure applicable to the conduct of its inquiries. The by-law shall be submitted to the Government for approval.

CHAPTER III

ETHICS

180. The council, after consultation with the president, vice-presidents and members of the Tribunal, shall, by regulation, establish a code of ethics which shall be applicable to them.

The code of ethics shall be submitted to the Government for approval.

181. The code of ethics shall set out the rules of conduct and the duties of the members of the Tribunal towards the public, the parties, their witnesses and the persons who represent them. It shall indicate, in particular, conduct that is derogatory to the honour, dignity or integrity of the members. In addition, the code of ethics may determine activities or situations that are incompatible with their office, their obligations concerning disclosure of interest, and the duties they may perform gratuitously.

The code of ethics may provide special rules applicable to part-time members.

CHAPTER IV

COMPLAINTS

182. Any person may lodge a complaint with the council against a member of the Tribunal for breach of the code of ethics, of a duty under this Act or of the prescriptions governing conflicts of interest and incompatible functions.

183. A complaint must be in writing and must briefly state the reasons on which it is based.

It shall be transmitted to the seat of the council.

184. If the complaint is lodged by a member of the council, that member cannot take part in the examination of the complaint.

185. The council may dismiss any clearly unfounded complaint. It shall advise the complainant of the dismissal and the reasons therefor.

186. Where the council considers that the complaint is admissible, or where the complaint is lodged by the Minister, the council shall transmit a copy of it to the member and, where necessary, to the Minister.

The council shall form an inquiry committee composed of three of its members, which shall be entrusted with conducting an inquiry into the complaint and deciding the complaint on behalf of the council. One member of the committee shall be a member of the Tribunal; another member shall neither practise a legal profession nor be a member of the Tribunal.

187. The council shall designate a chairman from among the members of the committee who are advocates or notaries; the chairman shall call committee sittings.

188. For the purposes of an inquiry, the inquiry committee and its members are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions, except the power to order imprisonment.

189. The council may, for a compelling reason and after consultation with the inquiry committee, suspend the member for the duration of the inquiry.

190. After giving the member who is the subject of the complaint, the Minister and the complainant an opportunity to be heard, the committee shall decide the complaint.

If the committee finds the complaint to be justified, it may recommend that the member be reprimanded, suspended with or without remuneration for the period it determines or dismissed.

The committee shall send its inquiry report and conclusions, with reasons therefor, to the council together with its recommendations, if any, concerning the penalty.

191. The council shall then send a copy of the inquiry report and of the committee's conclusions to the member who is the subject of the complaint, to the complainant and to the Minister.

192. If the committee finds the complaint to be justified, the council, depending on the committee's recommendation, shall administer a reprimand to the member and advise the Minister and the complainant thereof, or shall send the recommendation for a suspension or for dismissal to the Minister and advise the member and the complainant.

Where the recommended penalty is the member's dismissal, the council may immediately suspend the member for a period of 30 days.

CHAPTER V

PERMANENT DISABILITY OF A MEMBER AND LAPSE IN THE EXERCISE OF AN ADMINISTRATIVE OFFICE

193. At the request of the Minister, who shall send a copy of his request to the member of the Tribunal concerned, the council shall form an inquiry committee entrusted with

(1) determining on its behalf whether the member is suffering from a permanent disability which prevents him from discharging the duties of his office; or

(2) examining a lapse raised as grounds for removal of the president or a vice-president from his administrative office.

In cases pertaining to a member's disability, the council shall act also on a request made by the president of the Tribunal.

194. The committee shall be formed and chaired according to the rules provided for in the second paragraph of section 186 and in section 187. The committee and its members are vested with the powers and immunity referred to in section 188.

195. The council may, for a compelling reason and after consultation with the inquiry committee, suspend the member, the president or the vice-president concerned for the duration of the inquiry.

196. After giving the member, the president or the vice-president concerned and the person having requested an inquiry an opportunity to be heard, the committee shall send its conclusions, with the reasons therefor, to the council.

Where the committee finds there was a lapse in the exercise of an administrative office, the committee may recommend removal from that office. In such case, the committee shall transmit its recommendation and inquiry report to the council.

197. The council shall transmit a copy of the committee's conclusions to the member, the president or the vice-president concerned and to the person having requested the inquiry.

Where applicable, it shall also transmit to them the committee's recommendation and inquiry report.

198. The sums required for the purposes of this Title shall be taken out of the sums voted annually by the National Assembly.

CHAPTER VI

FINAL PROVISIONS

199. The Minister of Justice is responsible for the carrying out of this Act.

200. The Minister shall, not later than 1 April 2003, make a report to the Government on the implementation of this Act and on the advisability of amending it.

The report shall be tabled in the National Assembly, within 15 days of that date if the Assembly is sitting or, if it is not sitting, within 15 days of resumption.

Within one year of the tabling of the report, the competent committee of the National Assembly shall examine the report and hear submissions by interested persons and bodies.

201. This Act comes into force on the date to be fixed by the Government in accordance with what is to be provided for in the Act that will ensure the implementation of this Act by providing transitional rules and consequential amendments to other legislation.

SCHEDULE I

SOCIAL AFFAIRS DIVISION

1. In matters of income security and social aid and allowances, the social affairs division hears and determines

(1) proceedings against decisions pertaining to entitlement to a benefit, brought under section 20 of the Act respecting family assistance allowances (chapter A-17);

(2) proceedings under section 48 or 59 of the Act to secure the handicapped in the exercise of their rights (chapter E-20.1);

(3) proceedings under section 78 or 81 of the Act respecting income security (chapter S-3.1.1) or under section 31.18 or 40 of the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (chapter S-3.2);

(4) proceedings under section 45 of the Act respecting child day care (chapter S-4.1);

(5) proceedings against decisions pertaining to exemptions from payment, brought under section 517 of the Act respecting health services and social services (chapter S-4.2) and against decisions pertaining to exemptions from payment or payment of an expense allowance, brought under section 162 of the Act respecting health services and social services for Cree Native persons (chapter S-5).

2. In matters of protection of mentally ill persons, the social affairs division hears and determines

(1) proceedings under section 30 of the Mental Patients Protection Act (chapter P-41);

(2) proceedings before a Review Board under sections 672.38 and following of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46).

3. In matters of health services and social services, the social affairs division hears and determines

(1) proceedings by manufacturers or wholesalers of medications under section 68 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, chapter 32);

(2) proceedings against decisions of the Régie de l'assurance-maladie du Québec under section 18.4 or 50 of the Health Insurance Act;

(3) proceedings under section 20 of the Act to secure the handicapped in the exercise of their rights;

(4) proceedings under section 30 of the Act to secure the handicapped in the exercise of their rights;

(5) proceedings under section 44 of the Act to secure the handicapped in the exercise of their rights;

(6) proceedings against decisions pertaining to permits, brought under section 41 of the Public Health Protection Act (chapter P-35);

(7) proceedings under section 120 of the Act respecting occupational health and safety (chapter S-2.1);

(8) proceedings under section 42 or 44 of the Act respecting child day care;

(9) proceedings under section 27 of the Act respecting health services and social services or under the sixth paragraph of section 7 of the Act respecting health services and social services for Cree Native persons;

(10) proceedings by physicians, dentists or pharmacists under section 132 of the Act respecting health services and social services for Cree Native persons;

(11) proceedings to contest or annul an election or appointment brought under section 148 or 530.16 of the Act respecting health services and social services or under section 59 of the Act respecting health services and social services for Cree Native persons;

(12) proceedings by physicians or dentists under section 205 or 252 of the Act respecting health services and social services or by pharmacists under section 253 of that Act;

(13) proceedings against decisions pertaining to permits, brought under section 450 of the Act respecting health services and social services or under section 148 of the Act respecting health services and social services for Cree Native persons;

(14) proceedings under section 453 of the Act respecting health services and social services or under section 182.1 of the Act respecting health services and social services for Cree Native persons.

4. In pension plan matters, the social affairs division hears and determines

(1) proceedings against decisions made on a reconsideration by the Régie des rentes, brought under section 188 of the Act respecting the Québec Pension Plan (chapter R-9);

(2) proceedings under section 74 of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3).

5. In compensation matters, the social affairs division hears and determines

(1) proceedings against decisions pertaining to the degree of impairment of earning capacity, brought under section 65 of the Workmen's Compensation Act (chapter A-3) for the purposes of the Act to promote good citizenship (chapter C-20) and the Crime Victims Compensation Act (chapter I-6);

(2) proceedings against decisions pertaining to the right to an indemnity and the quantum of an indemnity, brought under section 65 of the Workmen's Compensation Act for the purposes of the Act to promote good citizenship and the Crime Victims Compensation Act;

(3) proceedings under section 65 of the Workmen's Compensation Act or section 12 of the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries (chapter I-7) pursuant to section 579 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001);

(4) proceedings under section 83.49 of the Automobile Insurance Act (chapter A-25);

(5) proceedings against decisions pertaining to indemnities for victims of immunization, brought under section 16.7 of the Public Health Protection Act;

(6) proceedings against decisions in review pertaining to a claimant's entitlement to a benefit or the amount of that benefit, brought under section 138 of the Act respecting assistance and compensation for victims of crime (1993, chapter 54) for the purposes

of that Act and the Act to promote good citizenship, in respect of a review application brought on or after (*insert here the date of the coming into force of chapter 54 of the statutes of 1993*).

6. In immigration matters, the social affairs division hears and determines proceedings against decisions of the Minister responsible for the administration of the Act respecting immigration to Québec (chapter I-0.2), brought under section 26 of the said Act.

SCHEDULE II

IMMOVABLE PROPERTY DIVISION

The immovable property division hears and determines

(1) proceedings under section 117.7 of the Act respecting land use planning and development (chapter A-19.1);

(2) proceedings under section 68 of the Act respecting the National Assembly (chapter A-23.1) to determine the price or indemnity arising from the acquisition of an immovable belonging to a Member;

(3) proceedings under section 43 of the Cultural Property Act (chapter B-4) to determine the indemnity arising from damages suffered;

(4) proceedings under the Expropriation Act (chapter E-24) to determine the amount of indemnities arising from the establishment of reserves for public purposes and from the expropriation of immovables or immovable real rights;

(5) proceedings under Chapter X or XI of the Act respecting municipal taxation (chapter F-2.1);

(6) proceedings under section 36.14 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14);

(7) proceedings under section 64 of the Environment Quality Act (chapter Q-2) to determine the amount of the compensation arising from the refusal of the Minister to renew an operating permit for a waste management system;

(8) proceedings under section 29 of the Act respecting the Régie des télécommunications (chapter R-8.01);

(9) proceedings under section 13 of the Watercourses Act (chapter R-13) to assess and fix damages sustained;

(10) proceedings under section 45, 137 or 191.29 of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1) to determine the compensation arising from an expropriation;

(11) proceedings under section 27 of the Act respecting roads (chapter V-9).

SCHEDULE III

TERRITORY AND ENVIRONMENT DIVISION

The territory and environment division hears and determines

(1) proceedings against decisions or orders of the Communauté urbaine de Montréal or, in the case of delegation, the executive committee or the head of a department, brought under section 151.2.8 of the Act respecting the Communauté urbaine de Montréal (chapter C-37.2);

(2) proceedings against decisions or orders of the Commission de protection du territoire agricole du Québec, brought under section 21.0.4 of the Act to preserve agricultural land (chapter P-41.1);

(3) proceedings against decisions or orders made by the Minister of the Environment and Wildlife, brought under section 96 of the Environment Quality Act (chapter Q-2) or section 68 of the Pesticides Act (chapter P-9.3).

SCHEDULE IV

ECONOMIC AFFAIRS DIVISION

The economic affairs division hears and determines proceedings under

(1) section 17 of the Travel Agents Act (chapter A-10);

(2) section 45 of the Act respecting prearranged funeral services and sepultures (chapter A-23.001);

(3) section 65 of the Crop Insurance Act (chapter A-30);

(4) section 366 of the Act respecting insurance (chapter A-32);

(5) section 154 of the Cinema Act (chapter C-18.1);

(6) section 560 of the Highway Safety Code (chapter C-24.2);

(7) section 123.145 of the Companies Act (chapter C-38);

(8) section 26 of the Act respecting the development of Québec firms in the book industry (chapter D-8.1);

(9) section 15 of the Tourist Establishments Act (chapter E-15.1);

(10) section 37 of the Act respecting market intermediaries (chapter I-15.1);

(11) section 26 of the Act respecting stuffing and upholstered and stuffed articles (chapter M-5);

(12) section 22 of the Cullers Act (chapter M-12.1);

(13) section 36.16 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14);

(14) section 21 of the Act respecting commercial fisheries and aquaculture (chapter P-9.01);

(15) section 17 of the Agricultural Products, Marine Products and Food Act (chapter P-29);

(16) section 339 of the Consumer Protection Act (chapter P-40.1);

(17) section 55.35 of the Animal Health Protection Act (chapter P-42);

(18) section 35 of the Act respecting the class action (chapter R-2.1);

(19) section 36 of the Act respecting the collection of certain debts (chapter R-2.2);

(20) section 55 of the Act respecting the Régie des télécommunications (chapter R-8.01);

(21) section 53.1 of the Act respecting safety in sports (chapter S-3.1);

(22) section 36 of the Act respecting the Société des alcools du Québec (chapter S-13);

(23) section 252 of the Act respecting trust companies and savings companies (chapter S-29.01);

(24) section 22 of the Marine Products Processing Act (chapter T-11.01);

(25) section 51 of the Transport Act (chapter T-12);

(26) section 19 of the Act respecting the use of petroleum products (chapter U-1.1);

(27) section 324 of the Securities Act (chapter V-1.1).

Coming into force of Acts

Gouvernement du Québec

O.C. 13-97, 15 January 1997

An Act to amend the Cooperatives Act and other legislative provisions (1995, c. 67) — Coming into force

COMING INTO FORCE of the Act to amend the Cooperatives Act and other legislative provisions

WHEREAS the Act to amend the Cooperatives Act and other legislative provisions (1995, c. 67) was assented to on 15 December 1995;

WHEREAS under section 202 of that Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 14 February 1997 as the date of coming into force of the provisions of that Act, except for the provisions of section 150;

IT IS ORDERED, therefore, on the recommendation of the Deputy Prime Minister and Minister of State for the Economy and Finance and of the Minister for Industry and Trade:

THAT the provisions of the Act to amend the Cooperatives Act and other legislative provisions (1995, c. 67), except the provisions of section 150 of that Act, come into force on 14 February 1997.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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Regulations and other acts

Gouvernement du Québec

O.C. 14-97, 15 January 1997

Cooperatives Act
(R.S.Q., c. C-67.2)

Regulation
— Amendments

Regulation to amend the Regulation under the Cooperatives Act

WHEREAS under sections 244, 270 and 282 of the Cooperatives Act (R.S.Q., c. C-67.2), amended by Chapter 67 of the Statutes of 1995, the Government may make regulations for the purposes of that Act;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 16 October 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 no comments were received;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Deputy Prime Minister and Minister of State for the Economy and Finance and of the Minister for Industry and Trade:

THAT the Regulation to amend the Regulation under the Cooperatives Act, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation under the Cooperatives Act

Cooperatives Act
(R.S.Q., c. C-67.2, ss. 244, 270 and 282; 1995, c. 67, s. 148)

1. The Regulation under the Cooperatives Act, made by Orders in Council 2560-83 dated 6 December 1983 and amended by the Regulations made by Orders in Council 318-86 dated 19 March 1986, 1590-93 dated 17 November 1993 and 1878-93 dated 15 December 1993, is further amended by substituting the following for section 5:

"**5.** Where a legal person is a founder, the articles of incorporation shall be accompanied by a copy of the resolution authorizing it to be a founder and designating a person to sign the articles on its behalf. The copy shall be a certified true copy.".

2. The following is substituted for the heading of Chapter II:

"NAME".

3. The following is substituted for section 7:

"**7.** The name of a cooperative shall contain a word or expression indicating its cooperative purpose and a distinctive feature, in addition to one of the appropriate terms mentioned in sections 16 and 221.7 of the Act.".

4. Section 8 is amended by deleting the word "corporate".

5. Section 9 is amended by deleting the word "corporate" in the part preceding paragraph 1.

6. Section 10.1 is amended by deleting the word "corporate" in the part preceding paragraph 1.

7. Section 10.2 is amended

(1) by deleting the word "corporate" in the part preceding paragraph 1; and

(2) by substituting the following for paragraphs 1 and 2:

"(1) the distinctiveness of the name and of the other name used and of each of their elements, their visual or phonetic similarity and the similarity between the ideas suggested by those names; and

(2) the way in which the names are used.".

8. Section 10.3 is amended by substituting the following for the part preceding paragraph 1:

"**10.3** If the name is likely to suggest a relationship or lead to confusion under the criteria mentioned in section 10.2, the notoriety of the name and of the other name used shall also be taken into account, along with the existence of competition or the likelihood of competition between the persons, partnerships or groups that those names designate, with respect to:".

9. Section 11 is amended by deleting the word "corporate" in the part preceding paragraph 1.

10. Section 12 is revoked.

11. Section 17 is amended by deleting the words "sales or gross".

12. The following is substituted for section 19:

"**19.** The financial statements shall be adapted to the special features of a cooperative undertaking as follows:

(1) any rebates allotted in the form of loans shall be the last item under the heading "Liabilities"; that heading shall be followed by the heading "Equity", subdivided into a "Participating Preferred Shares" section, a "Members' Equity" section and an "Equity of the Cooperative, Federation or Confederation" section, as the case may be;

(2) the "Participating Preferred Shares" section shall state only the amount of the paid-up participating preferred shares;

(3) the "Members' Equity" section shall state only:

(a) the amount of the paid-up common shares;

(b) the amount of the paid-up preferred shares;

(4) the "Equity of the Cooperative, Federation or Confederation" section, as the case may be, shall state:

(a) the operating surplus or surplus earnings that must be allocated according to section 143 of the Act;

(b) the amount of the reserve referred to in section 145 of the Act;

(c) the amount of the contributed surplus and the appraisal increase credits, if any;

(5) the expression "operating surplus" or "surplus earnings" shall replace the expression "profits"; the expression "surplus earnings" may be used for all categories of cooperatives, whereas the expression "operating surplus" may be used only in the case of cooperatives whose purpose is to supply goods or services;

(6) the expression "deficit" shall replace the expression "loss" in the statement of earnings;

(7) the statement of the reserve replacing the statement of undistributed profits shall state:

(a) the balance at the end of the preceding year;

(b) the operating surplus or surplus earnings for the preceding fiscal year that must be allocated according to section 143 of the Act;

(c) the details of the rebates allotted by the last annual general meeting;

(d) the interest paid as participation in the operating surplus or surplus earnings on the participating preferred shares, if any;

(e) taxes paid or recovered;

(f) any adjustment required;

(g) the deficit for the fiscal year added together with the interest paid on the preferred shares and participating preferred shares, if any.".

13. The following is substituted for section 21:

"**21.** Interest paid on preferred shares and participating preferred shares, other than interest paid as participation in the operating surplus or surplus earnings, shall be deducted from the net operating surplus or surplus earnings for the fiscal year in order to calculate the operating surplus or surplus earnings that must be allocated according to section 143 of the Act. In the case of a deficit, the interest shall be added together.".

14. Section 22 is amended by substituting the words "extraordinary items" for the words "extraordinary earnings".

15. The following is substituted for section 23:

"**23.** The following information shall be provided in separate notes in the financial statements:

(1) the number of qualifying shares referred to in section 38.3 of the Act, the terms of payment for those shares and the total value of the shares held by members who are deceased, have resigned or have been expelled, if that value exceeds 5 % of the value of the paid-up shares;

(2) the proportion of the transactions that the cooperative has carried out with its members within the meaning of section 45 of this Regulation.".

16. The following is substituted for section 26:

"**26.** The review engagement referred to in section 139 of the Act is the review engagement defined in Chapters 8100 and 8200 of the handbook of the C.I.C.A.".

17. Section 30 is amended by substituting the word "extraordinaires" for the word "spéciales" in the French text.

18. Section 45 is amended

(1) by substituting the following for subparagraph 3 of the first paragraph:

"(3) supply of labour, except in the case provided for in subparagraph 3.1 of this section:	remuneration paid;
(3.1) supply of labour in accordance with section 225 of the Act;	remuneration paid by the enterprise;"; and

(2) by adding the words "or by a trust into which the cooperative, the federation or the confederation transfers property from its assets" at the end of the fifth paragraph.

19. Chapter XI, comprising sections 50 to 54, is revoked.

20. The following is inserted after section 59:

"**CHAPTER XII.I**
CONTINUANCE OF A STUDENT'S ASSOCIATION AS A COOPERATIVE

59.1 The articles of continuance of a student's association as a cooperative shall be in the form appearing in Schedule 32.1.

59.2 The application and notices prescribed by paragraphs 1 to 5 of the section 252 of the Act shall be in the form prescribed in Schedule 32.2.

59.3 An attestation in the form appearing in Schedule 32.3, signed by the secretary of the association, shall accompany the articles of continuance.

59.4 The fee payable on application for continuance of a student's association as a cooperative is $145. That fee shall be indexed in the manner prescribed in section 69.1.".

21. Section 61 is amended by striking out the word "social" in the French text.

22. Section 62 is amended by striking out the word "social" in the French text.

23. Section 65 is amended by substituting the word "triplicate" for the word "duplicate".

24. The following is added at the end of the Regulation:

"**71.** The fee payable on application for retroactive revocation of the dissolution of a cooperative, a federation or a confederation is $175. That fee shall be indexed in the manner prescribed in section 69.1.

72. For the purposes of section 211.5 of the Act, the word "business" has the same meaning as the word "transactions" defined in section 45 of this Regulation in accordance with the cooperative purpose being pursued.

73. The certificate of assignment of a name provided for in section 19 of the Act shall be in the form appearing in Schedule 38.

74. The certificate of amendment of articles provided for in section 211.6 of the Act shall be in the form appearing in Schedule 39.".

25. Schedules 1 to 24 and 29 to 39 attached to this Regulation are substituted for Schedules 1 to 24 and 29 to 37.

26. Schedules 25 to 28 are revoked.

27. This Regulation comes into force on 14 February 1997.

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 1 (s. 1)

ARTICLES OF INCORPORATION OF A COOPERATIVE

1. Name

2. Judicial district of Québec in which the cooperative is domiciled

3. Purpose

4. Indicate whether the cooperative elects to be governed by Chapter I of Title II of the Act.

5. Other provisions

DEPARTMENTAL USE ONLY

Constitution

_____ _____
(date) (signature)

Enregistrement

Numéro de dossier: _____

Schedule 1 (s. 1)

ARTICLES OF INCORPORATION OF A COOPERATIVE (cont.)

6. Founders: Read the instructions carefully before completing this section.

6.1 Natural persons: If space is insufficient, attach a sheet.

NAME	DOMICILE, INCLUDING POSTAL CODE	SIGNATURE

6.2 Partnerships: If space is insufficient, attach a sheet.

Name:
Domicile:
Signature of the authorized person:

NAME OF ITS MEMBERS	DOMICILE, INCLUDING POSTAL CODE

6.3 Legal persons: If space is insufficient, attach a sheet.

NAME	DOMICILE, INCLUDING POSTAL CODE	ACT BY WHICH INCORPORATED	SIGNATURE OF THE AUTHORIZED PERSON

Numéro de dossier: _____

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 2 (s. 2)

APPLICATION AND NOTICES TO ACCOMPANY THE ARTICLES OF INCORPORATION OF A COOPERATIVE

We, the undersigned, founders of the _____
(name of the cooperative being formed)

_____,

hereby apply to the Minister for incorporation of the cooperative, and we give notice:

(1) that the person designated to act as provisional secretary is:

_____
(name)

_____
(domicile, including postal code)

_____
(area code, office and residential telephone numbers, fax number)

(2) that the method and time limit for calling an organization meeting are as follows:

method:

_____
(one method only)

time limit: _____ (number of days between the notice of a meeting and the date of the meeting)

(3) that the domicile of the cooperative whose incorporation is applied for is:

_____
(complete address, including postal code)

_____

Signature of two founders

Signature: _____
(founder and signatory of the articles)

Date: _____

Signature: _____
(founder and signatory of the articles)

Name and domicile of the person or organization that filled out these documents, if different from the provisional secretary

_____
(name)

_____
(address, telephone number and fax number)

Gouvernement du Québec
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Schedule 3 (s. 3)

DECLARATION BY THE FOUNDERS OF A FARM COOPERATIVE
(within the meaning of Chapter I of Title II of the Act)

In accordance with the provisions of section 198 of the Act, we, the undersigned, the founders of _____

_____, hereby declare that we are farm producers:
(name of the cooperative being formed)

NAME OF THE NATURAL PERSONS	SIGNATURE	DATE

NAME OF THE PARTNERSHIPS	SIGNATURE OF THE AUTHORIZED PERSON	DATE

NAME OF THE LEGAL PERSONS	SIGNATURE OF THE AUTHORIZED PERSON	DATE

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 4 (s. 4)

ATTESTATION BY A MEMBER OF A PARTNERSHIP THAT IS A FOUNDER OF A COOPERATIVE

I, the undersigned, a member of _____
(name of the partnership)

_____, hereby attest that the members of this partnership have validly decided

that the partnership is to be a founder of _____
(name of the cooperative being formed)

and that _____ is authorized to sign the articles of
(name)

incorporation on behalf of the partnership.

Date: _____ Signature: _____
(signatory other than the authorized person)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 5 (s. 13)

ARTICLES OF AMENDMENT OF A COOPERATIVE, A FEDERATION OR A CONFEDERATION

1. Name

2. The articles are amended as follows:

3. Date of the amendment:

☐ date of signature by the Minister

☐ later date: _____

4. Signature of the authorized director:

_____ (date) _____ (signature)

DEPARTMENTAL USE ONLY

Acceptation

_____ (date) _____ (signature)

Enregistrement

Numéro de dossier: _____

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 6 (s. 14)

APPLICATION AND ATTESTATION TO ACCOMPANY THE ARTICLES OF AMENDMENT

Application

Whereas _____
(name of the cooperative)

is governed by the Cooperatives Act and has adopted a by-law amending its articles as shown in the articles of amendment attached hereto;

I, the undersigned, a director duly authorized by that by-law, hereby apply to the Minister for acceptance of the amendment.

Date: _____ _____
(signature)

Attestation

I, the undersigned, the secretary of _____,
(name of the cooperative)

hereby attest that at a general meeting regularly called and held on _____, a by-law amending the articles,

as shown in the articles of amendment attached hereto, and authorizing _____

_____,
(name of the authorized person)

a director, to sign those articles, was validly adopted in accordance with the provisions of section 119 of the Act.

Date: _____ _____
(signature)

SCHEDULE 7 (s. 17)

MINIMUM CONTENT OF THE FINANCIAL STATEMENTS OF COOPERATIVES GOVERNED BY SECTION 17 OF THE REGULATION

1. The financial statements must include:

(1) the balance sheet;

(2) the statement of earnings;

(3) the statement of the reserve.

2. The balance sheet must be drawn up so as to represent faithfully the financial position at the end of the fiscal year and must present the following items separately:

(1) cash on hand;

(2) accounts receivable and provision for bad debts;

(3) the amount overdue or not resulting from the ordinary course of business, due from directors;

(4) the value of inventory with an indication of the basis of evaluation;

(5) total short-term assets;

(6) investments, indicating the name of the business, the nature of the investment and the basis of evaluation;

(7) capital assets, indicating the following classes separately: land, buildings, furnishings and rolling stock, and indicating for each class and the total of all classes: the cost of purchase, the amount of the accumulated depreciation, the depreciated value;

(8) deferred charges;

(9) total assets;

(10) short-term borrowings;

(11) accounts payable;

(12) accrued expenses;

(13) deferred income;

(14) the part of the long-term debt maturing during the year;

(15) total short-term liabilities;

(16) long term-debts, indicating for each one:

(*a*) the type of debt,

(*b*) the security,

(*c*) the interest rate,

(*d*) the manner of repayment;

(17) rebates allotted in the form of loans;

(18) total liabilities.

The heading "Equity" follows the presentation of the above items and is divided into three sections: Participating Preferred Shares, Members' Equity and Equity of the Cooperative.

The "Participating Preferred Shares" section states only the amount of the paid-up participating preferred shares.

The "Members' Equity" section states only:

(19) the amount of the qualifying shares subscribed;

(20) the amount of the paid-up common shares;

(21) the amount of the paid-up preferred shares;

(22) the total for that section.

The "Equity of the Cooperative" section states:

(23) the operating surplus or surplus earnings that must be allocated according to section 143 of the Act;

(24) the amount of the reserve referred to in section 145 of the Act;

(25) the amount of the contributed surplus and the appraisal increase credits, if any;

(26) the total for that section;

(27) the total under the heading "Equity";

(28) the total resulting from adding the liabilities and the heading "Equity".

3. The statement of earnings must be drawn up so as to represent faithfully the earnings from the transactions of the fiscal year and must present the following items separately:

(1) gross sales and revenue;

(2) the cost of merchandise sold;

(3) the gross operating surplus or surplus earnings;

(4) expenditures, listing separately:

(*a*) salaries,

(*b*) depreciation on capital assets,

(*c*) interest charges;

(5) the operating surplus or surplus earnings or the operating deficit;

(6) under the heading "Other Earnings":

(*a*) rebates from a federation or another cooperative,

(*b*) extraordinary items;

(7) the operating surplus or surplus earnings or the deficit for the fiscal year;

(8) the interest paid on the preferred shares and participating preferred shares, other than interest paid as participation in the operating surplus or surplus earnings;

(9) the operating surplus or surplus earnings that must be allocated according to section 143 of the Act or the deficit, as the case may be, added together with the interest paid on the preferred shares and participating preferred shares, if any.

The expression "surplus earnings" may be used for all categories of cooperatives, whereas the expression "operating surplus" may be used only in the case of cooperatives that supply goods or services.

4. The statement of the reserve indicates:

(1) the balance at the end of the preceding fiscal year;

(2) the operating surplus or surplus earnings for the preceding fiscal year that must be allocated according to section 143 of the Act;

(3) the details of the rebates allotted by the last annual general meeting;

(4) the interest paid as participation in the operating surplus or surplus earnings on the participating preferred shares, if any;

(5) taxes paid or recovered;

(6) any adjustment required;

(7) the deficit for the fiscal year added together with the interest paid on the preferred shares and participating preferred shares, if any.

5. The recommendations of the board of directors in regard to the allocation of the operating surplus or surplus earnings, the taxes resulting therefrom and their effects on the financial statements must be indicated in a note in the financial statements.

6. The notes in the financial statements must provide the following information in separate notes:

(1) the rate of interest on rebates allotted in the form of loans and the terms of repayment;

(2) the number of qualifying shares referred to in section 38.3 of the Act, the terms of payment for those shares and the total value of the shares held by members who are deceased, have resigned or have been expelled, if that value exceeds 5% of the value of the paid-up shares;

(3) the conditions for redemption or repayment, the privileges, rights or restrictions attached to preferred shares and participating preferred shares and the amount of interest in arrears on those shares;

(4) the proportion of the transactions that the cooperative has carried out with its members within the meaning of section 45 of the Regulation.

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 8 (s. 27)

ARTICLES OF ORDINARY AMALGAMATION OF A COOPERATIVE OR A FEDERATION

1. Name of the cooperative or federation resulting from the amalgamation	2. Judicial district of Québec in which it is domiciled
3. Purpose	
4. Indicate whether the cooperative elects to be governed by Chapter I of Title II of the Act.	
5. Territory in which members are recruited (in the case of a federation)	
6. Other provisions	
7. Date of the amalgamation: ☐ date of signature by the Minister ☐ later date: _____	

8. NAME OF THE COOPERATIVES OR FEDERATIONS AMALGAMATING	SIGNATURE OF THE AUTHORIZED DIRECTOR	DATE

DEPARTMENTAL USE ONLY
Autorisation _____ (date) _____ (signature)

Enregistrement

Numéro de dossier: _____

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 9 (s. 28)

APPLICATION AND NOTICES TO ACCOMPANY THE ARTICLES OF ORDINARY AMALGAMATION

Whereas

_____
(name)

_____
(name)

_____
(name)

are governed by the Cooperatives Act;

Whereas those cooperatives or federations have made an agreement to amalgamate in accordance with section 155 of the Act, a copy of that agreement being attached hereto;

Whereas at a special meeting regularly called and held, each of the cooperatives or federations has validly adopted a by-law to approve that agreement and to authorize each of us respectively to sign the articles;

We, the undersigned, duly authorized directors, hereby apply to the Minister to authorize the amalgamation, and we give notice:

(1) that the address of the domicile of the cooperative or federation that will result from the amalgamation is

_____;

(2) that the date on which its fiscal year will end is

_____;

(3) that the auditor appointed is

_____;

(4) that the by-laws were validly adopted at a special meeting regularly called and held by each amalgamating cooperative or federation;

(5) that the cooperative or federation is affiliated with _____
(name of the federation in the case of a cooperative)

_____.
(name of the confederation in the case of a federation)

_____
(name)

Date: _____ _____
(signature)

_____
(name)

Date: _____ _____
(signature)

_____
(name)

Date: _____ _____
(signature)

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 10 (s. 29)

ATTESTATION BY THE SECRETARY OF AN AMALGAMATING COOPERATIVE OR FEDERATION TO ACCOMPANY THE ARTICLES OF ORDINARY AMALGAMATION

I, the undersigned, the secretary of _____,
(name of the cooperative or federation)

hereby attest that the by-laws prescribed by section 156 of the Act were validly adopted at a special meeting regularly called and held on _____ and that _____,
(date) (name of the authorized person)

a director, was authorized to sign the articles.

Date: _____ _____
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 11 (s. 30)

AUDITOR'S CERTIFICATE TO ACCOMPANY THE ARTICLES OF ORDINARY AMALGAMATION

I, the undersigned, have been appointed in accordance with the Act as auditor of _____

_____.
(name of the cooperative or federation resulting from the amalgamation)

the cooperative or federation resulting from the amalgamation of the following cooperatives or federations:

_____
(name)

_____
(name)

_____.
(name)

I have examined the *pro forma* balance sheet resulting from the consolidation of the balance sheets of the amalgamating cooperatives or federations, and according to that balance sheet:

(1) there is no reason to believe that the cooperative or federation resulting from the amalgamation will be unable to discharge its liabilities as they fall due;

(2) the book value of the assets of the cooperative or federation resulting from the amalgamation:

☐ is not less than the total of its liabilities and the sums representing the value of its paid-up common shares;

☐ is less than the total of its liabilities and the sums representing the value of its paid-up common shares, and all the creditors have consented to the amalgamation.

Date: _____ _____
(signature)

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 12 (s. 32)

ARTICLES OF AMALGAMATION BY ABSORPTION OF A COOPERATIVE OR A FEDERATION

1. Name of the absorbing cooperative or federation

2. Judicial district of Québec in which it is domiciled

3. Purpose

4. Indicate whether the cooperative is governed by Chapter I of Title II of the Act.

5. Territory in which members are recruited (in the case of a féderation)

6. Other provisions

7. Date of the amalgamation:

☐ date of signature by the Minister

☐ later date: _____

8. Absorbing cooperative or federation

NAME	SIGNATURE OF THE AUTHORIZED DIRECTOR	DATE

9. Cooperative or federation absorbed

NAME	SIGNATURE OF THE AUTHORIZED DIRECTOR	DATE

DEPARTMENTAL USE ONLY

Autorisation

_____ (date) _____ (signature)

Enregistrement

Numéro de dossier: _____

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 13 (s. 33)

APPLICATION AND NOTICES TO ACCOMPANY THE ARTICLES OF AMALGAMATION BY ABSORPTION

Whereas

_____
(name of the absorbing cooperative or federation)

_____
(name of the absorbed cooperative or federation)

_____
(name of the absorbed cooperative or federation)

are governed by the Cooperatives Act;

Whereas those cooperatives or federations have made an agreement to amalgamate by absorption, in accordance with section 165 of the Act, a copy of that agreement being attached hereto;

Whereas at a special meeting regularly called and held, each cooperative or federation absorbed has validly adopted a by-law to approve the agreement and to authorize a director to sign the articles;

Whereas at a special meeting regularly called and held, the board of directors of the absorbing cooperative or federation has validly adopted a resolution to approve the agreement and to authorize a director to sign the articles;

We, the undersigned, duly authorized directors, hereby apply to the Minister to authorize the amalgamation, and we give notice:

(1) that the address of the domicile of the absorbing cooperative or federation is

_____;

(2) that the date on which the fiscal year of the absorbing cooperative or federation ends is

_____;

(3) that the auditor of the absorbing cooperative or federation is

_____;

(4) that the absorbing cooperative or federation is affiliated with

_____;
(name of the federation in the case of a cooperative)

_____;
(name of the confederation in the case of a federation)

_____
(name of the absorbing cooperative or federation)

Date: _____ _____
(signature)

_____
(name of the absorbed cooperative or federation)

Date: _____ _____
(signature)

_____
(name of the absorbed cooperative or federation)

Date: _____ _____
(signature)

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 14 (s. 34)

ATTESTATION BY THE SECRETARY OF A COOPERATIVE OR A FEDERATION ABSORBED BY AMALGAMATION TO ACCOMPANY THE ARTICLES OF AMALGAMATION BY ABSORPTION

I, the undersigned, the secretary of _____,
(name of the cooperative or federation absorbed)

hereby attest that the by-law prescribed by section 166 of the Act was validly adopted at a special meeting regularly called and held on _____ (date) and that _____, (name of the authorized person) a director, was authorized to sign the articles.

Date: _____

_____
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 15 (s. 35)

ATTESTATION BY THE SECRETARY OF AN ABSORBING COOPERATIVE OR FEDERATION TO ACCOMPANY THE ARTICLES OF AMALGAMATION BY ABSORPTION

I, the undersigned, the secretary of _____,
(name of the absorbing cooperative or federation)

hereby attest that the by-law prescribed by section 168 of the Act was validly adopted at a meeting of the board of

directors regularly called and held on _____ (date) and that _____, (name of the authorized person)

a director, was authorized to sign the articles.

Date: _____

_____
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 16 (s. 36)

AUDITOR'S CERTIFICATE TO ACCOMPANY THE ARTICLES OF AMALGAMATION BY ABSORPTION

I, the undersigned, the auditor of _____,
(name of the absorbing cooperative or federation)

have examined the *pro forma* balance sheet resulting from the consolidation of the balance sheets of _____

_____
(name of the absorbing cooperative or federation)

and of

_____
(name of one of the absorbed cooperatives or federations)

_____,
(name of one of the absorbed cooperatives or federations)

and according to that balance sheet:

(1) there is no reason to believe that the absorbing cooperative or federation will be unable, as a result of the amalgamation by absorption, to discharge its liabilities as they fall due;

(2) the book value of the assets of the absorbing cooperative or federation will not be less, as a result of the amalgamation, than the total of its liabilities and the sums representing the value of its paid-up common shares.

Date: _____ _____
(signature)

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 17 (s. 38)

ARTICLES OF AMALGAMATION BETWEEN A COOPERATIVE, A FEDERATION OR A CONFEDERATION AND A COMPANY

1. Name of the amalgamating cooperative, federation or confederation

2. Judicial district of Québec in which it is domiciled

3. Purpose

4. Indicate whether the cooperative is governed by Chapter I of Title II of the Act.

5. Territory in which members are recruited (in the case of a federation or confederation)

6. Other provisions

7. Date of the amalgamation:

☐ date of signature by the Minister

☐ later date: _____

8. Amalgamating cooperative, federation or confederation

NAME	SIGNATURE OF THE AUTHORIZED DIRECTOR	DATE

9. Amalgamating company

NAME	SIGNATURE OF THE AUTHORIZED DIRECTOR	DATE

DEPARTMENTAL USE ONLY

Autorisation

_____ (date) _____ (signature)

Enregistrement

Numéro de dossier: _____

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 18 (s. 39)

APPLICATION AND NOTICES TO ACCOMPANY THE ARTICLES OF AMALGAMATION BETWEEN A COOPERATIVE, A FEDERATION OR A CONFEDERATION AND A COMPANY

Whereas _____
(name of the cooperative, federation or confederation)

is governed by the Cooperatives Act;

Whereas _____
(name of the company)

is governed by the Companies Act of Québec, Part _____;
(I or I-A)

Whereas at a meeting regularly called and held, the board of directors of each of those legal persons has validly adopted the resolution provided for by section 173 of the Act and another resolution to authorize each of us respectively to sign the articles;

We, the undersigned, duly authorized directors, hereby apply to the Minister to authorize the amalgamation, and we give notice:

(1) that the address of the domicile of the cooperative, federation or confederation resulting from the amalgamation is

_____;

(2) that the date on which its fiscal year ends is

_____;

(3) that its auditor is _____;

(4) that it is affiliated with

_____;
(name of the federation in the case of a cooperative)

_____;
(name of the confederation in the case of a federation)

_____
(name of the cooperative, federation or confederation)

Date: _____ _____
(signature)

_____
(name of the company)

Date: _____ _____
(signature)

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 19 (s. 40)

ATTESTATION BY THE SECRETARY OF A COOPERATIVE, A FEDERATION OR A CONFEDERATION AMALGAMATING WITH A COMPANY

I, the undersigned, the secretary of _____,
(name of the cooperative, federation or confederation)

hereby attest that the by-law prescribed by section 173 of the Act was validly adopted at a meeting of the board of directors regularly called and held on _____ (date) and that _____, (name of the authorized person) a director, was authorized to sign the articles.

Date: _____

_____
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 20 (s. 41)

ATTESTATION BY THE SECRETARY OF A COMPANY AMALGAMATING WITH A COOPERATIVE, A FEDERATION OR A CONFEDERATION

I, the undersigned, the secretary of _____,
(name of the company)

hereby attest:

(1) that all the shares of the capital stock of the said company are held by

_____
(name of the cooperative, federation or confederation)

(2) that the resolution prescribed by section 173 of the Act was validly adopted at a meeting of the board of directors regularly called and held on _____ (date) and that _____ (name of the authorized person),

a director, was authorized to sign the articles.

Date: _____ _____
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 21 (s. 42)

AUDITOR'S CERTIFICATE TO ACCOMPANY THE ARTICLES OF AMALGAMATION OF A COOPERATIVE, A FEDERATION OR A CONFEDERATION WITH A COMPANY

I, the undersigned, the auditor of _____,
(name of the cooperative, federation or confederation)

have examined the *pro forma* balance sheet resulting from the consolidation of the balance sheets of

_____
(name of the cooperative, federation or confederation)

and of

_____,
(name of the company)

and according to that balance sheet:

(1) there is no reason to believe that the cooperative, federation or confederation resulting from the amalgamation will be unable to discharge its liabilities as they fall due;

(2) the book value of the assets of the cooperative, federation or confederation resulting from the amalgamation will not be less than the total of its liabilities and the sums representing the value of its paid-up common shares.

I further attest that all the shares of the capital stock of the company are held by

_____
(name of the cooperative, federation or confederation)

Date: _____ _____
(signature)

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 22 (s. 46)

ARTICLES OF INCORPORATION OF A FEDERATION OR A CONFEDERATION

1. Name

2. Judicial district of Québec in which it is domiciled

3. Purpose

4. Territory in which members are recruited

5. Other provisions

DEPARTMENTAL USE ONLY

Autorisation

_____ (date)

_____ (signature)

Enregistrement

Numéro de dossier: _____

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 22 (s. 46)

ARTICLES OF INCORPORATION OF A FEDERATION OR A CONFEDERATION (cont.)

6. Founders

NAME	DOMICILE, INCLUDING POSTAL CODE	SIGNATURE OF THE AUTHORIZED PERSON

Numéro de dossier: _____

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 23 (s. 47)

APPLICATION AND NOTICES TO ACCOMPANY THE ARTICLES OF INCORPORATION OF A FEDERATION OR A CONFEDERATION

In our capacity as founders of _____,
(name)

we hereby apply to the Minister to incorporate it, and we give notice:

(1) that the person designated to act as provisional secretary is:

_____
(name)

_____
(domicile, including postal code)

_____
(area code, office and residential telephone numbers, fax number)

(2) that the method and time limit for calling an organization meeting are as follows:

method: _____
(one method only)

time limit: _____
(number of days between the notice of a meeting and the date of the meeting)

(3) that the address of the domicile of the federation or confederation whose incorporation is applied for is _____

_____.
(complete address, including postal code)

Signature of two founders

Date: _____

Founder: _____
(name)

per: _____
(signature)

Founder: _____
(name)

Date: _____

per: _____
(signature)

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 24 (s. 48)

ATTESTATION TO ACCOMPANY THE ARTICLES OF INCORPORATION OF A FEDERATION OR A CONFEDERATION

We, the undersigned, respectively the president and the secretary of _____

_____,
(name)

hereby attest that the joining of that cooperative or federation to _____

_____
(name)

was validly authorized by a resolution of the board of directors duly ratified by the general meeting in accordance with the provisions of section 229 of the Act and that _____
(name of the authorized person)

was authorized to sign the articles on its behalf.

President: _____

Date: _____ Secretary: _____

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 29 (s. 55)

ARTICLES OF CONTINUANCE OF A COMPANY AS A COOPERATIVE

1. Name

2. Judicial district of Québec in which it is domiciled

3. Purpose

4. Indicate whether the cooperative elects to be governed by Chapter I of Title II of the Act.

5. Other provisions

6. Company applying for continuance:

_____
(name)

_____ _____
(date) (signature of the authorized director)

DEPARTMENTAL USE ONLY

Autorisation

_____ _____
(date) (signature)

Enregistrement

Numéro de dossier: _____

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 30 (s. 56)

APPLICATION AND NOTICES TO ACCOMPANY THE ARTICLES OF CONTINUANCE OF A COMPANY AS A COOPERATIVE

I, the undersigned, a duly authorized director of _____,

_____,
(name of the company)

hereby apply to the Minister for continuance of the company as a cooperative, and I give notice:

(1) that the address of the domicile of the cooperative resulting from the continuance is _____

_____;

(2) that the by-laws were validly adopted at a meeting of the board of directors regularly called and held;

(3) that the cooperative has applied for affiliation with _____

_____.
(name of the federation)

The names and domiciles of the first directors are:

NAME	DOMICILE, INCLUDING POSTAL CODE

Date: _____ _____
(signature)

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 31 (s. 57)

**ATTESTATION BY THE SECRETARY OF A COMPANY
TO ACCOMPANY THE ARTICLES OF CONTINUANCE AS A COOPERATIVE**

I, the undersigned, the secretary of _____,
(name of the company)

hereby attest that the by-laws prescribed by section 263 of the Act were validly adopted at a meeting of the board of

directors regularly called and held on _____ (date) and that _____ (name of the authorized person),

a director, was authorized to sign the articles of continuance and that the by-law approving the proposed continuance

was ratified by all the shareholders present or represented at a special meeting called for that purpose.

Date: _____

_____
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 32 (s. 58)

ATTESTATION BY THE SECRETARY OF A COMPANY TO ACCOMPANY THE ARTICLES OF CONTINUANCE AS AN AGRICULTURAL COOPERATIVE

I, the undersigned, the secretary of _____,
(name of the company)

hereby attest that, in accordance with the proposed continuance of the company as an agricultural cooperative, all the members of the cooperative resulting from the continuance will be agricultural producers.

Date: _____

_____
(signature)

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 32.1 (s. 59.1)

ARTICLES OF CONTINUANCE OF A STUDENT'S ASSOCIATION AS A COOPERATIVE

1. Name

2. Judicial district of Québec in which it is domiciled

3. Purpose

4. Other provisions

5. Association applying for continuance:

_____
(name)

_____ _____
(date) (signature of the authorized director)

DEPARTMENTAL USE ONLY

Continuation

_____ _____
(date) (signature)

Enregistrement

Numéro de dossier: _____

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 32.2 (s. 59.2)

APPLICATION AND NOTICES TO ACCOMPANY THE ARTICLES OF CONTINUANCE OF A STUDENT'S ASSOCIATION AS A COOPERATIVE

I, the undersigned, a duly authorized director of _____,

_____,
(name of the association)

hereby apply to the Minister for continuance of the association as a cooperative, and I give notice:

(1) that the address of the domicile of the cooperative resulting from the continuance is _____

_____;

(2) that the by-laws were validly adopted at a meeting of the board of directors regularly called and held;

(3) that the cooperative has applied for affiliation with _____

_____
(name of the federation)

The names and domiciles of the first directors are:

NAME	DOMICILE, INCLUDING POSTAL CODE

Date: _____ _____
(signature)

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 32.3 (s. 59.3)

ATTESTATION BY THE SECRETARY OF A STUDENT'S ASSOCIATION TO ACCOMPANY THE ARTICLES OF CONTINUANCE AS A COOPERATIVE

I, the undersigned, the secretary of _____,
(name of the association)

hereby attest that the by-laws prescribed by section 263 of the Act were validly adopted at a meeting of the board of

directors regularly called and held on _____ (date) and that _____, (name of the authorized person)

a director, was authorized to sign the articles of continuance and that the by-law approving the proposed continuance

was ratified by all the members present or represented at a special meeting called for that purpose.

Date: _____

_____
(signature)

NOTE: The person authorized to sign the articles may not be the signatory of this attestation.

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 33 (s. 60

THE ORGANIZATION MEETING OF A COOPERATIVE, A FEDERATION OR A CONFEDERATION

Return this report within 10 days following the meeting.

Name

Mailing address

No. Street

Municipality | Postal code | Telephone No. Area code

Cooperatives wishing to avail themselves of the provisions of section 61 of the Act by electing not to appoint directors must fill out the back of form 36.

Elected directors and executive officers. If necessary, attach a schedule.

Position	Name	Domicile, including postal code	Telephone No.
President			
Vice-president			
☐ Secretary			
☐ Treasurer			
☐ Director general or manager			
Director			
Director			
Director			
Director			
Director			
Director			
Director			

Check if director

Date on which the fiscal year ends

At least five directors must be elected, except in a work cooperative, where the minimum is three.

Name and address of the auditor appointed

Name

Address (No., street, municipality) | Postal code | Telephone No. Area code

Name of the federation to which the cooperative is applying for affiliation (if applicable)

Name of the confederation to which the federation is applying for affiliation (if applicable)

Date of the meeting

File No.

Signature | **Date**

Secretary or authorized person

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 34 (s. 61)

NOTICE OF CHANGE OF ADDRESS OF THE HEAD OFFICE OF A COOPERATIVE, A FEDERATION OR A CONFEDERATION

Notice is hereby given that the address of the head office of

_____
(name)

is, within the boundaries of the judicial district indicated in its articles, now as follows:

_____
(No.) (street)

_____
(municipality) (postal code)

Date: _____

_____
(signature of the authorized person)

DEPARTMENTAL USE ONLY	
Date de réception:	Numéro de dossier: _____ Enregistrement

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 35 (s. 62)

NOTICE OF CHANGE OF ADDRESS OF THE HEAD OFFICE OF A COOPERATIVE, A FEDERATION OR A CONFEDERATION WHEN THE HEAD OFFICE IS TRANSFERRED TO ANOTHER JUDICIAL DISTRICT

Notice is hereby given that the address of the head office of

_____
(name)

is:

_____
(No.) (street)

_____
(municipality) (postal code)

within the boundaries of the judicial district mentioned in the articles of amendment attached hereto.

Date: _____

_____
(signature of the authorized person)

DEPARTMENTAL USE ONLY	
Date de réception:	Numéro de dossier: _____ Enregistrement

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 36 (s. 63)

AGREEMENT OF THE MEMBERS OF A COOPERATIVE, A FEDERATION OR A CONFEDERATION NOT TO ELECT DIRECTORS

We, the undersigned, the members of _____,
(name)
agree not to elect directors for a period of one year beginning on _____

and to administer the business of the cooperative ourselves during that period.

Member	Address	Date

ATTESTATION

I, the undersigned, the secretary or authorized person of _____,
(name)
hereby attest that all the signatories of the above agreement are members or duly authorized representatives of legal persons or partnerships that are members of the cooperative, federation or confederation and that it had _____ members at the time the agreement was signed.
(maximum 24)
The percentage of signatories in proportion to the number of members is _____ %.
(minimum 90 %)

Signature _____ (_____)_____ Date: _____
Secretary or authorized person Area code Telephone No.

EXECUTIVE OFFICERS

POSITION	NAME	DOMICILE, INCLUDING POSTAL CODE	TELEPHONE NO.
President			
Vice-president			
Secretary			
Director general, if any			

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 37 (s. 64)

NOTICE OF CHANGE IN THE COMPOSITION OF THE BOARD OF DIRECTORS

Notice is hereby given that a change has been made in the composition of the board of directors of _____

_____
(name)

dated _____.

As a result of this change, the composition of the board of directors is as follows:

POSITION	NAME	DOMICILE, INCLUDING POSTAL CODE	TELEPHONE
President			
Vice-president			
Director			
Director			
Director			
Director			
Director			
Director			
Director			
Director			
Director			
Director			

Date: _____

_____
(signature of the authorized person)

DEPARTMENTAL USE ONLY	
Date de réception:	Numéro de dossier: _____ Enregistrement

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 38 (s. 73)

CERTIFICATE OF ASSIGNMENT OF A NAME BY THE MINISTER

Whereas _____ has failed to comply with an order of the Minister issued under section
(name)

18 of the Cooperatives Act (R.S.Q., c. C-67.2),

the Minister hereby assigns to it the following name: _____.

Its articles are amended accordingly.

Date: _____

_____
Signature

Dossier:

Gouvernement du Québec
Ministère de l'Industrie, du Commerce,
de la Science et de la Technologie
Direction des coopératives

Schedule 39 (s. 74)

CERTIFICATE OF AMENDMENT
OF ARTICLES BY THE MINISTER

Whereas _____ has failed to comply with an order of the Minister issued under
(name)

section 211.5 of the Cooperatives Act (R.S.Q., c. C-67.2), the Minister hereby amends its articles as follows:

THIS COOPERATIVE IS NO LONGER SUBJECT TO THE PROVISIONS OF CHAPTER I OF TITLE II OF THE COOPERATIVES ACT.

Date: _____

_____
Signature

Dossier:

Gouvernement du Québec

O.C. 58-97, 22 January 1997

An Act to foster the development of manpower training (1995, c. 45)

Eligible training expenditures
— Regulation
— Amendments

Regulation amending the Regulation respecting eligible training expenditures

WHEREAS the Société québécoise de développement de la main-d'oeuvre may, under section 20 of the Act to foster the development of manpower training, make regulations to define eligible training expenditures for the purposes of the Act;

WHEREAS the Regulation respecting eligible training expenditures was made by Order in Council 1586-95 dated 6 December 1995;

WHEREAS on 28 November 1996, the Société made the draft regulation amending the Regulation respecting eligible training expenditures;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved without having been published as prescribed in section 8 of the Act if the authority approving 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 approved it is of the opinion that the urgency of the situation requires it;

WHEREAS in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the amended regulation must be in force at the beginning of 1997 to enable employers governed by the regulation to take it into account in the final calculation of the manpower training development contribution they must declare, for 1996, before the end of February 1997;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Employment and Solidarity:

THAT the Regulation amending the Regulation respecting eligible training expenditures, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation amending the Regulation respecting eligible training expenditures

An Act to foster the development of manpower training (1995, c. 43, s. 20, par. 1 and 2)

1. Section 1 of the Regulation respecting training expenditures enacted by order-in-council 1586-95 of December 6, 1995 is amended

1° by adding, in paragraph 1°, after the words "training body, including a non-profit organization", the words "a multi-employer training service";

2° by adding, in paragraph 6° and after the word "employer", the words ", including a reimbursement to one of its employees,";

3° by adding, in paragraph 12° and after the word "including", the words "the wages and";

4° by adding, in paragraph 19° and after the word "institution" the words ", to a training business" and, at the end of the paragraph:

"a training business is a non-profit legal person which, for individualized training and learning purposes, recreates all the activities inherent in a commercial enterprise, but without producing or delivering goods or services.";

5° by replacing, in paragraph 20°, the words "to a body mentioned in paragraph 19°", with the words "to a recognized training establishment, a training business or a body recognized under section 8 of the Act";

6° by replacing, in paragraphs 23° and 24°, the words "cost incurred" with the words "wages and expenses incurred";

7° by adding, after the end of the first sub-section, the following paragraph.

"25° the annual depreciation cost for the acquisition of equipment assigned exclusively for training purposes and used mainly for employees, as well as the annual depreciation cost for the acquisition, construction or preparation of premises in Québec, under the same conditions.".

2. Section 2 is amended by replacing, in the first sub-section, "and 17°" with "17°, 23° and 24°".

3. Section 4 is amended by replacing, in the second sub-section, sub-paragraph *i* of paragraph 3° with the following:

"i. proof that an attestation clearly specifying the goal of a training activity can be issued, to the participant who successfully completes it, by his employer, at least once a year and upon the employee's departure, if he does not receive such an attestation of achievement from theeducational establishment, the body or the trainer who provided it;".

4. Section 7 is amended:

1° by adding, after paragraph 3°, the following:

"3.1° the word "trainee" also includes the person placed with an employer as part of occupational training or training in preparation for employment offered by a community body accredited by the Société as a training body;

3.2° the word "training" includes occupational health and safety training provided it is related to the performance of a job;";

2° by replacing, in paragraph 5°, "and 17°" with "17°, 23° and 24°";

3° by replacing, in paragraph 10°, the words "by the employer's personnel" with the words "by an employee";

4° by adding, after paragraph 10°, the following:

"10.1 for the purposes of paragraph 25° of section 1, the annual depreciation cost corresponds to the amount that would be determined pursuant to schedule 1 if property covered by paragraph 25° of section 1 was, during the year, assigned exclusively to training the employer's personnel;";

5° by adding, at the end of paragraph 13°, the following:

"this provision does not apply to:

— a sheltered work centre with a certificate issued by the Office des personnes handicappées by virtue of section 37 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., c. E-20.1);

— a day care centre with a permit from the Office des services de garde à l'enfance by virtue of section 3 of the Act respecting Child Day Care (R.S.Q., c. S-4.1);

— an ambulance enterprise holding a permit issued under the Public Health Protection Act (R.S.Q., c. P-35) and the Corporation d'urgences-santé of the Metropolitan Montréal region.".

5. Schedule 1 is amended:

1° in paragraph 1° of the French version, the changes are grammatical in nature and do not affect the English text;

2° by replacing paragraph 3° with the following:

"3° where the depreciable property is premises, its capital cost or proceeds of alienation, asthe case may be, corresponds, for the employer, to the portion of the cost of the immovable borne by the employer or to the proceeds of the alienation attributable to those premises;".

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

1202

M.O., 1997

Order number 11 of the Minister of Finance dated 15 January 1997

Financial Administration Act
(R.S.Q., c. A-6, s. 69.06)

CONCERNING certain forms relating to the book based system

CONSIDERING section 69.06 of the Financial Administration Act, which provides that the information to be furnished by participants in the book based system shall be determined by the Minister in the forms he prescribes;

CONSIDERING the Regulation respecting savings products, made in accordance with section 69.04 of the Financial Administration Act;

CONSIDERING that the Minister of Finance deems it advisable to prescribe certain forms for the purposes of participation in the Québec Savings Products Retirement Income Fund, the Québec Saving Products Life Income Fund and the Québec Savings Products Locked-in Retirement Account;

THEREFORE, the Minister of Finance prescribes the forms attached to this Order and fixes their coming into force on the day of their publication in the *Gazette officielle du Québec.*

Québec, 15 January 1997

BERNARD LANDRY,
Minister of Finance

PLACEMENTS QUÉBEC

Québec Savings Products

APPLICATION FORM
FOR A

LOCKED-IN RETIREMENT ACCOUNT

Who should use this form?
Any individual who, **on his own behalf,** wants to apply for participation in Placements Québec and acquire or transfer Québec savings products under a locked-in retirement account (LIRA) of the Québec government.

INSTRUCTIONS

Section 1: Enter your identification information as a participant and sole owner of your Québec savings products.

Section 2: The cheque must be made payable to **the Minister of Finance of Québec.** Funds deposited in a locked-in retirement account must be drawn exclusively from one or more retirement plans authorized by applicable laws, as stipulated in the trust agreement enclosed with this form.

Section 3: By contributing to a Placements Québec locked-in retirement account, the applicant also becomes a participant in the book based system managed by Placements Québec and, it is accordingly to the participant's advantage to provide his banking information for the administration of a regular account.

This banking information will be used for payment of your purchases by transfer of funds. It will also be used for interest payments, if applicable, and for any redemptions you request. It is important to enclose a **specimen personal cheque** marked **"Cancelled"** for the account indicated. If you do not provide your banking information, payments must be made by cheque.

Section 4: The **participant/constituent** must sign the form.

For information or to carry out a transaction,
call Placements Québec:
1 800 463-5229 or (418) 521-5229 (Québec City region)

Version française disponible sur demande.

GENERAL INFORMATION

PLACEMENTS QUÉBEC* manages the operations relating to savings products issued by the Québec government. PLACEMENTS QUÉBEC allows the purchase and redemption of these savings products by telephone.

The book based system

Savings products are held for a participant in a book based system managed by PLACEMENTS QUÉBEC.

Registration in the system, in the register of participants, of the information concerning the participant, constitutes proof of the participant's ownership of the savings products booked in his securities portfolio. PLACEMENTS QUÉBEC sends the participant or the person authorized to act on his behalf a statement of his securities portfolio or confirming certain operations carried out in the book based system.

Participation in the system

Participation in the system is restricted to persons or groups of persons or of properties domiciled in Québec and is achieved by completing an application form upon the initial purchase of a savings product.

Payment by transfer of funds

Payment by transfer of funds requires that the participant or the person authorized to act on his behalf provide information concerning his operations account at a financial institution (banking information). A payment is deemed to be made on the date stipulated in the transfer of funds instructions given to the financial institution. Should payment by transfer of funds prove to be impossible, payment is made by cheque.

Operations

Operations in the book based system can be carried out in writing, by telephone or by fax, with the exception of a change in banking information and, if allowed, transfer of ownership of securities, which are carried out in writing on the appropriate forms supplied by PLACEMENTS QUÉBEC.

Correction of statements

PLACEMENTS QUÉBEC must be informed of any error or irregularity in a statement within 45 days of the statement date.

Security

A participant who wishes to carry out an operation by telephone must identify himself to PLACEMENTS QUÉBEC using the personal information recorded on his participant's data sheet.

Telephone conversations realting to operations requests are recorded and retained by PLACEMENTS QUÉBEC. The recording is proof of the operation.

* "PLACEMENTS QUÉBEC" is an official trademark held by the Québec government.

Québec Savings Products

PLACEMENTS QUÉBEC
333 Grande Allée est
Québec (QC) G1R 5W3
(418) 521-5229 ou 1 800 463-5229

Application Form for a LOCKED-IN RETIREMENT ACCOUNT

1. PARTICIPANT/CONSTITUENT IDENTIFICATION (Block letters please)

Family name

☐ Mrs. ☐ Mr.

First name

☐ (✓) French Correspondence

Maiden name and first name of participant's mother

Date of birth YR MTH DAY

Civic no. Street Apartment

Social insurance number

P.O. Box City Province

The social insurance number is required under the Income Tax Act.

Postal Code Telephone office Ext Telephone home

2. INFORMATION ON FUNDS TRANSFERRED

Total funds transferred _____ $

Source of funds **01** Transfer from another trustee **02** Retirement plan

IMPORTANT • *The cheque must be made out to the Minister of Finance.* • *Once the cheque is received, the amounts transferred will be converted into temporary investment units and an investment officer of Placements Québec will contact the participant to determine which savings products he wants in this account.*

3. PARTICIPANT'S/CONSTITUENT'S BANKING INFORMATION

Any amount payable to the participant can be deposited into the account indicated below, and any amount payable by the participant for the purchase of a savings product can be drawn from this account, in the absence of instructions to the contrary. By signing below, I authorize Placements Québec to withdraw any overpayment made to me from this account.

Name of participant's financial institution Branch no. Inst. no. Account no.

Attach a specimen personal cheque marked "Cancelled"

4. SIGNATURE

To: Trust Général du Canada – I hereby request to participate in the book based system managed by Placements Québec. This application, once accepted by Placements Québec, constitutes a participation governed by the provisions of the Financial Administration Act and the Regulation respecting savings products enacted in accordance with such Act. I also request to participate in a Québec savings products locked-in retirement account (the "Plan") registered under the terms of the Income Tax Act (Canada) and the Taxation Act (Québec), and I ask Trust Général du Canada, trustee and issuer of the plan, to register my participation and my contribution to this Plan in accordance with these statutes. I have read the trust declaration on the back of this form and agree to comply with it.

X _____ _____

Participant's signature Date

The personal information provided on this form is protected under the *Act respecting Access to documents held by public bodies and the protection of personal information* (R.S.Q., c. A-2.1).

FOR USE BY THE SALES AGENT

Transit Institution Authorized signatary (block letters)

Telephone Ext. X _____ Signature _____ Date

FOR USE BY THE TRUSTEE This application is accepted as a locked in retirement account hearing the number indicated below by Placements Québec as mandatary of the Trustee.

X _____ Authorized signature _____ Date

FOR USE BY PLACEMENTS QUÉBEC

Lot no. Participant no. X _____ Authorized signature _____ Date

STAPLE SPECIMEN CHEQUE HERE

CRI -A (12-96)

QUÉBEC SAVINGS PRODUCTS LOCKED-IN RETIREMENT ACCOUNT

TRUST AGREEMENT

TRUST GÉNÉRAL DU CANADA (the "Trustee"), a trust company legally constituted under the laws of Québec, agrees to act as trustee of the Québec savings products locked-in retirement account (the "Plan") on behalf of the constituent named on the front of these presents (the "Constituent").

The Plan meets the requirements of the *Income Tax Act* (Canada) and the *Taxation Act* (Québec) and their respective regulations (the "Tax Legislation") for a registered retirement savings plan, and of the *Supplemental Pension Plans Act* (Québec) (the "Act") and its regulations (the "Regulations") concerning the locked-in retirement account.

For the purposes of these presents, the ministère des Finances du Québec, hereunder called "Placements Québec", acts as mandatary of the Trustee.

For the purposes of these presents, "Savings Products" means any bond or other securities issued by the Québec government under a book based system managed by Placements Québec (the "System").

1. CONSTITUENT Subject to the provisions of the Tax Legislation, any person who will not reach 69 years of age on the last day of the calendar is eligible and can apply to participate in the Plan and set up a locked-in retirement account by completing the application form.

2. REGISTRATION OF THE PLAN The Trustee will see to the registration of the Constituent's Plan with the appropriate tax administrations and the Régie des rentes du Québec.

3. CONTRIBUTIONS The only contributions that can be made into the Plan must come, directly or indirectly, from a transfer from one or more of the following plans: i) a pension plan governed by the Act, ii) a supplemental pension plan governed by a statute of a legislative authority other than the Parliament of Québec and conferring entitlement to a deferred pension, iii) a supplemental pension plan established by a statute of the Parliament of Québec or of another legislative authority, iv) an annuity contract covered by section 30 of the Regulations, or v) another locked-in retirement account.

The Constituent acknowledges that he alone is responsible for ensuring than his contribution is made in accordance with this agreement.

For an initial contribution, the Trustee opens an account in the System on behalf of the Constituent (the "Account"). The amounts recorded on behalf of the Constituent are held in trust in the System by the Trustee and are invested as stipulated in section 4 in order to provide the Constituent with a retirement annuity as stipulated in section 7.

The Trustee shall agree to return to the Constituent an amount in order to reduce tax otherwise payable by the Constituent under Part XI of the *Income Tax Act* (Canada). The Trustee can, without advising the Constituent, realize the investment or investments at the price(s) Placements Québec may set and use the proceeds to effect payment. The Trustee is not liable for any loss resulting from such realization.

No benefit which depends in any way on the existence of the Plan can be granted to the Constituent or to any person with whom he is not at arm's length, with the exception of those described in sub-section 146(2)(c.4) of the *Income Tax Act* (Canada).

4. INVESTMENTS All assets of the Plan must be invested by the Trustee according to the Constituent's instructions in the form of Savings Products issued by the Québec government and declared eligible by the Trustee after having obtained the Québec government's prior approval (the "Authorized Investments"). In the absence of instructions from the Constituent regarding the investment of assets or the re-investment of investments that have matured, the amounts, both capital and interest, will be converted into temporary investment units for which Placements Québec will credit each month interest calculated on the daily balance. The Constituent agrees that he is solely responsible for the re-investment of investments that have matured.

The Constituent can invest assets of the Plan only in Authorized Investments for which he is solely responsible.

When required under this agreement, the balance of the Account (the "Account Balance") consists of the value of liquidated investments after deducting any applicable tax.

5. WITHDRAWAL AND TRANSFER Subject to section 7, all or part of the Account Balance can be withdrawn by the Constituent who can receive a payment or a series of payments when a physician certifies that his physical or mental disability reduces his life expectancy. The Trustee shall withhold the income tax stipulated in the Tax Legislation, if any, from the amount withdrawn.

The Constituent is entitled, at any time before the conversion of the entire Account Balance into a life annuity stipulated in section 7, to transfer all or part of such balance into a pension plan covered by section 98 of the Act or into a life income fund, unless the investment has not reached maturity.

The Constituent cannot withdraw the Account Balance from the Plan other than as stipulated in this section or in section 7.

The transfer stipulated in this section and in the first paragraph of section 7 can, at the Trustee's discretion and unless stipulated to the contrary, be made by remittance of the investment securities relating to the Account.

6. DOCUMENTS — The Constituent receives: a) a copy of this agreement; b) at least once a year, a statement indicating the amounts deposited, their source, the investments, the transactions for the period, accumulated gains, expenses charged since the last statement and the Account Balance.

Placements Québec sends all the information slips required under the Tax Legislation when required.

7. CONVERSION INTO A RETIREMENT ANNUITY Subject to sections 5 and 8 and to the applicable legislation, the Account Balance can only be converted into a life annuity guaranteed by an insurer and established for the life of the Constituent alone or for the life on the Constituent and that of his spouse; the periodic amounts paid under such annuity must be equal unless each amount to be paid is changed uniformly according to an index or rate stipulated in the contract and allowed under sub-section 146(3)(b)(iii) to (v) of the *Income Tax Act* (Canada), because of the division of the rights of the Constituent with his spouse following a marriage breakdown, by converting the retirement income as allowed under sub-section 146(2)(b)(iii) of the *Income Tax Act* (Canada) or because of the option stipulated in paragraph 3 of the first sub-section of section 93 of the Act.

Conversion of the Account Balance into a life annuity can be demanded at any time unless the agreed term of the investments has not expired, but must be carried out no later than December 31 of the year during which the Constituent reaches 69 years of age. In accordance with sub-section 146(2)(c.2) of the *Income Tax Act* (Canada), the life annuity must be converted if it becomes payable to a person other than the Constituent.

The life annuity payable to the Constituent or his spouse under this Plan cannot be assigned either in whole or in part. If, three months before December 31 of the year in which the Constituent reaches 69 years of age, he has not given his instructions to the Trustee regarding conversion into a retirement annuity, the Trustee will transfer the Constituent's Account Balance into a life income fund.

When the Account Balance has been used, invested or otherwise employed in accordance with the requirements of the Act and the Tax Legislation, the Trustee shall be discharged of all liability.

The life annuity contract guaranteed by an insurer can guarantee payment of the annuity for a given period after the death of the Constituent but ending no later than the day preceding that on which he would have reached ninety years of age.

8. DEATH OF THE CONSTITUENT In the event of the death of the Constituent before the conversion of the Account Balance into an annuity, such balance shall be paid to his spouse or, if he has none, his heirs. The Account Balance can be converted into a life annuity guaranteed by an insurer stipulated in section 7 only if, at the death of the Constituent, his spouse was granted, and has not waived, a life annuity equal to at least 60 % of the amount of the one to which the Constituent was entitled before his death. The periodic payments made during a year after the death of the Constituent cannot exceed those to be made during the year before death.

Within 15 days of receiving the documents it considers necessary, the Trustee must remit the Account Balance of the Constituent to his spouse or, if there is none, to his heirs, if any, in accordance with the first sub-section and subject, in all cases, to the statutes applicable to the opening of a Constituent's estate.

9. PROOF OF AGE The entry of the Constituent's date of birth, on the front of these presents, attests to the said date and commits the Constituent to providing any supplementary evidence that may be required at the time of conversion into a life annuity.

10. MATURITY DATE The maturity date shall be the date chosen by the Constituent, and must fall within the period stipulated in sub-section 146(2)(b.4) of the *Income Tax Act* (Canada). Before the Plan matures, no benefit or total or partial refund of the Account Balance shall be paid to the Constituent except as stipulated in section 3 and 5.

11. LIABILITY OF THE TRUSTEE The Constituent and his spouse or heirs agree to compensate and release the Trustee and its representatives, mandataries and correspondents from any liability for any tax, assessment, expense, debt, demand or claim resulting from the possession or deposit of investments in the Constituent's Account and from any other action taken in accordance with these presents, unless it results from gross negligence on their part or deliberate misconduct.

Neither the Trustee, nor any of its representatives, mandataries or correspondents shall be liable for any loss suffered by the Plan or by the Constituent or any beneficiary under the Plan as a result of the acquisition, disposition or holding of any investment acquired in accordance with the instructions of the Constituent. Neither the Trustee, nor any of its representatives, mandataries or correspondents shall be held personally liable for any tax or penalty that may be deducted under the provisions of the applicable legislation, because of the acquisition, disposition or holding of any investment acquired in accordance with the instructions of the Constituent.

12. CANCELLATION OF THE PLAN Participation in the Plan is cancelled when the Department of Revenue of Canada or the ministère du Revenu du Québec or the Régie des rentes du Québec refuses to register the Plan. In this case, the Trustee shall not accept the transfer of funds from the various plans stipulated in these presents.

13. DELEGATION OF DUTIES It is understood that the Trustee may designate mandataries, including, without limiting the generality of the foregoing, Placements Québec, and delegate such mandataries to carry out office work, administrative and other duties under these presents. The Trustee acknowledges, however, that notwithstanding any other provisions of these presents, it remains ultimately responsible for the Plan.

14. MODIFICATION OF THE PLAN The Trustee may not make any change whose effect would be to reduce the rights resulting from the trust agreement, unless the Constituent is entitled, before the date of the change, to transfer the Account Balance and has received, at least 90 days before the date on which he can exercise such right, a notice indicating the purpose of the change and the date as of which he may exercise such right.

Subject to the preceding sub-section, the Trustee may from time to time, at its discretion, change this trust agreement with the consent of the Department of Revenue of Canada, the ministère du Revenu du Québec and the Régie des rentes du Québec by advising the Constituent in writing, within a period of 30 days; however, such change must not cause the Plan to lose its status as a registered retirement savings plan, under the Tax Legislation.

The Trustee may not, other than to satisfy the requirements of the Act, make any change other than those stipulated in this section without having first advised the Constituent.

The Trustee can change the trust agreement only insofar as it continues to comply with the standard trust agreement modified and registered with the tax authorities and the Régie des rentes du Québec.

15. NOTICE Notice given to the Trustee is considered sufficient if it is handed or mailed to Placements Québec at the address indicated on the front of these presents or such other address notified by mail. Notice is deemed to have been given to the Trustee on the actual date of reception of the notice by Placements Québec. Any notice, statement or receipt addressed to the Constituent is considered to have been validly given if it is handed to him in person or sent by mail to the last address indicated in the register kept by Placements Québec. Such notice, statement or receipt is deemed to have been given at the time of its delivery to the Constituent if delivered in person or, if mailed, the date it is mailed.

16. RESIGNATION OF THE TRUSTEE The Trustee may, provided it gives the Constituent thirty (30) days' notice as indicated in section 15 of these presents, relinquish its office of Trustee of the Plan provided a successor trustee has accepted such office. At the time it relinquishes its office, the Trustee must transfer all the books, files and investments relating to the Plan to the successor trustee which will then be invested with all the rights and obligations incumbent on the Trustee under these presents.

PLACEMENTS QUÉBEC

Québec Savings Products

APPLICATION FORM
FOR A

RETIREMENT INCOME FUND

Who should use this form?
Any individual who, on his own behalf, wants to apply for participation in Placements Québec and acquire or transfer Québec savings products under the registered retirement income fund (RRIF) of Québec Savings Products.

INSTRUCTIONS

Section 1: Enter your identification information as a participant and sole owner of your Québec savings products.

Section 2: The cheque must be made payable to **the Minister of Finance of Québec**. Funds deposited in a registered retirement income fund must be drawn exclusively from one or more retirement plans authorized by applicable laws, as stipulated in the trust agreement enclosed with this form.

Section 3: To be completed only if the funds are taken from a registered retirement savings plan to which the spouse had previously contribute.

Section 4: The participant may decide to base the maturity of is registered retirement income fund on the age of his spouse. However this choice must be made before the first payment and cannot subsequently be changed.

Section 5: By participating in Québec Savings Products retirement income fund, the participant must receive a minimum annual payment as stipulated in the legislation in force. This section sets out the terms and conditions of the payments (payment method, frequency, amount and date of first payment).

Section 6: If the participant chooses to receive his payments by transfer into his bank account, he is telling Placements Québec that he wishes to receive his periodic payments directly in the indicated bank account. Placements Québec will accept this payment method only if a **specimen personal cheque** for the account indicated is enclosed. The cheque must be marked "**Cancelled**".

Should the participant subsequently wish to open a regular account with Placements Québec, this banking information can be used to carry out the operations relating to this type of account.

Section 7: Québec Savings Products are the only financial products that can be deposited in the Québec Savings Products retirement income fund. To this end, the participant must inform Placements Québec of the type of savings products he wants, insofar as these products are eligible for the Québec Savings Products retirement income fund.

Section 8: The **participant/Annuitant** must sign the form.

For information or to carry out a transaction, call Placements Québec:
1 800 463-5229 or (418) 521-5229 (Québec City region)

Version française disponible sur demande.

GENERAL INFORMATION

PLACEMENTS QUÉBEC* manages the operations relating to savings products issued by the Québec government. PLACEMENTS QUÉBEC allows the purchase and redemption of these savings products by telephone.

The book based system

Savings products are held for a participant in a book based system managed by PLACEMENTS QUÉBEC.

Registration in the system, in the register of participants, of the information concerning the participant, constitutes proof of the participant's ownership of the savings products booked in his securities portfolio. PLACEMENTS QUÉBEC sends the participant or the person authorized to act on his behalf a statement of his securities portfolio or confirming certain operations carried out in the book based system.

Participation in the system

Participation in the system is restricted to persons or groups of persons or of properties domiciled in Québec and is achieved by completing an application form upon the initial purchase of a savings product.

Payment by transfer of funds

Payment by transfer of funds requires that the participant or the person authorized to act on his behalf provide information concerning his operations account at a financial institution (banking information). A payment is deemed to be made on the date stipulated in the transfer of funds instructions given to the financial institution. Should payment by transfer of funds prove to be impossible, payment is made by cheque.

Operations

Operations in the book based system can be carried out in writing, by telephone or by fax, with the exception of a change in banking information and, if allowed, transfer of ownership of securities, which are carried out in writing on the appropriate forms supplied by PLACEMENTS QUÉBEC.

Correction of statements

PLACEMENTS QUÉBEC must be informed of any error or irregularity in a statement within 45 days of the statement date.

Security

A participant who wishes to carry out an operation by telephone must identify himself to PLACEMENTS QUÉBEC using the personal information recorded on his participant's data sheet.

Telephone conversations relating to operations requests are recorded and retained by PLACEMENTS QUÉBEC. The recording is proof of the operation.

* "PLACEMENTS QUÉBEC" is an official trademark held by the Québec government.

PLACEMENTS QUÉBEC
(418) 521-5229 ou 1 800 463-5229

Québec Savings Products

Application Form for a RETIREMENT INCOME FUND

1. PARTICIPANT / ANNUITANT IDENTIFICATION (Block letters please)

Family name | First name | ☐ Mrs ☐ Mr.

Mother's maiden name | ☐ (✓) French Correspondence

Address | Street | Apartment | Date of birth (YR MTH DAY)

P.O. Box | City | Province | Social insurance number

Postal Code | Telephone office | Ext. | Telephone home

The social insurance number is required under the Income Tax Act.

2. SOURCE OF FUNDS TRANSFERRED TO THE QUÉBEC SAVINGS PRODUCTS RIF

A) Funds from another financial institution: _____ Name of financial institution

I wish to transfer: ☐ all the assets of an eligible plan

OR ☐ a flat amount of $_____ from an eligible plan.

B) Funds from a RRSP account already administrated by Placements Québec: Account number ☐☐☐☐☐☐

I wish to transfer: ☐ all the eligible products of the RRSP account

OR ☐ the following savings products *(If space is insufficient, please attach a separate sheet)*:

Name of product	Value as at* (YR MTH DAY)	Maturity date (YR MTH DAY)	Type of interest Regular annual (RA) monthly (RM) Compound annual (CA)	Product number (if known)
_____	$_____			
_____	$_____			
_____	$_____			

**This value includes capital and accrued interest on the date of these presents. The latter may be higher on the date of transfer according to accrued interest at the effective date of the opening of the fund.*

3. IDENTIFICATION OF THE SPOUSE (Complete only if the funds are taken from an RRSP to which the spouse has previously contributed)

Spouse's family name | Social insurance number

First name | Date of birth (YR MTH DAY)

The social insurance number is required under the Income Tax Act.

4. FUND MATURITY

☐ determined according to my age

OR ☐ determined according to the age of my spouse (YR MTH DAY)

Important: An annuitant can decide to base the maturity and the amount of his payments on the age of his spouse. However, this choice must be made before the first payment and cannot subsequently be changed.

5. PAYMENT DETAILS

A) Payment frequency:

☐ monthly ($100 min.) ☐ half-yearly

☐ quarterly ☐ annual

B) Payment amount:

☐ minimum required by the tax laws

OR ☐ maximum allowed by the tax laws

OR ☐ specific — ☐ gross ☐ net in the amount of: $_____

C) Date of first payment: (YR MTH DAY)

D) Payment method:

☐ by cheque to the above address

OR ☐ by transfer to my bank account (for this method, section 6 must be completed)

Note: I understand that the payments are subject to the tax laws and that Placements Québec will deduct the tax withholdings at source stipulated in the tax laws and regulations.

6. PARTICIPANT / ANNUITANT'S BANKING INFORMATION

Any amount payable to the participant can be deposited into the account indicated below, and any amount payable by the participant for the purchase of a savings product can be drawn from this account, in the absence of instructions to the contrary. By signing below, I authorize Placements Québec to withdraw any overpayment made to me from this account.

Name of participant's / annuitant's | Branch no. | Inst. no. | Account no.

Attach a specimen personal cheque marked "Cancelled".

7. PURCHASE OF SAVINGS PRODUCTS *(If space is insufficient, please attach a separate sheet)*

Name of product	Face value	Term	Type of interest Regular annual (RA) monthly (RM) Compound annual (RA)	Product number (Reserved for Placements)
_____	$_____	☐☐ years		
_____	$_____	☐☐ years		
_____	$_____	☐☐ years		

8. DECLARATION

To: Trust Général du Canada — I, the undersigned, hereby request to participate in the book based system managed by Placements Québec. This application, once accepted by Placements Québec, constitutes a participation governed by the provisions of the Financial Administration Act and the Regulation respecting savings products enacted in accordance with such Act. I also request to participate in the Québec savings products retirement income fund (the "Fund") approved under the terms of the Income Tax Act (Canada) and the Taxation Act (Québec) and I ask Trust Général du Canada to register my participation and my deposit in this Fund in accordance with these statutes. I have read the trust declaration on the back of this form and agree to comply with it.

X _____ _____

Participant's/Annuitant's signature | Date

The personal information provided on this form is protected under the Act respecting Access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1).

BROCHER LE SPÉCIMEN DE CHÈQUE ICI

FOR USE BY THE SALES AGENT

Transit | Institution | Authorized signatary (block letters)

Telephone | Ext | X _____ Signature | Date

RESERVED TO PLACEMENTS QUÉBEC

Lot no. | Participant no. | X _____ Signature | Date

FERR-A (01-97)

TRUST AGREEMENT

TRUST GÉNÉRAL DU CANADA (the "Trustee"), a trust company legally constituted under the laws of Québec, agrees to act as trustee of the Québec savings products retirement income fund (the "Fund") on behalf of the participant named on the front of these presents (the "Annuitant"), in accordance with the following conditions and formalities.

The Fund meets the requirements of the *Income Tax Act* (Canada) and the *Taxation Act* (Québec) and their respective regulations (the "Tax Legislation") for a registered retirement income fund (a "RRIF").

For the purposes of these presents, the ministère des Finances du Québec, hereunder called "Placements Québec", acts as mandatary of the Trustee, and the expression "Savings Products" means any bond or other securities issued by the Québec government under a book based system managed by Placements Québec.

1. PURPOSE AND ELIGIBILITY

The purpose of the Fund is to receive amounts from one or more registered retirement savings plans of which the participant is the annuitant, or from any other sources stipulated in sub-section 146.3(2)(f) of the *Income Tax Act* to fund payment of a retirement income in accordance with the provisions of the Tax Legislation.

Any natural person can participant in the Fund by completing and signing the application form.

Entry of the Annuitant's date of birth on the front of these presents is deemed to be an attestation of such date and an undertaking to provide any other proof of age that may be required for the administration of the Fund.

2. REGISTRATION OF THE FUND

The Trustee shall register the Annuitant's Fund with the tax authorities concerned.

3. INVESTMENTS

Any amount received by the Trustee must be invested by the him according to the Annuitant's instructions, but only in the form of Savings Products issued by the Québec government. In the absence of instructions from the Annuitant regarding the investment of assets or the re-investment of investments that have matured, the amounts, both capital and interest, will be converted into temporary investment units for which Placements Québec will credit each month interest calculated on the daily balance. The Annuitant agrees that he is solely responsible for the re-investment of investments that have matured.

The Annuitant must assure himself of the liquidity of the assets for the purposes of payment of a retirement income. In addition, if, at the time of conversion into a retirement income, of a transfer or death, the agreed term of the investments has not expired, Placements Québec shall liquidate the investments, applying any penalties stipulated for early redemption.

The value of the Fund or, as the case may be, the balance of the Fund (the "Fund Balance"), for the purposes of a transfer of assets or in the event of death, is determined according to the net asset value of all the investments.

Notwithstanding any provision of these presents, Placements Québec reserves the right to cease offering certain Savings Products.

4. RETIREMENT INCOME PAYMENTS

At the beginning of each calendar year following initial participation, the Trustee determines the minimum amount to be paid under the Fund during the year in accordance with sub-section 146.3(1) of the *Income Tax Act*. The first payment is payable before the end of the calendar year following the year of initial participation in the Plan. The Annuitant can request payment in periodic instalments. The total of such instalments must be greater than or equal to the minimum amount to be paid as established each year. The last payment to be made under the Fund shall be equal to the Fund Balance.

However, the Annuitant may request periodic retirement income payments greater than those stipulated in the preceding paragraph. In addition, the Annuitant can request the Trustee for any additional payments that will be paid according to the availability of investments in the account.

Payments made are taxable in the hands of the Annuitant. The Trustee deducts any tax withholdings stipulated by the Tax Legislation from the payments.

No payment under the Fund can be assigned, either in whole or in part. No benefit or loan subordinated to the existence of the Fund can be granted to the Annuitant or a person with whom he is not at arm's length, except as stipulated in sub-section 146.3(2)(g) of the *Income Tax Act*.

5. DEATH

In the event of the Annuitant's death, the retirement income payments will be made to his spouse, if he or she is the beneficiary or failing that, the value of the assets at death will be remitted to the succession, after deducting any applicable taxes.

6. TRANSFER

Upon instructions from the Annuitant, the Fund shall be transferred in whole or in part or to another issuer in the prescribed form and manner, with the information necessary to ensure the continuation of the Fund. The transfer is carried out by remittance of a cheque for an amount equal to the net asset value of the investments

7. DOCUMENTS

Placements Québec provides the Annuitant with a copy of this agreement and on a regular basis and at least once a year, a statement indicating the investments held, the accumulated gains and payments made since the last statement and the Fund Balance.

Placements Québec also provides any information slips required under the Tax Legislation.

If the Annuitant dies before the entire Fund Balance has been paid as retirement income, Placements Québec provides his spouse or, if he has none, his heirs with a statement drawn up as at the date of death and containing the information stipulated in the first paragraph of this section established as at the date of the Annuitant's death.

8. MODIFICATION OF THE FUND

The Trustee can change this trust agreement only insofar as it continues to comply with the standard trust agreement modified and registered with the tax authorities; however, such change must not result in the Fund losing its status as a RRIF according to the Tax Legislation.

The Trustee may not, other than to satisfy the requirements of the Act, make any change other than the one stipulated in the first paragraph of this section without having first advised the Annuitant.

9. RESTRICTIONS

The Annuitant acknowledges that this agreement, as well as the rights and benefits resulting from it, cannot be assigned or other wise alienated. The Annuitant further acknowledges that he cannot offer the Fund or the assets of the Fund as security, by means of a hypothec or other wise.

10. LIABILITY OF THE TRUSTEE

The Annuitant and his spouse or heirs agree to compensate and release the Trustee and its representatives, mandataries and correspondents from any liability for any tax, assessment, expense, debt, demand or claim resulting from the investment of assets in the Annuitant's Fund and from any other action taken in accordance with these presents, unless it results from gross negligence on their part or deliberate misconduct.

Neither the Trustee, nor any of its representatives, mandataries or correspondents shall be liable for any loss suffered by the Fund or by the Annuitant or any beneficiary under the Fund as a result of the acquisition, disposition or holding of any investment acquired in accordance with the instructions of the Annuitant. Neither the Trustee, nor any of its representatives, mandataries or correspondents shall be held personally liable for any tax or penalty that may be deducted under the provisions of the applicable legislation, because of the acquisition, disposition or holding of any investment acquired in accordance with the instructions of the Annuitant.

The Trustee shall be discharged of any liability after having paid the entire Fund Balance in accordance with these presents. The Trustee shall be ultimately responsable for administrating the Fund in accordance with the terms of this contract and the *Income Tax Act*.

11. NOTICE

Notice given to the Trustee is considered sufficient if it is handed or mailed to Placements Québec at the address indicated on the front of these presents or such other address notified by mail. Notice is deemed to have been given to the Trustee on the actual date of reception of the notice by Placements Québec. Any notice, statement or receipt addressed to the Annuitant is considered to have been validly given if it is handed to him in person or sent by mail to the last address indicated in the register kept by Placements Québec. Such notice, statement or receipt is deemed to have been given at the time of its delivery to the Annuitant if delivered in person or, if mailed, the date it is mailed.

12. LEGAL REGIME

The agreement, its interpretation, its application and its effects are subject to the applicable laws in effect in Canada and in the province of Québec, which govern in whole or in part all the provisions it contains.

PLACEMENTS QUÉBEC

Québec Savings Products

APPLICATION FORM
FOR A

LIFE INCOME FUND

Who should use this form?
Any individual who, **on his own behalf**, wants to apply for participation in Placements Québec and acquire or transfer Québec savings products under the life income fund (LIF) of Québec Savings Products.

INSTRUCTIONS

Section 1: Enter your identification information as a participant and sole owner of your Québec savings products.

Section 2: The cheque must be made payable to **the Minister of Finance of Québec**. Funds deposited in a life income fund must be drawn exclusively from one or more retirement plans authorized by applicable laws, as stipulated in the trust agreement enclosed with this form.

Section 3: By participating in Quebec Savings Products life income fund, the participant must receive a minimum annual payment as stipulated in the legislation in force. This section sets out the terms and conditions of the payments (payment method, frequency, amount and date of first payment).

Section 4: If the participant chooses to receive his payments by transfer into his bank account, he is telling Placements Québec that he wishes to receive his periodic payments directly in the indicated bank account. Placements Québec will accept this payment method only if a **specimen personal cheque** for the account indicated is enclosed. The cheque must be marked "**Cancelled**".

Should the participant subsequently wish to open a regular account with Placements Québec, this banking information can be used to carry out the operatons relating to this type of account.

Section 5: Québec Savings Products are the only financial products that can be deposited in the Québec Savings Products life income fund. To this end, the participant must inform Placements Québec of the type of savings products he wants, insofar as these products are eligible for Québec Savings Products life income fund.

Section 6: The **participant/constituent** must sign the form.

For information or to carry out a transaction, call Placements Québec:
1 800 463-5229 or (418) 521-5229 (Québec City region)

Version française disponible sur demande.

GENERAL INFORMATION

PLACEMENTS QUÉBEC* manages the operations relating to savings products issued by the Québec government. PLACEMENTS QUÉBEC allows the purchase and redemption of these savings products by telephone.

The book based system

Savings products are held for a participant in a book based system managed by PLACEMENTS QUÉBEC.

Registration in the system, in the register of participants, of the information concerning the participant, constitutes proof of the participant's ownership of the savings products booked in his securities portfolio. PLACEMENTS QUÉBEC sends the participant or the person authorized to act on his behalf a statement of his securities portfolio or confirming certain operations carried out in the book based system.

Participation in the system

Participation in the system is restricted to persons or groups of persons or of properties domiciled in Québec and is achieved by completing an application form upon the initial purchase of a savings product.

Payment by transfer of funds

Payment by transfer of funds requires that the participant or the person authorized to act on his behalf provide information concerning his operations account at a financial institution (banking information). A payment is deemed to be made on the date stipulated in the transfer of funds instructions given to the financial institution. Should payment by transfer of funds prove to be impossible, payment is made by cheque.

Operations

Operations in the book based system can be carried out in writing, by telephone or by fax, with the exception of a change in banking information and, if allowed, transfer of ownership of securities, which are carried out in writing on the appropriate forms supplied by PLACEMENTS QUÉBEC.

Correction of statements

PLACEMENTS QUÉBEC must be informed of any error or irregularity in a statement within 45 days of the statement date.

Security

A participant who wishes to carry out an operation by telephone must identify himself to PLACEMENTS QUÉBEC using the personal information recorded on his participant's data sheet.

Telephone conversations relating to operations requests are recorded and retained by PLACEMENTS QUÉBEC. The recording is proof of the operation.

* "PLACEMENTS QUÉBEC" is an official trademark held by the Québec government.

PLACEMENTS QUÉBEC
(418) 521-5229 ou 1 800 463-5229

Québec Savings Products

Application Form for a LIFE INCOME FUND

1. PARTICIPANT / CONSTITUENT IDENTIFICATION (Block letters please)

Family name | First name | ☐ Mrs ☐ Mr.

Maiden name and first name of participant's mother | ☐ (✓) French Correspondence

Civic no. | Street | Apartment | Date of birth YR MTH DAY

P.O. Box | City | Province | Social insurance number

Postal Code | Telephone office | Ext. | Telephone home | The social insurance number is required under the Income Tax Act.

2. SOURCE OF FUNDS TRANSFERRED TO THE QUÉBEC SAVINGS PRODUCT LIF

A) Institution from which the funds are drawn: _____
Name of participant's financial institution

☐ All assets
OR ☐ The sum of: $ _____

Source of funds:
☐ Locked-in retirement account (LIRA)
☐ Annuity contract for which the capital is drawn from a registered pension plan (RPP)
☐ Life income fund (LIF)
☐ Registered retirement savings plan
☐ Registered pension plan (RPP)

B) Funds are transferred from a locked-in retirement account (LIRA) already administrated by Placements Québec: Account number

I want to transfer: ☐ All eligible savings products
OR ☐ The following savings products (*If space is insufficient, please attach a separate sheet*):

Name of product	Value as at* YR MTH DAY	Maturity date YR MTH DAY	Type of interest Regular annual (RA) Monthly (RM) Compound annual (CA)	Product number (if known)
	$			
	$			
	$			

**This value includes capital and accrued interest on the date of these presents. The latter may be higher on the date of transfer according to accrued interest at the effective date of the opening of the fund.*

3. PAYMENT DETAILS

A) Payment frequency:
☐ monthly ($100 min.) ☐ quarterly
☐ half-yearly ☐ annual

B) Payment amount:
☐ minimum required by the tax laws
OR ☐ maximum allowed by the tax laws
OR ☐ specific — ☐ gross ☐ net — in the amount of: $ _____

C) Date of first payment:
YR MTH DAY

D) Payment method:
☐ by cheque to the above address
OR ☐ by transfer to my bank account (for this method, section 4 must be completed)

Note: I understand that the payments are subject to the tax laws and that Placements Québec will deduct the tax withholdings at source stipulated in the tax laws and regulations.

4. PARTICIPANT / CONSTITUENT'S BANKING INFORMATION

Any amount payable to the participant can be deposited into the account indicated below, and any amount payable by the participant for the purchase of a savings product can be drawn from this account, in the absence of instructions to the contrary. By signing below, I authorize Placements Québec to withdraw any overpayment made to me from this account.

Name of participant's financial institution | Branch no. | Inst. no. | Account no.

Attach a specimen personal cheque marked "Cancelled".

5. PURCHASE OF SAVINGS PRODUCTS (*If space is insufficient, please attach a separate sheet*)

Name of product	Face value	Term	Type of interest Regular annual (RA) monthly (RM) Compound annual (CA)	Product number (Reserved to Placements Québec)
	$	years		
	$	years		
	$	years		

6. DECLARATION AND SIGNATURE

To: Trust Général du Canada — I, the undersigned, hereby request to participate in the book based system managed by Placements Québec. This application, once accepted by Placements Québec, constitutes a participation governed by the provisions of the Financial Administration Act and the Regulation respecting savings products enacted in accordance with such Act. I also request to participate in a Québec savings products file income fund (the "Fund") approved under the term of the Income Tax Act (Canada), the Taxation Act (Québec) and the Supplemental Pension Plans Act, and I ask Trust Général du Canada to register my participation and my deposit in this Fund in accordance with these statutes. I have read the trust declaration on the back of this form and agree to comply with it.

X _____ _____
Participant's/constituent's signature | Date

The personal information provided on this form is protected under the *Act respecting Access to documents held by public bodies and the protection of personal information* (R.S.Q., c. A-2.1).

STAPLE SPECIMEN CHEQUE HERE

FOR USE BY THE SALES AGENT

Transit | Institution | Authorized signatary (block letters)

Telephone | Ext. | X _____ Signature | Date

FOR USE BY PLACEMENTS QUÉBEC

Lot no. | Participant no. | X _____ Signature | Date

FRV-A (01-97)

TRUST AGREEMENT

TRUST GÉNÉRAL DU CANADA (the "Trustee"), a trust company legally constituted under the laws of Québec, agrees to act as trustee of the Québec savings products life income fund (the "Fund") on behalf of the constituent named on the front of these presents (the "Constituent"), in accordance with the following conditions and formalities.

The Fund meets the requirements of the *Income Tax Act* (Canada) and the *Taxation Act* (Québec) and their respective regulations (the "Tax Legislation") for a registered retirement income fund (a "RRIF") and of the *Supplemental Pension Plans Act* (Québec) (the "Act") and its regulations (the "Regulations") concerning life income funds.

For the purposes of these presents, the ministère des Finances du Québec, hereunder called "Placements Québec", acts as mandatary of the Trustee, and the expression "Savings Products" means any bond or other securities issued by the Québec government under a book based system managed by Placements Québec.

1. PURPOSE

The purpose of the Fund is to constitute a replacement annuity in accordance with section 92 of the Act and the Regulations and, in consideration of the capital it receives, the Trustee must pay the Constituent an income whose amount can vary each year until the date when the entire balance of the Fund is converted into a life annuity under which periodic amounts shall be paid by an insurer.

2. ELIGIBILITY OF THE CONSTITUENT

Any natural person who is a former participant, a participant or his spouse within the meaning of the Act and the Regulations and who is entitled to an annuity under a retirement plan is eligible and can participate in the Fund by completing and signing the application form.

Entry of the Constituent's date of birth on the front of these presents is deemed to be an attestation of such date and an undertaking to provide any other proof of age that may be required for the administration of the Fund.

3. REGISTRATION OF THE FUND

The Trustee shall register the Constituent's Fund with the tax authorities concerned and the Régie des rentes du Québec.

4. SOURCE OF FUNDS

The Trustee can receive capital from any of the following annuities:

a) an annuity which, under the terms of the Act or of the retirement plan, can be transferred in whole or in part into another plan;

b) an annuity constituted of amounts accumulated in a locked-in retirement account covered by section 29 of the Regulations (LIRA), an annuity contract covered by section 30 of the Regulations, a registered retirement savings plan or an annuity contract granting the rights stipulated in paragraphs 1 to 4 of the second sub-section of section 61 of the Act;

c) another life income fund (LIF).

5. INVESTMENTS

Any amount received by the Trustee must be invested by the him according to the Constituent's instructions, but only in the form of Savings Products issued by the Québec government. In the absence of instructions from the Constituent regarding the investment of assets or the re-investment of investments that have matured, the amounts, both capital and interest, will be converted into temporary investment units for which Placements Québec will credit each month interest calculated on the daily balance. The Constituent agrees that he is solely responsible for the re-investment of investments that have matured.

The Constituent must assure himself of the liquidity of the assets for purposes of conversion into a life annuity or of a transfer. In addition, if, at the time of conversion into a life annuity, of a transfer or death, the agreed term of the investments has not expired, Placements Québec shall liquidate the investments, applying any penalties stipulated for early redemption.

The value of the Fund or, as the case may be, the balance of the Fund (the "Fund Balance"), for the purposes of a transfer of assets or of a conversion into an annuity, or in the event of death, is determined according to the net asset value of all the investments.

Notwithstanding any provision of these presents, Placements Québec reserves the right to cease offering certain Savings Products.

6. RETIREMENT INCOME PAYMENTS

Payment of the Constituent's retirement income must begin no later than during the second fiscal year of the Fund. The Fund's fiscal year ends on December 31 of each year and cannot exceed twelve (12) months.

At the beginning of each calendar year, the Trustee determines the minimum and maximum amounts to pay under the Fund during the year in accordance with section 20 of the Regulations and sub-section 146.3(1) of the *Income Tax Act*. The amount of income paid during a year is, subject to the above minimum and maximum amounts, set by the Constituent each year. The Constituent can request payment in periodic instalments. The total of such instalments must be neither less than the minimum amount nor greater than the maximum amount, as established each year. The last payment to be made under the Fund shall be equal to the Fund Balance.

If the Constituent does not specify the payment or payments to be made during a year of if the payments specified by the Constituent are less than the minimum amount for a year, the Trustee can make the payment or payments according to what he considers necessary for the minimum amount for such year to be paid to the Constituent. The Trustee can liquidate investments according to what he considers, at his entire discretion, appropriate to make such payment or payments.

Payments made are taxable in the hands of the Constituent. The Trustee deducts any tax withholdings stipulated by the Tax Legislation from the payments.

No payment under the Fund can be assigned, either in whole or in part. No benefit or loan subordinated to the existence of the Fund can be granted to the Constituent or a person with whom he is not at arm's length, except as stipulated in sub-section 146.3(2)(g) of the *Income Tax Act*.

7. CONVERSION INTO A LIFE ANNUITY

The entire Fund Balance must be converted into a life annuity no later than December 31 of the year in which the Constituent reaches 80 years of age.

The conversion of all or part of the Fund Balance into a life annuity can only be made under the following conditions:

a) the insurer guarantees payment of such annuity in equal periodic amounts which cannot be changed unless each amount is changed uniformly according to an index or rate stipulated in the annuity contract and allowed under sub-section 146(3)(b)(iii) to (v) of the *Income Tax Act*, because of the division of the rights of the Constituent with his spouse or because of the option stipulated in paragraph 3 of the first sub-section of section 93 of the Act;

b) in the event of the death of the Constituent, the insurer guarantees to his spouse, who has not waived it, a life annuity equal to at least 60% of the amount of the annuity the Constituent received;

c) in the case of a waiver covered in section 8, the contract with the insurer can guarantee payment of the annuity for a given period extending from the death of the Constituent but ending no later than the day preceding his 90th birthday.

8. WAIVER OF THE SPOUSE'S RIGHTS

The spouse of the Constituent who is a former participant or a participant within the meaning of the Act and the Regulations can, at any time before the conversion of the entire Fund Balance into a life annuity, waive his or her right to receive, in accordance with section 7b), a surviving spouse's annuity or revoke such waiver upon notice given to the Trustee.

9. TRANSFER

At any time before the conversion stipulated in the first paragraph of section 7, the Constituent can transfer all or part of the Fund Balance into another LIF in the form and the manner prescribed, to an insurer guaranteeing payment of an annuity with the features specified in section 7b) or, before December 31 of the year during which he reaches age 69, into a LIRA; the date of such transfer cannot be later than the thirtieth (30th) day following the day of the Constituent's request unless the agreed term of the investments has not expired.

The transfer is carried out by remittance of a cheque for an amount equal to the net asset value of the investments.

10. DEATH OF THE CONSTITUENT

In the event of the death of the Constituent before the conversion of the entire Fund Balance into a life annuity, his spouse or, if he has none, his heirs are entitled to a benefit whose amount is equal to such balance, after deducting any applicable taxes.

11. TERMINATION OF THE RIGHTS OF THE SPOUSE

The spouse of the Constituent ceases to be entitled to the benefit specified in section 10 or, as the case may be, in section 7b) in the event of separation, divorce, marriage annulment or, if an unmarried spouse, upon the termination of cohabitation except in the cases and conditions stipulated in paragraphs 1° and 2° of section 89 of the Act.

12. MODIFICATION OF THE FUND

The Trustee may not make any change whose effect would be to reduce the rights resulting from the trust agreement, unless the Constituent is entitled, before the date of the change, to transfer the Fund Balance and has received, at least 90 days before the date on which he can exercise such right, a notice indicating the purpose of the change and the date as of which he may exercise such right.

The Trustee can change this trust agreement only insofar as it continues to comply with the standard trust agreement modified and registered with the tax authorities and the Régie des rentes du Québec; however, such change must not result in the Fund losing its status as a RRIF according to the Tax Legislation.

The Trustee may not, other than to satisfy the requirements of the Act, make any change other than the one stipulated in the first paragraph without having first advised the Constituent.

13. REPORTS AND DOCUMENTS

The Constituent receives from Placements Québec:

a) a copy of this agreement;

b) at the beginning of each fiscal year, a statement indicating the amounts deposited, their source, the accumulated gains and withdrawals made during the fiscal year, the expenses charged since the last statement and the Fund Balance;

c) the maximum amount that can and the minimum amount that must be paid to the Constituent as income for the next fiscal year.

Placements Québec sends all the information slips required under the Tax Legislation when required.

If the Constituent dies before the entire Fund Balance has been converted into a life annuity, Placements Québec provides his spouse or, if he has none, his heirs with a statement drawn up as at the date of death and containing the information stipulated in sub-paragraph b) of the first paragraph established as at the date of the Constituent's death.

If the entire Fund Balance has been transferred to another financial institution or converted into a life annuity with an insurer, Placements Québec must provide the Constituent with a statement containing the information stipulated in sub-paragraph b) of the first paragraph established as at the date of the transfer or annuity contract.

14. RESTRICTIONS

The Constituent acknowledges that this agreement, as well as the rights and benefits resulting from it, cannot be assigned or otherwise alienated. The Constituent further acknowledges that he cannot offer the Fund or the assets of the Fund as security, by means of a hypothec or otherwise.

15. LIABILITY OF THE TRUSTEE

The Constituent and his spouse or heirs agree to compensate and release the Trustee and its representatives, mandataries and correspondents from any liability for any tax, assessment, expense, debt, demand or claim resulting from the investment of assets in the Constituent's Fund and from any other action taken in accordance with these presents, unless it results from gross negligence on their part or deliberate misconduct.

Neither the Trustee, nor any of its representatives, mandataries or correspondents shall be liable for any loss suffered by the Fund or by the Constituent or any beneficiary under the Fund as a result of the acquisition, disposition or holding of any investment acquired in accordance with the instructions of the Constituent. Neither the Trustee, nor any of its representatives, mandataries or correspondents shall be held personally liable for any tax or penalty that may be deducted under the provisions of the applicable legislation, because of the acquisition, disposition or holding of any investment acquired in accordance with the instructions of the Constituent. The Trustee shall be discharged of any liability after having paid the entire Fund Balance in accordance with these presents. The Trustee shall be ultimately responsable for administrating the Fund in accordance with the terms of this contract and the *Income Tax Act*.

16. NOTICE

Notice given to the Trustee is considered sufficient if it is handed or mailed to Placements Québec at the address indicated on the front of these presents or such other address notified by mail. Notice is deemed to have been given to the Trustee on the actual date of reception of the notice by Placements Québec. Any notice, statement or receipt addressed to the Constituent is considered to have been validly given if it is handed to him in person or sent by mail to the last address indicated in the register kept by Placements Québec. Such notice, statement or receipt is deemed to have been given at the time of its delivery to the Constituent if delivered in person or, if mailed, the date it is mailed.

17. LEGAL REGIME

The agreement, its interpretation, its application and its effects are subject to the applicable laws in effect in Canada and in the province of Québec, which govern in whole or in part all the provisions it contains.

Draft Regulations

Draft Regulation

An Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation
(R.S.Q., c. M-14)

Registration of agricultural operations and the reimbursement of real estate taxes and compensations

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation entitled "Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations", the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to provide for the registration of agricultural operations and the reimbursement of real estate taxes and compensations.

For that purpose, it replaces the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations made by Order in Council 1692-91 dated 11 December 1991 to take into account the Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and the Act respecting municipal taxation (1995, c. 64) assented to on 15 December 1995.

It also revises the content of the registration slip in order to take into account the new realities of the biofood sector.

It does not have any direct impact on the public or businesses, in particular on small and medium-sized businesses, since it mainly replaces existing measures and transitory provisions contained in the Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and the Act respecting municipal taxation.

Further information may be obtained by contacting Mr. André Abgral, 200, chemin Sainte-Foy, 8e étage, Québec (Québec), G1R 4X6, tel.: (418) 643-2420.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Guy Julien, Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12e étage, Québec (Québec), G1R 4X6, tel.: (418) 643-2525.

GUY JULIEN,
Minister of Agriculture, Fisheries and Food

Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations

An Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation
(R.S.Q., c. M-14, ss. 36.12 and 36.15;
1995, c. 64, ss. 8 and 11)

DIVISION I
DEFINITIONS

1. For the purposes of the Act and of the Regulation, unless the context indicates otherwise,

"agricultural operation" means a business comprising in a single economic and accounting unit the capital and basic factors of production necessary to make an agricultural product intended for sale;

"agricultural product" means any raw or processed product derived from:

(1) agriculture;

(2) horticulture;

(3) apiculture;

(4) aviculture;

(5) maple syrup production;

(6) aquaculture;

(7) the wooded portion of an agricultural operation;

(8) the raising of fur-bearing animals, the raising of horses or the raising of animals fit for human consumption; or

(9) activities related to the breeding of animals intended for human consumption.

"gross revenue" means the receipts produced by the sale of an agricultural product and crop insurance and farm income stabilization insurance compensations.

Any immovable mainly used or intended for residential, industrial, commercial, leisure, recreational or sports purposes is not comprised in the definition of "agricultural operation".

That exception does not cover an immovable mainly used or intended either for the purpose of processing an agricultural product from an agricultural operation or for the purpose of packaging or marketing such an agricultural product in the raw or processed on the premises of the agricultural operation.

DIVISION II
REGISTRATION OF AGRICULTURAL OPERATIONS

2. In order for an agricultural operation to qualify for registration, a person applying for registration must prove that the agricultural operation has produced during the preceding calendar year a gross annual revenue equal to or greater than the minimum value of agricultural production necessary to qualify as a producer under the Farm Producers Act (R.S.Q., c. P-28).

For the purposes of the preceding paragraph, the gross revenue from the sale of wood is taken into account for only half of the minimum amount necessary to qualify for registration.

The gross revenue of an agricultural operation shall be considered equal to the minimum value referred to in the first paragraph:

(1) where the agricultural operation is registered for the first time or was registered for the first time during one of the two calendar years preceding the year during which an application for registration is made;

(2) where development work has been done or undertaken with a view to producing the minimum gross revenue necessary for registration in the future, taking into account the special features of the production;

(3) where a new animal production has been undertaken with a view to producing such revenue in the future, taking into account the special features of the production;

(4) where production is temporarily limited owing to exceptional natural causes.

3. A person applying for the registration of an agricultural operation shall use and complete the registration slip put at his disposal by the Minister.

4. The registration slip shall contain the following information:

(1) the legal name or firm name of the agricultural operation, its legal status, the name, date of birth and social insurance number of the operator or the date on which the operation was established, its registration number awarded under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45), its mailing address and the address where the majority of the operation's activities take place;

(2) the full name of each partner, shareholder or member, his sex, date of birth and social insurance number and his share or interest in the partnership or legal person;

(3) the total area of the agricultural operation, the usable area and the unusable area, the area of each parcel of land used for plant production, the type of each production and whether the agricultural operation is the owner, lessor or lessee of those areas;

(4) the animal species produced, the number of animals of each species, the agricultural practices applied to such species and, in respect of heavy calves, hogs, horses and poultry, whether the agricultural operation owns the animals;

(5) the special agricultural practises used in the agricultural operation in respect of, *inter alia*, the management, fertilization, condition of watercourses, manure and tilling of soil; and

(6) the annual gross revenue of the agricultural operation and details on its source.

The registration slip shall be signed by the applicant or by an authorized person and shall contain an attestation that the information provided is true and authorization to the Minister of Agriculture, Fisheries and Food to make available or to obtain from various agencies under the authority of the Minister any documents or information relating to the management of the agricultural operation.

5. Registration granted by the Minister is valid for a period not exceeding 3 years.

Registration is no longer valid if it is not renewed on the expiry date appearing on the registration card issued

by the Minister, if the agricultural operation ceases it activities during the term of the registration or if it no longer meets the conditions for registration.

6. In the days following registration, the Minister shall issue a registration card in the name of the agricultural operation.

7. The Minister may require any information or document that he considers necessary when an application for registration of an agricultural operation is made. The same applies where the information or document is necessary to prove that the agricultural operation meets the conditions to remain registered.

8. The Minister may revoke the registration of an agricultural operation that has ceased its activities or that no longer meets the conditions for registration.

The revocation takes effect from the date on which the agricultural operation has ceased its activities or has ceased to meet the conditions for registration.

DIVISION III
REIMBURSEMENT OF REAL ESTATE TAXES AND COMPENSATIONS

9. In order to qualify for the reimbursement of real estate taxes and compensations, a person applying for reimbursement shall prove that the agricultural operation has produced a minimum gross revenue of $10 000 during the calendar year that ended before the beginning of the municipal fiscal year for which an application for reimbursement is made.

A registered agricultural operation is exempt from producing the minimum gross revenue referred to in the first paragraph:

(1) where the agricultural operation is registered for the first time during the municipal fiscal year for which an application for reimbursement is made or where it was registered for the first time during one of the two municipal fiscal years preceding the municipal fiscal year for which an application for reimbursement is made;

(2) where development work has been done or undertaken, excluding work carried out on the wooded portion of the agricultural operation, with a view to producing a gross revenue of $10 000 in the future, taking into account the special features of the production;

(3) where a new animal production has been undertaken with a view to producing a gross revenue of $10 000 in the future, taking into account the special features of the production;

(4) where the production is temporarily limited owing to exceptional natural causes.

10. For the purposes of subparagraphs 2 and 3 of the first paragraph of section 36.4 of the Act, the amount per hectare of land situated in the agricultural zone and forming part of the agricultural operation is $800.

11. A person who applies for the reimbursement of real estate taxes and compensations shall use and complete the form put at his disposal by the Minister.

12. The form of an application for reimbursement shall contain the following information:

(1) the applicant's identity;

(2) a statement of the gross revenue of the agricultural operation for the calendar year that ended before the beginning of the municipal fiscal year for which an application for reimbursement is made;

(3) the total area of the agricultural operation situated in an agricultural zone;

(4) identification of the immovables leased by the agricultural operation and their value entered on the assessment roll;

(5) the amount of the real estate taxes and compensations for which the application is made; and

(6) the reimbursement applied for.

The form of an application for reimbursement shall contain an attestation by the applicant that the information provided is true and that he has not claimed financial assistance from another department or public body with respect to the real estate taxes and compensations that are the subject of the application for reimbursement. It shall also contain an authorization to the Minister to consult his appraisal record with the municipality or with the appraiser. The form shall be signed by the applicant or by a person authorized by him.

13. The applicant shall attach to his application for reimbursement the originals, paid or unpaid, of the real estate tax and compensation accounts for which an application for reimbursement is made, detailed proof of the gross revenue, proof of payment of the annual assessment exigible under the Farm Producers Act and, where applicable, a copy of the leases binding on the agricultural operation.

14. This Regulation replaces the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations made by Order in Council 1692-91 dated 11 December 1991 as amended.

15. The provisions of this Regulation respecting the reimbursement of real estate taxes and compensations are applicable

(1) to the fiscal year beginning on 1 January 1997 and to subsequent fiscal years, for municipal taxes; and

(2) to the fiscal year beginning on 1 July 1996 and to subsequent fiscal years, for school taxes.

The other provisions of this Regulation are applicable on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Draft Regulation

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Selection of foreign nationals — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the selection of foreign nationals, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft regulation introduces an amendment mainly regarding the sponsoring of fiancés of foreign nationals in the family class by reducing from 10 to 3 years the duration of an undertaking given in respect of a fiancé. It also contains two technical concordance provisions.

To that end, the draft regulation provides that the period of undertaking in respect of a fiancé is reduced to 3 years from the date of the marriage. A transitional measure specifies that this reduction applies to an undertaking given before the coming into force of the Regulation.

The main impact of the draft regulation is to extend to fiancés getting married a measure that had been introduced in respect of spouses in 1994.

Further information may be obtained by contacting Mr. Yvan Turcotte, Director of Immigration Policies and Programs, 800, place Victoria, 14e étage, C.P. 216, Montréal (Québec), H4Z 1E3; tel.: (514) 873-1631; fax: (514) 864-2796.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Relations with the Citizens and Immigration, 360, rue McGill, 4e étage, Montréal (Québec), H2Y 2E9.

ANDRÉ BOISCLAIR,
Minister of Relations with the Citizens and Immigration

Regulation to amend the Regulation respecting the selection of foreign nationals

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2, s. 3.3, 1st par., subpar. *c*.3)

1. The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2), amended by the Regulations made by Orders in Council 409-82 dated 24 February 1982 (Suppl., p. 898), 771-82 dated 31 March 1982 (Suppl., p. 899), 2057-84 dated 19 September 1984, 1080-86 dated 16 July 1986, 646-88 dated 4 May 1988, 1504-88 dated 4 October 1988, 229-89 dated 22 February 1989, 922-89 dated 14 June 1989, 1968-89 dated 20 December 1989, 1784-91 dated 18 December 1991, 425-92 dated 25 March 1992, 1109-92 dated 29 July 1992, 1725-92 dated 2 December 1992, 189-93 dated 17 February 1993, 1041-93 dated 21 July 1993, 1238-94 dated 17 August 1994, 1323-95 dated 4 October 1995, 563-96 dated 15 May 1996 and 828-96 dated 3 July 1996, is further amended, in section 23, by adding the words "in the case of a fiancé described in paragraph *e* of that section, that period is reduced to 3 years from the date of the marriage;" at the end of clause *ii* of subparagraph *a* of the first paragraph.

2. Any undertaking given on behalf of a fiancé before (*enter the date of coming into force of this Regulation*) ceases to have effect 3 years after the date of the marriage with the sponsor or, if the marriage dates back more than 3 years, on (*enter the date of coming into force of this Regulation*).

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

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Municipal Affairs

Gouvernement du Québec

O.C. 12-97, 15 January 1997

An Act respecting municipal territorial organization (R.S.Q., c. O-9)

Amalgamation of the Ville de Rouyn-Noranda and the Municipalité de Lac-Dufault

WHEREAS each of the municipal councils of the Ville de Rouyn-Noranda and the Municipalité de Lac-Dufault adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs;

WHEREAS objections were sent to the Minister of Municipal Affairs, and he did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application with the amendments proposed by the Minister of Municipal Affairs that have been approved by the council of the applicant municipalities;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT the application be granted and that a local municipality be constituted through the amalgamation of the Ville de Rouyn-Noranda and the Municipalité de Lac-Dufault, under the following conditions:

1. The name of the new town is "Ville de Rouyn-Noranda".

2. The description of the territory of the new town is the description drawn up by the Minister of Natural Resources on 18 October 1996; that description is attached as a Schedule to this Order in Council.

3. The new town is governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The following special legislative provisions governing the Ville de Rouyn-Noranda apply to the new Ville de Rouyn-Noranda:

— sections 4, 21 and 38 of Chapter 63 of the Statutes of 1948;

— sections 5 and 6 of Chapter 94 of the Statutes of 1950.

5. The new town will be part of the Municipalité régionale de comté de Rouyn-Noranda.

6. Until the first general election, the territory of the Municipalité de Lac-Dufault forms an electoral district within the meaning of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2). That district is added to the nine current electoral districts of the former Ville de Rouyn-Noranda.

For the purposes of the provisional council provided for by section 7, the mayor of the former Municipalité de Lac-Dufault will serve as the councillor representing that new electoral district; should the mayor of the former Municipalité de Lac-Dufault resign or be unable to act, the following persons will act, in order, as councillor representing that electoral district on the provisional council:

— the councillor of seat number 6;
— the councillor of seat number 5;
— the councillor of seat number 4;
— the councillor of seat number 1;
— the councillor of seat number 3; and
— the councillor of seat number 2.

That order was established by a drawing of lots on 11 June 1996.

7. A provisional council shall remain in office until the first general election. It shall be composed of all the members of the council of the former Ville de Rouyn-Noranda existing at the time of the coming into force of this Order in Council and of one councillor representing the former Municipalité de Lac-Dufault for the new electoral district made up of the territory of that former municipality. The quorum will be one-half of the members in office, plus one.

The mayor of the Ville de Rouyn-Noranda will serve as mayor of the new town for the duration of the provisional council.

8. By-law 46 of the former Ville de Rouyn-Noranda respecting the remuneration of the elected members will apply to the new town, until it is amended by the council of the new town.

9. Within 30 days following the coming into force of this Order in Council, the election chairman shall set the day of the vote from among the Sundays comprised in the 5 months following the coming into force of this Order in Council for any office which, at the time of that coming into force, was vacant in the former Ville de Rouyn-Noranda.

Where a by-election procedure had been started before publication of the joint application as provided for in section 90 of the Act respecting municipal territorial organization, that procedure shall be resumed in its entirety.

However, the above does not affect the right of candidates who had incurred election expenses before the suspension of the electoral period to obtain a reimbursement within the meaning of sections 450 and following of the Act respecting elections and referendums in municipalities.

The reimbursement shall be calculated by determining the proportion of the number of weeks in the electoral period before its suspension in relation to the number of weeks initially scheduled for that period.

That proportion is then multiplied by the amount of the eligible electoral expenses which may not exceed $2 867, that is, the amount authorized at the time of the last general election in electoral district number 3 of the former Ville de Rouyn-Noranda.

Sections 335 and following of the Act respecting elections and referendums in municipalities concerning by-election procedures apply to any vacancy that may occur in an office of a member of the council of the former Ville de Rouyn-Noranda for the term of the provisional council.

10. The first general election shall be held on the first Sunday in November 1998. The second general election shall be held on the first Sunday in November 2002.

For the first general election, the council of the new town shall be composed of a mayor and 8 councillors, and the territory of the new town shall be divided into 8 electoral districts, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2).

For the first general election, the sector made up of the territory of the former Municipalité de Lac-Dufault shall be part of district number 1 of the new town, and the designation of that district shall comprise the term "Lac-Dufault" and any other term that the council may determine.

11. The officers and employees of the former municipalities shall become, without reduction in salary, the officers and employees of the new town and shall retain their seniority and social benefits. They may not be laid off or dismissed because of the amalgamation.

12. Any budget adopted by each of the former municipalities for the fiscal period during which this Order in Council comes into force shall continue to be applied by the council of the new town, and the expenditures and revenues shall be accounted for separately as if those former municipalities had continued to exist. Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budgets of each of the former municipalities in proportion to their standardized real estate value, established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Orders in Council 719-94 dated 18 May 1994 and 502-95 dated 12 April 1995), and appearing in their financial reports for the fiscal period preceding that during which the former municipalities adopted separate budgets.

The terms and conditions for apportioning the cost of the joint services provided for in the intermunicipal agreements in force prior to the coming into force of this Order in Council shall continue to apply until the end of the last fiscal period for which the former municipalities adopted separate budgets.

13. The working capital of the former Ville de Rouyn-Noranda, at the end of the last fiscal period for which the former municipalities adopted separate budgets, shall constitute the working capital of the new town. The amounts borrowed shall be reimbursed in accordance with section 569 of the Cities and Towns Act into the working capital of the new town.

14. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal period for which the former municipalities adopted separate budgets shall be used in the following manner:

— amounts from that surplus reserved by resolution of the council for specific purposes shall be used for the purposes provided for unless the council of the new town decides, where needs are less than anticipated, to re-allocate the amount in whole or in part for other purposes, in accordance with the following paragraphs:

— unreserved amounts, in the case of the Municipalité de Lac-Dufault, shall be used first and foremost for carrying out public works in the territory of that former municipality; the works referred to are the laying of asphalt on chemin England over a distance of 0.5 kilometres, from chemin des Castors to the last house, the paving of the skating rink and the entrance to the sites of the mail boxes (4, rue Bois-Vert and 64, rue Caouette) and the maintenance of Parc de l'Amitié, the softball field and the skating rink; the laying of asphalt and the paving must be carried out in 1997;

— once the works have been carried out, all or a part of the balance of the surplus accumulated by the former Municipalité de Lac-Dufault and all or a part of the surplus accumulated by the former Ville de Rouyn-Noranda may be used to increase the working capital of the new town or for the benefit of the ratepayers in the sector made up of the territory of the former municipality that accumulated it (carrying out public works in that sector, reduction of taxes applicable to all the taxable immovables located therein or reimbursement of the debts chargeable to that sector).

The part attributable to each of the 2 surpluses accumulated in the increase of the working capital of the new town shall be determined in accordance with the proportions established under the first paragraph of section 12.

Any deficit accumulated on behalf of a former municipality at the end of the last fiscal period for which the former municipalities adopted separate budgets shall remain charged to all the taxable immovables in the sector made up of the territory of that former municipality.

15. An amount of $200 000 from the Programme d'aide financière au regroupement municipal shall be reserved by the new town and shall be used as follows.

The ratepayers in each sector made up of the territory of a former municipality may benefit from an amount of $100 000 that may be used for the carrying out of public works, reductions in taxes on all the taxable immovables or the reimbursement of debts charged to the sector concerned.

However, with respect to the sector made up of the territory of the former Municipalité de Lac-Dufault, an amount of $14 000 shall be used to reduce the real estate taxes over a 3-year period. The balance of $86 000 shall be used first and foremost to lay asphalt on chemin England over a distance of 0.5 kilometres, from chemin des Castors to the last house. It may also be used to pave the grounds of the skating rink, the entrance to the sites of the mail boxes at 4, rue Bois-Vert and 64, rue Caouette and for the maintenance of Parc de l'Amitié, the grounds of the softball field and the skating rink. The laying of asphalt and the paving must be carried out in 1997.

The balance of the amount paid by the Government under the Programme d'aide financière au regroupement municipal shall be used to increase the working capital of the new town.

16. The taxes levied under the loan by-laws of either of the former municipalities which were in the charge of a sector of its territory shall continue to be collected by the new town, in accordance with the taxation clauses provided for in those by-laws.

17. The balance in principal and interest on loans made under by-laws 6 and 61 entirely and under by-law 340 in a proportion of 76.0 % of the former Ville de Rouyn-Noranda shall be charged to all the taxable immovables in the territory of the new town served by the water supply system at the time of the coming into force of this Order in Council.

A special tax shall therefore be imposed and levied on all the taxable immovables in the territory of the new town which, at the time of the coming into force of this Order in Council, are served by the water supply system, on the basis of their value as it appears on the assessment roll in force each year.

The taxation clauses of those by-laws are amended accordingly. The new town may amend those by-laws in accordance with the Act if it carries out works to extend the water supply system.

18. The balance in principal and interest on loans made under the following by-laws of each of the former municipalities shall be charged to all the taxable immovables in the territory of the new town. A special tax shall therefore be imposed and levied on all the taxable immovables in the territory of the new town, on the basis of their value as it appears on the assessment roll in force each year, in respect of the following by-laws:

— For the former Ville de Rouyn-Noranda:

— By-laws 16, 24, 60, 84, 85, 86, 88, 114, 118, 132, 151, 154, 160, 178, 180, 188, 189, 231, 235, 239, 291, 293, 343 and 402 entirely;

— By-law 105-91 of the former Municipalité de Saint-Guillaume-de-Granada entirely;
— By-law 131 in a proportion of 40.0 %;
— By-law 232 in a proportion of 82.7 %;
— By-law 340 in a proportion of 24.0 %;

— For the former Municipalité de Lac-Dufault:

— By-law 94-09 entirely.

The taxation clauses provided for in those by-laws are amended accordingly.

19. Amounts owed by the former Municipalité de Saint-Guillaume-de-Granada to the Fabrique de Granada in respect of the purchase of lands under Resolution 92-07-3795 shall also be chargeable to all the taxable immovables in the territory of the new town.

20. Subject to section 12 of the letters patent of 5 July 1986 amalgamating the Ville de Rouyn and the Ville de Noranda and section 17 of Order in Council 1538-95 amalgamating the Ville de Rouyn-Noranda and the Municipalité de Saint-Guillaume-de-Granada, the balance in principal and interest on all the loan by-laws or parts thereof, adopted by a former municipality before the coming into force of this Order in Council and not covered by sections 16, 17 and 18 of this Order in Council, shall remain charged to the sector made up of the territory of the former municipality that contracted them, in accordance with the taxation clauses provided for in those by-laws. If the new town decides to amend the taxation clauses of those by-laws in accordance with the Act, those amendments may pertain only to the taxable immovables located in the sector made up of the territory of that former municipality.

Subject to sections 14, 15 and 16 of the letters patent of 5 July 1986 amalgamating the Ville de Rouyn and the Ville de Noranda, the amounts owing to the Société québécoise d'assainissement des eaux under the agreements entered into by the Gouvernement du Québec and each former municipality shall continue to be charged to the ratepayers in the sector made up of the territory of each former municipality.

21. Notwithstanding section 229 of the Act respecting municipal territorial organization, the new town shall use the values entered on the real estate assessment rolls in force in the former municipalities for the 1997 fiscal period, updated and adjusted from the coming into force of this Order in Council.

The adjustment shall be made as follows: the values entered in the assessment roll of the former Municipalité de Lac-Dufault shall be divided by its median proportion and multiplied by the median proportion of the roll of the former Ville de Rouyn-Noranda; the median proportions used shall be those that were established for the first period of application of the triennial roll of each of the former municipalities.

The combination made up of the roll in force in the former Ville de Rouyn-Noranda for the 1997 fiscal period and the amended roll of the former Municipalité de Lac-Dufault in accordance with the second paragraph of this section shall constitute the roll of the new town for the first fiscal year. The median proportion and the comparative factor of that roll shall be those of the former Ville de Rouyn-Noranda. The first fiscal period of the new town shall be deemed to be the first application period of the roll.

22. Any debt or gain that may result from legal proceedings for any act performed by a former municipality shall continue to be charged or credited to all the taxable immovables in that municipality.

23. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de Rouyn-Noranda".

That municipal bureau shall replace the Office municipal d'habitation de Rouyn-Noranda, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) apply to the municipal housing bureau of the new town as if it had been incorporated by letters patent under section 57 of that Act.

The members of the bureau shall be the members of the Office municipal d'habitation de Rouyn-Noranda.

24. The new town shall have the rights, obligations and responsibilities of the former municipalities. It shall become, without continuance of suit, a party to any proceeding in the place and stead of those former municipalities.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the former municipalities shall remain in force in the territory for which they were drawn up, until they are amended, cancelled or revoked, and insofar as they are compatible with this Order in Council.

25. The council of the new town may, within two years of the coming into force of this Order in Council, revise zoning, subdivision and building by-laws, by-laws provided for in section 116 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) and by-laws respecting minor exemptions from planning by-laws, respecting comprehensive development programs, site planning and architectural integration programs or respecting municipal works agreements of each of the former municipalities, in accordance with the following terms and conditions:

— the purposes of the consultation provided for by sections 124 to 126 of the Act respecting land use planning and development, those revised by-laws shall be deemed to be by-laws affecting all of the territory of the new town;

— those revised by-laws shall be approved by the qualified voters in all of the territory of the new town, in accordance with the Act respecting elections and referendums in municipalities;

— sections 128 to 137 of the Act respecting land use planning and development shall not apply to those revised by-laws.

Until the first general election, the person who, at the time of the coming into force of this Order in Council, fills the office of councillor in seat number 2 of the former Municipalité de Lac-Dufault is ex officio a member of the planning committee of the new town.

26. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new town. Notwithstanding the foregoing, the product of the sale of the town hall of the former Municipalité de Lac-Dufault, where applicable, shall be used for the exclusive benefit of the ratepayers in the sector made up of the territory of that former municipality.

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

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE TERRITORY OF THE NEW VILLE DE ROUYN-NORANDA, IN THE MUNICIPALITÉ RÉGI0NALE DE COMTÉ DE ROUYN-NORANDA

The current territory of the Ville de Rouyn-Noranda and of the Municipalité de Lac-Default, in the Municipalité régionale de comté de Rouyn-Noranda, comprising, in reference to the cadastres of the towns of Noranda and Rouyn and of the townships of Beauchastel, Bellecombe, Dufresnoy, Duprat, Joannès and Rouyn, the lots or parts of lots, the blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, streets, railway rights of way, islands, lakes and watercourses or parts thereof, the whole within the limits described hereafter, namely:

First perimeter

Starting from the apex of the northeastern angle of lot 44 of range 3 of the cadastre of the Canton Dufresnoy; thence, successively, the following lines and demarcations: the east line of the said lot in ranges 3, 2 and 1 of the cadastre of the said township; easterly, part of the line dividing the townships of Dufresnoy and Rouyn to the centre line of rivière Kinojevis; in a general southerly and southwesterly direction, the centre line of the said river, not exceeding the line dividing the townships of Joannès and Rouyn, and the centre line of lac Routhier to the extension of the line dividing ranges 7 Nord and 7 Sud of the cadastre of the Canton de Rouyn; in reference to the cadastre of the said township, westerly, the said extension and part of the said line dividing the ranges to the line dividing lots 38 and 39 of range 7 Sud; the said line dividing the lots; part of the line dividing ranges 6 Nord and 7 Sud, westerly, to the line dividing lot 38 of range 6 Nord of block 163; the broken line dividing lots 38, 37 and 36 of range 6 Nord of blocks 163 and 162; westerly, in lots 36 and 35 of the said range, a straight line to the centre line of a stream, crossing lots 35, 34 and 33 of the aforesaid range, to its mouth in lac Rouyn; southwesterly, the centre line of the said stream to the line dividing ranges 6 Nord and 6 Sud; westerly, part of the said line dividing the ranges to the east line of lot 25 of range 6 Nord; the said east line; part of the northwest line of ranges 6 Nord and 6 Sud, southwesterly, to the line dividing lots 22 and 23 of range 6 Sud; the said line dividing the lots; part of the line dividing lots 22 and 23 of range 5 to the centre line of the said range; the said centre line, easterly, to the line dividing lots 40B and 41B of range 5; part of the said line dividing the lots, southerly, and the line dividing lots 40C and 40A of lots 41C and 41A of range 5; the line dividing lots 40 and 41 of range 4; part of the line dividing ranges 3 and 4, easterly, and crossing lac Vallet to the east line of the Canton de Rouyn; part of the east and south lines of the said township to the centre line of lac Kinojevis, between lots 55B and 59 of range 10 of the cadastre of the Canton de Bellecombe; the centre line of the said lake, in southwesterly and northwesterly directions, and the centre line of the river linking lac Kinojevis and lac La Bruère to the south line of the Canton de Rouyn, that centre line of lac Kinojevis passing between lots 55B, 54B, 53B and 52B and lots 55A, 54A, 53A, 52A, 51, 50, 49A and 48 of range 10 of the cadastre of the Canton de Bellecombe; part of the south and west lines of the Canton de Rouyn to the centre line of lac Beauchastel; in reference to the cadastre of the Canton de Beauchastel, a straight line in the said lake, westerly, to the point of intersection of the extension of the north line of range 1 and of the extension of the west line of lot 51B of range 3; part of the extension of the said west line to the extension of the line dividing ranges

2 and 3; a straight line, northerly, to the point of intersection of the centre line of rivière Pelletier and the north shore of lac Beauchastel; the centre line of the said river to the extension of the line dividing lots 51B and 52B of range 3; the said extension and the said line dividing the lots; part of the line dividing ranges 3 and 4, easterly, and crossing rivière Pelletier to the line dividing lots 52B and 53B of range 4; the line dividing lots 52B, 52A and 52C of lots 53B, 53A and 53C of the said range, that line extended across the public roads and watercourses that it meets; part of the line dividing ranges 4 and 5, easterly, to the line dividing lots 57B and 58A of range 5; the line dividing lots 57B and 57A from lots 58B and 58A of range 5, that line extended across the public roads and watercourses that it meets; part of the line dividing ranges 5 and 6, easterly, to the west line of the Canton de Rouyn; northerly, part of the west line of the said township to the line dividing the townships of Duprat and Beauchastel; part of the said line dividing the townships to the west line of lot 43 of range 1 of the cadastre of the Canton de Duprat; in reference to the cadastre, the west line of the said lot; part of the line dividing ranges 1 and 2, easterly, to the west line of block 124; part of the west line and northwest line of the said block 124; the north line of blocks 122, 120 and 37; part of the line dividing the townships of Dufresnoy and Duprat to the north line of block 58 of the cadastre of the Canton de Dufresnoy; in reference to the cadastre of the said township, the north line of blocks 58, 172, 1A; part of the west line, the north line and part of the east line of block 53A to the line dividing lots 75 and 76 of range Ouest Chemin-Macanic; the said line dividing the lots and its extension across the right of way of route number 101 that it meets; the south line of lot 75A of range Est Chemin-Macanic and its extension to the west line of lot 75B of the said range, that west line being the shore of Lac Dufault; the shore of the said lake in general southerly and easterly directions to the southeasternmost extremity of lot 75D of the said range; in lac Dufault, a straight line in a northeastly direction to the meeting point of the extension of the line dividing lots 32 and 33 of range 3 and of the line dividing ranges 2 and 3, that straight line passing south of island number 61 and north of island number 107; the extension and the line dividing the said lots 32 and 33, that extension skirting island number 35 to the east; finally, part of the line dividing ranges 3 and 4, easterly, to the starting point.

Second perimeter

Starting from the meeting point of the southwest side of the right of way of route number 117 and of the east line of lot 15B of range 5 of the cadastre of the Canton de Joannès; thence, successively, the following lines and demarcations: in reference to the cadastre of the said township, the southwest side of the right of way of the said route, in northwesterly and westerly directions, to the line dividing lots 9 and 10 of range 5; part of the said line dividing the lots, southerly, over a distance of 300.0 metres; in lots 9, 8A, 7A and 6 of range 5, a straight line following an astronomical azimuth of 244°00' to the line dividing lots 5 and 6 of the said range, that straight line being approximately parallel to the landing strip; part of the said line dividing the lots, southerly, to the line dividing ranges 4 and 5; easterly, part of the said line dividing the ranges to the line dividing lots 15A and 15B from lot 16A of range 5; finally, the said line dividing the lots to the starting point. The said perimeters define the territory of the new Ville de Rouyn-Noranda. The distance is expressed in metres (IS) and the direction is an astronomical azimuth in reference to the central line of the Canton de Joannès.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 18 October 1996

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Land Surveyor

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

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